DEATH PENALTY & CRIMINAL APPEALS CLINIC (COURSE 6240 / SECTION 14956)
SPRING 2025 SYLLABUS

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The Texas Innocence Network (TIN) office is located at the John O'Quinn Law Building Clinic space on the first floor. Students may work in the Clinics space and use the phone/copier/scanner/fax machine/materials located in the Clinics space at their convenience.

Professors Newberry and Jeu are always available by email or phone; emails and voice messages and will be returned as soon as possible. Students can schedule phone calls, Zoom meetings, and/or in-person meetings at a mutually amenable day/time. With respect to in-person meetings, unless students have scheduled a specific appointment, clinic instructors reserve the right to be out of the office at any time.

CLASS MEETINGS/ATTENDANCE (GENERAL POLICIES) AND MODE OF INSTRUCTION

Death Penalty & Criminal Appeals Clinic is a face-to-face class that will be held on Mondays from 4:00pm – 6:00pm in a room TBA. Per American Bar Association standards, each class will meet for a total of 108 minutes, due to the fact that there will be thirteen classes (13) held during the fourteen (14) week semester. Pursuant to UHLC policy, students must attend at least 80% of all classes (*ie.* – students may miss three classes without a penalty). Attendance will be kept by sign-in-sheet. Nonadherence to UHLC's attendance policy will be reported to the Office of Student Affairs and may result in a lowering of a student's final grade, an incomplete in the class, or a failing grade. Any needed make-up classes will be scheduled in accordance with UHLC policy.

Students who are unable to attend the weekly case meeting must contact Professor Newberry (jrnewber@central.uh.edu) in order to set up a separate, individual case meeting to take place at a mutually amenable time.

CLASS PREREQUISITE

Completion of two semesters of law school plus completion of or current enrollment in Criminal Law and instructor permission. To receive permission to take the class, students must conduct a pre-registration interview with the course instructor (email ccjeu@central.uh.edu for scheduling). Students do not need to fill out the UHLC Clinics Application.

CONFIDENTIALITY AND ATTORNEY/CLIENT PRIVILEGE

As a reminder, students work on actual legal cases in Death Penalty & Criminal Appeals Clinic. Consequently, all case discussions and all work performed during the course of the semester are confidential and covered by Attorney/Client Privilege. Students are absolutely forbidden from: talking about cases with anyone who is not associated with the case or who is currently taking the class; posting anything about their work/the cases on social media; allowing people outside the class to view case materials; etc. To ensure confidentiality, students must take whatever action is necessary to ensure that no other individuals are able to overhear the case meeting or any case-related discussions (*e.g.* – making case-related phone calls in private, so that nobody can overhear the conversation). *If there are any questions regarding confidentiality and/or Attorney/Client Privilege, please contact Professor Newberry immediately*.

COURSE INFORMATION

Death Penalty & Criminal Appeals Clinic explores the substantive law, appellate procedure, investigative techniques, and post-conviction appellate remedies applicable in criminal cases. Lectures will cover topics such as: Texas criminal statutes, state/federal habeas law and procedure, clemency proceedings, investigative techniques, mitigation evidence, and trial strategy. In addition to attending lectures, students work on actual cases. Students investigate claims related to the guilt-innocence and punishment aspects of death-penalty cases; and research/draft direct appeals, post-conviction appeals, and/or clemency petitions.

Given the fact that criminal appeals have strict filing deadlines, it is vital that Death Penalty & Criminal Appeals Clinic students adhere to deadlines set by the course instructor. *In the event a student has an issue that might interfere with an assignment deadline (e.g. – personal illness, family issues, computer problems, etc.), the student should inform Professor Newberry as soon as possible so that the work can be reassigned, if needed.*

COURSE OBJECTIVES AND LEARNING OUTCOMES

Through and as a result of this course, students will: (1) demonstrate knowledge and understanding of substantive and procedural law regulating lawyers' conduct in criminal trials and appeals; (2) analyze fact-based investigations that led to criminal convictions and perform fact-based investigations to further post-conviction claims; (3) develop skills in legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to criminal appeals; (4) understand the proper professional and ethical responsibilities to clients and the legal system; (5) reflect upon conceptions of professionalism and the lawyer's role in the criminal justice system and society; (6) recognize trends that will influence the future of criminal lawyers' work and the delivery of legal services; and (7) increase professional self-development.

ASSIGNED BOOKS AND/OR SUPPLEMENTAL MATERIALS

This course does not have a required casebook. Class and case materials will be made available online via email and Dropbox.

GRADING AND ASSESSMENT

Grades in Death Penalty & Criminal Appeals Clinic will be based entirely on the cumulative, summative quality of student work performed during the semester. Grading is non-anonymous. Death Penalty & Criminal Appeals Clinic contains a Pass/Fail option. Grading will take place in accordance with UH and UHLC policies. For additional information regarding UHLC's official policies with respect to grading in general, please refer to the UHLC student handbook and/or official announcements that may occur throughout the semester.

This course offers formative assessment during the semester during the weekly case meetings in order to provide feedback on student performance and competence. Upon request, individual feedback is available upon request at any time.

RECORDING OF CLASSES

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

CLASS REQUIREMENTS

A total of 100 hours (including class time, meetings, etc.) must be spent on work performed for Death Penalty & Criminal Appeals Clinic. "Billing" takes place in .1 hour increments. As part of the required 100 hours, students must attend class lectures, complete case assignments/work, submit a timesheet in Excel format that specifically details the work performed during the semester and the amount of time worked, and return all case files/materials.

At any point in the semester, if a student foresees having difficulty reaching 100 hours, the student must contact Professor Jeu and/or Professor Newberry immediately. We will work with students and UHLC Student Services on reaching a mutually amenable solution that adheres to university requirements. Failure to complete the 100 hours will result in an incomplete or failing grade. ***Student timesheets and all assignments are due by 12:00 pm on Monday, May 12, 2025.***

WEBCAMS

In the event that a remote option is permitted at any point during the semester, access to a webcam is required for students participating remotely in this course. Webcams must be turned on at all times to ensure that the student is participating in the class and, more important, that nobody else can listen to the case meetings, in order to protect attorney-client privilege.

ARTIFICIAL INTELLIGENCE (AI) TEXT AND WORK PRODUCT POLICY

General: Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on or has access to, employing algorithms to generate content in response to prompts. Examples of the technology include what are known as generative "large language models" (LLMs). Two well-known LLM implementations are ChatGPT and Claude. LLM output can include text, images, music, code, and more. This syllabus policy covers the textual output of generative LLMs (AI-Generated Text)—which can include computer code or programs and human-language content. Because AI-Generated Text can often mimic human intelligence, it could potentially be used as a substitute for a student's own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependency on AI-Generated Text, which may be strictly prohibited in settings that include the bar examination.

Prohibition: Your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Text—whether from yourself or others—in relation to any assessment in this course. The term "assessment" means any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.

AI may be used for general research queries, with the express provision that entering any case-specific information (including but not limited to: names, dates, places) is expressly prohibited. Failure to comply may result in a breach of attorney-client privilege. A violation of this policy will result in severe penalties, such as failing the class and/or reporting the student violation to the Texas State Bar. If a student has any question or reservation about whether a specific search will violate this policy, please email Professor Newberry with the proposed search language prior to entering it into an AI program.

SYLLABUS CHANGES

Please note that the instructors may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through email.

HONOR CODE

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

PREFERRED NAME(S)/PRONOUN(S)/PREFIX STATEMENT

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in our classroom. Please feel free to reach out to Professor Jeu at any time if you want to make us aware of your chosen name, preferred pronouns, favored prefix; and/or if you have concerns about how we or your classmates address you. Any lapses made by your instructors should be attributed to failings of memory and/or honest mistake, as your chosen name, preferred pronouns, and preferred prefix are respected in this class.

TITLE IX / SEXUAL MISCONDUCT

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/.

REASONABLE ACADEMIC ADJUSTMENTS / AUXILIARY AIDS

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: https://uh.edu/accessibility/ calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call (713) 743-5149 during clinic hours, Monday through Friday 8 a.m. – 4:30 p.m. to schedule an appointment.

The A.D. Brue Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through CSAC's Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, CSAC provides 1:1 appointments to get you connected to on-and off-campus resources related to essential needs, safety, advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. CSAC also hosts a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow CSAC on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

WOMEN AND GENDER RESOURCE CENTER (WGRC)

The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

MENTAL HEALTH AND WELLNESS RESOURCES

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Resources for Online Learning

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (https://uh.edu/power-on/learning/). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called "Cougar Ride" that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at https://uh.edu/af-university-services/parking/cougar-ride/.

CLASS DISCUSSION AND ASSIGNMENT SCHEDULE

Class Date	***Class Discussion ****	***Assignment Due***
January 13, 2025	• Class introduction • Case meeting	• n/a
January 20, 2025	• n/a – Martin Luther King Day (Holiday)	• Case assignments TBA
January 27, 2025	• Duties we owe to our clients • Case meeting	• Case assignments TBA
February 3, 2025	• Non-capital and capital trials • Case meeting	• Case assignments TBA
February 10, 2025	• Motions for new trials • Case meeting	• Case assignments TBA
February 17, 2025	• Direct appeals • Case meeting	• Case assignments TBA
February 24, 2025	• State habeas • Case meeting	• Case assignments TBA
March 3, 2025	• Federal habeas • Case meeting	• Case assignments TBA
March 10, 2025	• n/a – Spring Break	• Case assignments TBA
March 17, 2025	• Crisis litigation • Case meeting	• Case assignments TBA
March 24, 2025	• Clemency • Case meeting	• Case assignments TBA
March 31, 2025	• Eighth Amendment • Case meeting	• Case assignments TBA
April 7, 2025	• Sixth Amendment • Case meeting	• Case assignments TBA
April 14, 2025	• Chapter 64 • Case meeting	• Case assignments TBA
April 21, 2025	• End of semester procedures • Case meeting	• Case assignments TBA

May 12, 2025 ***All Assignments and Case Files are due by 12:00pm***