

WRC Writing for Criminal Defense (7328/25229)

Spring 2026

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Office Hours: Mon. 1:00-3:00, Tues./Thurs. 5:00-7:00, and by appointment

Class Meetings and Mode of Instruction

Writing for Criminal Defense is a face-to-face, three-credit-hour course which will meet from 7:30-8:45 pm on Tuesdays and Thursdays in Room 200. The Law Center has a minimum 80% attendance policy for students. This means you can miss no more than 5.4 of the twenty-eight times this class is scheduled to meet. I will take attendance by passing a roll sheet at the beginning of each class.

Course Information

In this course, students will be provided the record of a recent trial¹ (for which no direct appeal brief was filed). Utilizing this record and supplemental information provided by the instructor, students will complete five writing assignments. Specifically, this semester's students will draft: a motion to suppress, a motion in limine, a motion for new trial, a statement of facts for a direct appeal brief, and a claim for a direct appeal brief.

Learning Outcomes

Through and as a result of this course, students will be able to: 1) think through evidentiary issues that arise both before and during a criminal trial; 2) develop skills in legal analysis and reasoning, legal research, and problem-solving; and 3) build and further develop and writing and citation skills learned during first year writing courses.

¹The record I've selected to use this semester is from a trial in which a defendant was convicted of indecency with a child. Sexual crimes committed against children is one of the most common categories of cases that go to trial right now, and there are special evidentiary rules that apply solely to this type of case. Given that and because the record in this case is considerably less graphic than others involving sex crimes committed against children, I believe it is appropriate to use, but I am also happy to discuss the details of the crime with anyone who might be wary about the material either before or during registration or at any other time.

Assigned Books and/or Supplemental Materials

You will need in-class access (you will use them in class) to current versions of the Bluebook (21st or 22d ed. is fine) and the Greenbook (i.e., Texas Rules of Form, 15th or 16th ed.).

All other materials (the record of the trial we are using and supplemental materials developed by the instructor for individual assignments) will be made available to students via either email or Dropbox.

Students will be expected to submit their written products to the instructor as Microsoft Word documents. Students can download Microsoft Office 365 or other Office products at no cost by visiting <https://www.uh.edu/infotech/downloads/>.

You will also need access to your Westlaw or Lexis account during class. I'll use Westlaw on the class display on the days we're working on research (it's just my preference), but you're free to use either.

Grading and Assessment

Your course grade will be based on your five writing assignments. Those assignments, when they are due, and the weight each will play in determining your final grade are listed below:

Motion to Suppress	February 16, 2025	20%
Motion in Limine	February 23, 2025	10%
Motion for New Trial	March 23, 2025	20%
Statement of Facts	April 13, 2025	20%
Claim	May 14, 2025	30%

Grading is non-anonymous. I expect you to be present and prepared for every class. Besides working through various issues together and otherwise collaborating as a class, you will be editing your classmates' work. I reserve the right to raise or lower your final course grade by one "unit" based on exceptional participation. That is, your grade may be raised from a B to a B+, for example, if your participation is exceptionally good and contributes positively to class.

Syllabus Changes

I might need to make modifications to this syllabus. If so, I'll give you notice of any change promptly by way of email or in-class announcement.

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.

Names and Pronouns

Chosen names and pronouns must be respected in the classroom. My pronouns are he/him/his. I answer to “Jeff,” “Professor Newberry,” or “Mr. Newberry.” I usually address students by first name. If you would prefer I call you anything else, please let me know.

AI-Generated Work Product

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 Work Product)—which can include computer code or programs and human-language content. Because AI-Generated Work Product 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 Work Product, which may be strictly prohibited in settings that include the bar examination.

Prohibition.

Subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product—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.

Exceptions.

The following AI-Generated Work Product uses are exceptions to the preceding prohibition. The exceptions' intent is to allow the generation and use of AI-Generated Work Product for specific, narrowly defined activities related to this course.

- You may generate and use AI-Generated Work Product for class preparation, although you must disclose the full extent of that use if your instructor asks. You may generate and use AI-Generated Work Product for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generation of diagrams and flow charts, “gamification” of course content, flash cards for study, or sample questions and answers.
- You may use AI-Generated Work Product to check your originally drafted text for misspellings, grammar and punctuation errors, strength and clarity of prose, verbosity, effective transitional language and thesis sentences, word choice, excessive passive voice, and like things.
- You may use AI-Generated Work Product for the purpose of language translation.

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.

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. Bruce 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 our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and 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. We also host 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 us on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

Women and Gender Resource Center

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.

Recording of Class

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.

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/>.

Date	Class topic, etc.	Assignments
January 20	Introduction to class Syllabus Brief introduction to case Citation refresher	The morning after this class, you'll receive access to a Dropbox folder that contains the record we're using this semester. Read the main volume of the Clerk's Record through page 181 (this will go quickly) by 1/27.
January 22	Continue citation refresher Citation exercises	Beginning 1/27, most classes will begin with a few citation exercises (5-7 minutes).
January 27	Intro to <i>El-Amin v. State</i> Discussion of pretrial motions contained in the record	You'll receive supplemental materials related to a fictitious search of the defendant's cell phone immediately before or after this class, which you'll need to review before 1/29.
January 29	Lecture about motions to suppress Look at examples of motions to suppress	Begin working on Motion to Suppress. Rough draft is due 2/10 and final draft is due 2/16.
February 3	Whole class or small group research for MTS	Read volume 2 of the reporter's record and pages 182-90 of the clerk's record before 2/5.

February 5	If needed, more whole class or small group research. Discussion of voir dire and possible voir dire issues.	MTS rough drafts due 2/10 (email to me by 6:00 pm on 2/10)
February 10	Edit each other's rough drafts	Read Volume 3 of the Reporter's Record by 2/12.
February 12	I'll answer any questions you have about your MTS Discussion about outcry hearing and possible issues	MTS due 2/16 (email to me by 11:59:59 pm on 2/16) Read Volumes 4-6 of Reporter's Record by 2/17.
February 17	Brief discussion of guilt phase of trial and specifically the relevant individuals. Discussion about motions in limine.	You'll receive supplemental hypothetical information about the different individuals which will be relevant for your assignment.
February 19	Whole class or small group planning and work on motion in limine	MIL due 2/23 (email it to me by 11:59:59 pm) Read Reporter's Record Volume 7, Clerk's Record pages 191-231
February 24	Discussion of trial	You'll receive supplemental information relevant to your motion for new trial assignment, which you'll need to review before 2/26.
February 26	Lecture about motions for new trial	MNT rough draft due 3/10
March 3	Group research and planning session	

March 5	I'll answer any questions you have about your assignments Discussion of MNT procedure after filing	
March 10	Edit each other's MNTs	MNT due 3/23 (email to me by 11:59:59 pm)
March 12	Discussion of appellate briefs - TRAPs, strategies, etc.	
March 24	Whole class discussion of possible issues for direct appeal and research	
March 26	Whole class discussion of possible issues for direct appeal and research	By 3/31 at 6:00 pm, you'll inform me (via email) of the issue you'll be raising on appeal (and I reserve the right to adjust as I believe necessary w/r/t your issue)
March 31	Discussion about statements of fact - what not to do Begin discussing what facts are relevant to each claim Discuss your lists	By 4/2 at 6:00 pm, you'll email me an outline of the relevant facts from the transcript that you need to include for your claim
April 2	Discussion of lists	Rough draft of statement of facts is due 4/7 by 6:00 pm
April 7	Edit each other's rough drafts	
April 9	I'll answer any questions you have about your assignment. Begin discussing claim drafting	

April 14	Crafting persuasive headings Discuss replies and rehearings	Statement of Facts due 4/13 (email to me by 11:59:59 pm) By 4/16 at 6:00, you'll email me the outline (headings only) of your claim
April 16	Discussion of your outlines Discussion about PDRs and Cert. petitions	
April 21	Discussion about 11.07s/11.071s	
April 23	Continue 11.07s/11.071s discussion	Rough draft of your claim is due 4/28 (email to me by 6:00 pm)
April 28	Edit each other's claims	
April 30	I'll answer any questions about your claims Semester wrap-up	Your claim is due to me by May 14 (email by 11:59:59 pm)