

SYLLABUS

South Carolina Criminal Law and Procedure

Wednesdays from 5:05-7:15 p.m. in Room 395

FALL 2024

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Scope of Course:

This course will provide you with the skills necessary to prosecute and defend criminal cases in General Sessions Court in South Carolina. Each section of the course will include written assignments, simulated exercises and guest speakers in addition to coverage of basic legal doctrine.

At the end of the course, we hope that we will better prepare you to represent or prosecute an individual charged with a crime in South Carolina. The intent of this course is to supplement the legal education and skills taught by your professors at the School of Law. As practicing attorneys, we will give you our perspective and experience on handling criminal matters in this State. Classes will be a combination of lectures, class discussion, and in-class exercises. Pop quizzes may be given.

Textbooks:

South Carolina Crimes: Elements and Defenses, 2nd Edition - Can be purchased through the SC Bar by emailing Matt Anderson at matt.anderson@sbar.org or calling him at 803-771-0333, ext. 126.

Reading assignments from other texts will be posted via email to the class.

Class Location and Time:

Our class will meet on Wednesdays, beginning August 28, 2024, between 5:05 and 7:15 p.m. in room 395. Conference times with your instructors will be by appointment. The attendance policy is the same required by the law school: Students are required to attend their classes live and in-person.

NOTE: Due to the structure of this class, it is especially important to attend on days where a simulation will be taking place. That said, if you know you are going to be absent for some reason, please let the instructors know ahead of time.

If you bring a laptop to class, make sure it is used only for class related assignments. No texting while in class.

State v. William Wallace and Deandre Diggs

On 6-28-22, Captain Scott McDonald was notified by Sgt. Don Robinson of a shooting incident involving a female that had been shot in the head at Bluff / Beckham Swamp Road. The victim, Raquel Weston, indicated that there were additional victims, Athell Johnson and Jamal Pratt, at 8100 Garners Ferry Rd. Apt. 412. She stated there were 2 suspects involved and identified William Wallace as being one of the suspects. Uniform deputies responded to the apartment and located two additional victims that had been shot and were suffering life threatening injuries. Both were taken to the hospital and died on 6-29-2022. Based on Weston's reference to Wallace as the shooter, McDonald developed a photo line-up of Wallace. Inv. Hal Boland showed the lineup to Weston and she positively identified Wallace as the subject who shot the victims at the apartment. Weston also indicated that she only knew the other suspect as Dee or Darryl. Weston added that Wallace had burned Athell Johnson on the face with an iron while he was tied up on the floor. Weston stated that sometime a little before 11:00 am on 6-28-22, she got a call from Johnson telling her to bring some money to him. Weston took approximately \$12,000 to Johnson at the apartment. Upon arriving at Apt. 412 and putting her key into the apartment door, the door opened and Wallace was standing there with a gun. Wallace told her not to move, and that he didn't want to hurt her. Weston said the other subject was armed with a large butcher knife from the kitchen. Wallace told Weston to sit on the couch, and took the bag of cash from her. Weston could see Johnson on the floor out of his wheelchair, with his hands and feet tied up with trash bags. Pratt was also on the floor bound with trash bags. Wallace then took Pratt and Johnson from the living room into the bedrooms, and Weston then heard 2 shots. While Wallace was in the other room, the 2nd suspect took the money, marijuana, and other items from the apartment and put them in his vehicle. When he returned, the suspects forced Weston to leave with them, driving her to a wooded location off Bluff Road. Wallace told the 2nd suspect to "go to work". The 2nd suspect then forced Weston out of the car, and after she walked several yards, shot her in the head and arm. Weston pretended to be dead and the suspects drove off. Once they were gone, Weston was able to get up and flag down a young man driving to work.

William Wallace was arrested, charged, and questioned on 6-29-22, but he immediately asked for a lawyer. Law enforcement was able to determine, through cellphone records, that Wallace had spoken with Deandre Diggs shortly before the incident started. Weston identified Diggs as the 2nd suspect from a photo lineup. Diggs was arrested a few days later and charged as well. During his interview, Diggs confessed to his role in the crime and implicated Wallace as the ringleader.

Both sides have stipulated to the following:

1. All documents are considered to be authentic records of the business or entity from which they are purported to be from.
2. Any phone calls or recordings are to be considered authentic for the purposes of admission.
3. Athell Johnson and Jamal Pratt died from gunshot wounds that were not self-inflicted.

You will be divided into teams of two with some teams prosecuting the case and some teams representing the defendants. **Do not confer with the other teams in different groups unless we allow you to do so.**

If an assignment requires "filing" with the court, please have the assignment submitted via email by the time indicated on the syllabus on the day the assignment is due. Any change in filing deadlines will be conveyed to you by the professors. If an assignment also requires service on the opposing parties, you can affect service via email to opposing counsel. **All assignments must be typed, no handwritten**

assignments will be accepted. All assignments must be submitted prior to the filing deadlines in order to receive the points available for the assignments (this includes assignments served on other parties). **If a document needs to be served, a certificate of service is required. The service and filing of relevant documents, including a certificate of service when required, will be part of your grade. Any team that turns in an assignment late will receive half points off. This is for both team members. No exceptions.**

During the course of the semester, you may need to file a motion relevant to your case. If you choose to do so, you will need to “file” the motion with the “Court” with a motion sheet. You will have to argue the motion at the next appropriate class. Your opposing counsel, per Court rules, will be allowed to argue a response.

At times, you may have questions you want to ask your defendant or witness. If so, please e-mail those questions to the instructors with “Question for [defendant/witness]” and he/she will answer them. Just like with real defendants and witnesses, your defendant or witness may have questions or issues that arise during the semester. You are expected to treat defendants and witnesses in a professional and ethical manner at all times.

You will be expected to wear a suit and/or professional courtroom attire for all in-class simulations/exercises. In lieu of a Final Exam, the course will end with a mock trial style simulation. The trial will take place in class with the instructors serving as the judge.

*****Unless otherwise noted, all assignments are due by 3 pm on the dates indicated. Only one document needs to be submitted for each team.*****

(Class Schedule to follow on the next page)

Class Schedule

Wednesday, August 28: Class One —Intro to the Class, the Courts, and Arrests

Due Today:

- Discuss whether you want to represent the State or the defendant and why
- Read pages 1 – 32 of the textbook

Topics:

- Introduction to the Class, Instructors and each other
- Discuss structure of course and assignments
- Discuss SC criminal court structure
- Review grounds for arrest

Assignment for Class Two:

- Assistant Solicitors only
 - Order for medical records of victim
 - Subpoena for 911 records
- Defense firms only
 - Rule 5
 - Letter of Representation

Wednesday, September 4: Class Two – General Principles of Criminal Law in SC

Due September 3rd by 3:00 pm:

- Assistant Solicitors only
 - Order for medical records of all victims
 - Subpoena for 911 records
- Defense firms only
 - Rule 5
 - Letter of Representation

Topics:

- Review of assignment issues
- Probable Cause
- How and when to get a search warrant; Schmerber
- Various prosecuting agencies in South Carolina

Assignment for Class Three:

- Read pages 33-64 of textbook
- Discuss potential charges for each defendant and why
- Discuss whether the searches done in St v. Wallace and Diggs were reasonable and legal

Wednesday, September 11: Class Three — Statutory Crimes and Bonds

Due Today:

- Discuss reading assignment
- Discuss potential charges for each defendant and why
- Discuss whether the searches done in St v. Wallace and Diggs were reasonable and legal

Topics:

- Statutory Crimes
- Types of bonds and how/when they are set

Assignment for Class Four:

- Conduct simulated bond related hearing
 - File associated bond related motion

Wednesday, September 18: Class Four – Bond Hearing Simulations

Due September 17th by 3:00 pm:

- Filed bond motion

Due Today

- Conduct simulated bond hearing

Topics:

- Bond Simulations

Assignment for Class Five:

- Read Rules of Professional Conduct Rule 407, Preamble, Rules 1.1, 1.3, 1.6, 1.9, 1.10,1.11, 3.4, 3.5, 3.7, 3.8, 4.2, 5.1, 5.3, and 8.4, RPC, of Rule 407, SCACR.
- Be prepared to discuss the pros and cons of the case and begin to work on potential plea offers/problems with the State's case
- Assistant Solicitors only
 - Reciprocal Rule 5

Wednesday, September 25: Class Five – Ethics, Discovery and Case Review

Due September 24th by 3:00 pm:

- Assistant Solicitors only
 - Reciprocal Rule 5

Due Today:

- Be prepared to discuss the pros and cons of the case and begin to work on potential plea offers/problems with the State's case

Topics:

- Rules of Professional Conduct
- General Principles of Discovery
- Pros/Cons of St v. Wallace & Diggs
- What should be included in a report
- Discussing problems with victims/witnesses/defendants

Assignment for Class Six:

- Read pages 67-75;107-119; 145-159 of the textbook

Wednesday, October 2: Class Six – Preliminary Hearings, Grand Jury and Indictments

Due Today:

- Read pages 67-75;107-119; 145-159 of the textbook

Topics:

- Discuss the purpose of preliminary hearings
- Discuss indictments and their purpose
- Grand Juries and how they work
- How to read a rap sheet

Assignment for Class Seven:

- Prepare for simulated preliminary hearing
- Defense firms only
 - Preliminary hearing request

Wednesday, October 9: Class Seven – Preliminary Hearings

Due October 8th by 3:00 pm:

- Defense firms only
 - Preliminary hearing request

Due Today:

- Conduct simulated preliminary hearing

Topics:

- Conduct simulated preliminary hearing

Assignment for Class Eight:

- Read pages 215-249

Wednesday, October 16: Class Eight — Pre-Trial Hearings and Common Defenses

Due:

- Read pages 215-249

Topics:

- *Guest speaker - TBD*
- Review types of pre-trial hearings
- Discuss common defenses

Assignment for Class Nine:

- n/a

Wednesday, October 23: Class Nine — Guilty Pleas and Preparing for Trial

Due:

- n/a

Topics:

- *Guest Speaker - TBD*
- Types of guilty pleas
- Tips on preparing for trial

Assignment for Class Ten:

- Assistant Solicitors only:
 - write a memo to the Solicitor including: brief summary of the facts of the case; what charges you intend to go forward with at trial; whether any charges should be Directly Presented to the Grand Jury and why; what pre-trial motions you anticipate making and/or that the defense might make and why
- Defense Firms only:
 - write a memo to your client including: brief summary of the facts of the case; what pretrial motions you anticipate making and/or that the State might make and why

Wednesday, October 30: Class Ten – Miscellaneous and Trial Prep

Due October 29th by 3:00 pm:

- Assistant Solicitors only
 - Memo to the Solicitor
- Defense Firms only
 - Memo to your client

Topics:

- Miscellaneous follow up (if not covered after guest speakers) i.e. Pre-Trial Hearings, Common Defenses, Types of guilty pleas, tips on trial prep

Assignment for Class Eleven:

- n/a

Wednesday November 6: Class Eleven – Miscellaneous and Trial Prep

Due:

- n/a

Topics:

- Miscellaneous follow up (if not covered after guest speakers) ○ i.e Pre-Trial Hearings, Common Defenses, Types of guilty pleas, tips on trial prep
- Review Memos to Solicitor and Client
- Wrap-up and Prep for Final Simulation

Wednesday, November 13: Class Twelve – Final Simulation- State v. Wallace & Diggs

Wednesday, November 20: Class Thirteen – Final Simulation - State v. Wallace & Diggs

Assignments & Grades

You will be graded on the following assignments:

Assistant Solicitors Only	Due Date	Grade
Order for Medical Records	Tuesday, September 3 (by 3pm)	1.25%
Subpoena for 911 Calls	Tuesday, September 3 (by 3pm)	1.25%
Filed Bond Motion	Tuesday, September 17 (by 3pm)	1.25%
Bond Hearing Simulation	Wednesday, September 18	15%
Reciprocal Rule 5	Tuesday, September 24 (by 3pm)	1.25%
Preliminary Hearing Simulation	Wednesday, October 9	15%
Memorandum to Solicitor	Tuesday, October 29 (by 3pm)	15%
Final Trial Simulation	Wednesday, Nov 13 and/or Nov 20	33%
Intangibles (participation, preparation, effort, etc)	Every class	17%
Total		100.00%

Defense Counsel Only	Due Date	Grade
Rule 5	Tuesday, September 3 (by 3pm)	1.25%
Letter of Representation	Tuesday, September 3 (by 3pm)	1.25%
Filed Bond Motion	Tuesday, September 17 (by 3pm)	1.25%
Bond Hearing Simulation	Wednesday, September 18	15%
Preliminary Hearing Request	Tuesday, October 8 (by 3pm)	1.25%
Preliminary Hearing Simulation	Wednesday, October 9	15%
Memorandum to Client	Tuesday, October 29 (by 3pm)	15%
Final Trial Simulation	Wednesday, Nov 13 and/or Nov 20	33%
Intangibles (participation, preparation, effort, etc)	Every class	17%
Total		100.00%