UMKC School of Law Spring 2013

COURSE NAME: Post Conviction Remedies

COURSE NUMBER: 8822

PROFESSOR: Sean O’Brien

ESSENTIAL PREREQUISITES:

DESIRABLE PREREQUISITES: Criminal Procedure 1

COURSE BOOKS:

REQUIRED: Materials provided by professor

RECOMMENDED:

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE: Final Essay Exam

SUMMARY DESCRIPTION OF COURSE: This course focuses on the procedural avenues of relief for prisoners attempting vacate, set aside or correct their convictions and sentences.

COURSE CONTENT: The primary focus of the course is the evolution of the Writ of Habeas Corpus in federal and state courts since the early part of the 20th Century, restrictions of the Writ in response to the revival of capital punishment in the late 20th Century, and attempts to restore the Writ to its former effectiveness following the advent of DNA evidence and other developments.

COURSE OUTCOMES: Students will become familiar with the procedural complexities of postconviction jurisprudence and by the conclusion of the course should have tools to analyze substantive and procedural issues involved in prisoners’ challenges to their convictions and sentences. Students will be able to review the record and procedural history of a criminal conviction and identify possible claims for relief, and have a working knowledge of the doctrines of exhaustion of state remedies, procedural default, actual innocence and other equitable exceptions to rules of issue preclusion.

RELEVANCY OF COURSE FOR CAREER PURPOSES: This course will be extremely helpful for students who wish to pursue careers in any aspect of the criminal justice system. Many of the cases reviewed in the course involve instances of prosecutorial misconduct or defense lawyer incompetence which provide meaningful insight into standards of practice in the field of criminal law. This course would be particularly helpful to students who intend to practice in an office that handles litigation of any prisoner issues on appeal or in postconviction proceedings.

RELEVANCY OF COURSE FOR MO/MULTI-STATE BAR EXAMINATION: Postconviction Remedies will be an in-depth review of the substantive constitutional rights taught in Criminal Law, Criminal Procedure 1 and Criminal Procedure 2. Students who take this course should do very well on the Criminal Law and Procedure portion of the Missouri and Multi-State Bar Examination.