

Habeas Corpus and Other Post-Conviction Remedies

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Required Reading:

There are no required texts to purchase. Much of the course materials will consist of cases and statutes available on Westlaw, Lexis-Nexis, or the Internet. Additional Course Materials will be provided by the instructor. Students interested in supplemental materials may want to purchase a copy of Larry W. Yackle, *Postconviction Remedies* (1981 ed. and 2002 cumulative supplement) and/or Ida P. Robbins, *Habeas Corpus Checklists* (2002 ed.). Students may be able to obtain a used copy of these texts at one of the bookstores or from another source; however, the instructors will not be pre-ordering any books.

SYLLABUS

<u>Date</u>	<u>Topic</u>
August 23 rd	Introduction to Habeas and Post-Conviction Overview of Class Policies
August 30 th	The Statutory Framework for Habeas and Post-Conviction R.C. Chapter 2953: Ohio's Post-Conviction Scheme 28 U.S.C. § 2254 <i>et seq.</i> : The Anti-Terrorism and Effective Death Penalty Act Reading Assignment: 1. Read the entire text of 28 U.S.C. § 2254 and O.R.C. § 2953.21 2. Review the flow chart of appeal procedures
September 13 th	Challenging a State Conviction in Federal Court: The Nature of Habeas Corpus Remedies and The Custody Requirement Reading Assignment: 1. Read Chapter One (Sections 1 through 13) in <i>Postconviction Remedies</i> 2. Read Chapters Two (Sections 17 through 28) and Four (Sections 41 through 51) in <i>Postconviction Remedies</i>

September 20 th	<p>Raising Constitutional Issues during Post-Conviction: Part One The Death Penalty and Ineffective Assistance of Counsel</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Read the following cases: <i>Gregg v. Georgia</i>, 428 U.S. 153 (1976) <i>Strickland v. Washington</i>, 466 U.S. 668 (1984) <i>Wiggins v. Smith</i>, 123 S.Ct. 2527 (2003) Read Section 137 of Chapter 8 in <i>Postconviction Remedies</i>
September 27 th	<p>Raising Constitutional Issues during Post-Conviction: Part Two Prosecutorial Misconduct, The Selection of Jurors, and The Limiting Doctrine</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Read the following cases: <i>Witherspoon v. Illinois</i>, 391 U.S. 510 (1968) <i>Batson v. Kentucky</i>, 476 U.S. 79 (1987) Read Sections 96 through 100 of Chapter 7 in <i>Postconviction Remedies</i>
October 4 th	<p>Raising Constitutional Issues during Post-Conviction: Part Three Sentencing Issues</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Read the following cases: <i>United States v. Booker</i>, 543 U.S. 220 (2005) <i>Rita v. United States</i>, Sup. Ct. No. 06-5754 (June 21, 2007) <i>Ohio v. Foster</i>, 109 Ohio St.3d 1 (2006)
October 11 th	<p>Procedural Obstacles to a Hearing on the Merits: Part One The Exhaustion Requirement</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Read Chapter 5 (Sections 52 through 69) in <i>Postconviction Remedies</i>
October 18 th	<p>Procedural Obstacles to a Hearing on the Merits: Part Two Procedural Default</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Read Chapter 6 (Sections 70 through 87) in <i>Postconviction Remedies</i>
October 25 th	Fall Break (no class)

November 1 st	<p>Procedural Obstacles to a Hearing on the Merits: Part Three The AEDPA's Statute of Limitations and Tolling Provisions</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Review 28 U.S.C. § 2244(d)(1) Read the following cases: <i>Rhines v. Weber</i>, 125 S.Ct. 1528 (2005) <i>Holland v. Florida</i>, 130 S.Ct. 2549 (2010)
November 8 th	<p>Procedural Obstacles to a Hearing on the Merits: Part Four Standards of Review, Habeas Rules on Discovery, and Evidentiary Hearings</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Review the Federal Rules of Habeas Procedure Review 28 U.S.C. § 2254(e)(2) Read the following cases: <i>Lockyer v. Andrade</i>, 538 U.S. 63 (2003) <i>Bracy v. Gramley</i>, 520 U.S. 899 (1997)
November 15 th	<p>Special Procedural Problems in Ohio</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Read the following cases: <i>State v. Cole</i>, 2 Ohio St.3d 112 (1982) <i>State v. Perry</i>, 10 Ohio St.2d 175 (1967) <i>State v. Murnahan</i>, 63 Ohio St.3d 60 (1992)
November 22 nd	<p>Habeas Corpus Relief and Retroactivity; End-Game Litigation</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Review 28 U.S.C. § 2244(b)(1) Read the following cases: <i>Teague v. Lane</i>, 489 U.S. 288 (1989) <i>Gonzales v. Crosby</i>, 125 S.Ct. 2641 (2005)
November 29 th	<p>The Mechanics of a Habeas Corpus Case: Investigation, Pleadings, and the Role of Hearings *Final Exam Review*</p> <p>Reading Assignment:</p> <ol style="list-style-type: none"> Read Chapter 8 (Sections 111 through 138) in <i>Postconviction Remedies</i>