

BAIL TO JAIL: STREET LEVEL DRUGS
COURSE SYLLABUS
T, Th 7:30
Fall 2022

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DESCRIPTION:

The goal of this course is to provide students with a sophisticated understanding of Street Level Drug offenses from investigation through trial and post-trial relief. The course will focus on prosecuting and defending Street Level Drug cases and the ongoing scourge of the opioid crisis in Massachusetts.

GRADING:

- Students will be graded on a number of in-class presentations which may include: bail arguments; arguments associated with a motion to suppress; motions to dismiss; motions in limine; and, opening statements/closing arguments. **25% of grade.**
- Students will have a final exam during final exam week which will include a mix of multiple choice and essay questions. **75% of grade.**
- Students will be expected to spend a morning or afternoon observing at Lawrence District Court. Lawrence District Court has jury trials Monday through Thursday in Courtroom 5.
- Grade breakdown is subject to change

TEXT:

Recommended but not required: Suppression Matters Under Massachusetts Law. Joseph Grasso, Jr. Christine McEvoy

Part One:

- The Arraignment:
 1. The investigational stage.
 2. The charges: Possession; Possession with intent to Distribute; Distribution; Trafficking. Additional time will be spent on OUI Drugs offenses and Manslaughter by overdose. (A discussion of the elements associated with each offense and the sentences proscribed by law).
 3. Understanding and interpreting criminal records
 4. The request for bail. (Students will be required to make bail arguments)
 5. Sample Police Reports. (How do these types of cases typically present themselves; hand to hand transactions; the use of confidential informants).

Part Two:

- The Discovery Phase:
 1. What needs to be accomplished on Pretrial Hearing and Compliance and Election dates. (This will include the discovery requirements of Rule 14 of the Massachusetts Rules of Criminal Procedure.)
 2. Obtaining the drug certificate and lab file folder with chain of custody documentation.
 3. Notifying the opposing party of all witness information.
 4. Common roles of expert witnesses.
 5. In what circumstances must the Commonwealth provide the identity of a Confidential Informant?
 6. Students to prepare and respond to sample pretrial conference reports.

Part Three:

- Suppression Issues:
 1. The Origins and Purpose of the Exclusionary Rule
 2. Overview of the 4th amendment and Article 14
 3. Filing Requirements
 4. Standing: Defendants have no standing to suppress drugs found on buyers if they have been charged with Distribution. (Exception: Target Standing)
 5. What types of issues are typically raised in Street Level Narcotics Cases:
 - i. Invalid Stop

- ii. Invalid Exit Order
- iii. Lack of Probable Cause to Arrest
- iv. Invalid Motor Vehicle Search
- v. Search Warrants
- vi. Plain View Seizures
- vii. The Inventory Search
- viii. Statements (voluntariness and Miranda)

Part Four:

- The Trial:
 1. Prepping your witnesses
 2. Chemist must testify pursuant to Melendez-Diaz. See also the use of substitute chemists
 3. Motions in Limine and Qualifying an expert in Street Level Narcotics Transactions
 4. Direct and Cross Examinations
 5. What if the buyers show up? (5th amendment privileges. Conspiracy does not merge into completed crime).
 6. Opening Statements
 7. Closing Arguments
 8. Sentencing

Part Five:

- OUI Drugs offenses
 1. Understanding the categories of drugs and the elements of the offense.
 2. Expert witnesses.
 3. OUI Marijuana offenses after Gerhardt.
- Manslaughter by overdose offenses
 1. The investigation
 2. The Carrillo case and issues of proof.

Part Six:

- Post-Trial relief
 1. Motions for New Trial
 - A. Immigration issues
 - B. Other grounds

Resources:

<http://www.mass.gov/courts/court-info/trial-court/dc/dc-crim-model-jury-inst-gen.html>

Massachusetts Rules of Criminal Procedure:

<http://www.mass.gov/courts/case-legal-res/rules-of-court/criminal-procedure/>

Massachusetts Guide to Evidence

<http://www.mass.gov/courts/case-legal-res/guidelines/mass-guide-to-evidence/>