

v. 02-08-22

General Felony Trial College

This training will be a combination of lectures and practical exercises with the goal of teaching new felony ADA's the basics of felony prosecutions.

PART 1

FRIDAY JANUARY 28, 2022, 10:00 AM – 4:00 PM

WELCOME/INTRODUCTIONS 10:00-10:15 AM

I. Overview of felony process. [10:15 AM-11:00 AM]

(Flowchart of how a felony case is processed from rebooking to sentencing. The ADA's will learn how a felony case differs from a misdemeanor as it proceeds through the court.)

Trainer(s): MA Brad Allred

II. Arraignments [11:00 AM-12:00 PM]

(How to run an AN calendar; In custody arraignments and detention procedures. What are the timelines? Arraignment on the complaint vs. arraignment on the information?; how to fill out case info sheets after AN; OR/ACM)

Trainer(s): ADA Larry Desouza

LUNCH BREAK 12:00-1:00

III. Brady [1:00-2:00 PM]

(How do we obtain Brady materials on Officers and how do we discover them)

Trainer(s): ADA Jim Thompson

IV. Discovery/Subpoenas [2:00-3:00 PM]

(How best to work with your paralegals. What forms are used? What do you need to order?)

Trainer(s): Alex Lopes

V. Engstrom/Wheeler [3:00-4:00 PM]

What is scope of our duty to discover Engstrom/Wheeler materials)

Trainer(s): ADA Maria Shih

FRIDAY FEBRUARY 4, 2022, 10:00 AM – 4:00 PM

VI. Preliminary Hearings **[10:00-11:00 AM]**

(When? What are the timelines? Can you waive a PX? Should you ever waive a prelim? Live vs. 115 PX? What is the standard of proof? What about enhancements? Priors? Misdemeanors? What happens after you obtain a holding order? Pretrial Conferences; Dept 20; working with Parole Court and MTR ADAs; Sheriff's warrants; post-calendar duties)

Trainer(s): MA Julius DeGuia

VII. Common Pre-Trial Motions **[11:00-12:00 PM]**

(1538.5 motions; 995 motions; line up motions; any other common motions)

Trainer(s): MA Allison MacBeth

LUNCH BREAK 12:00-1:00 PM

VIII. Pre-trial Preparation **[1:00-2:00 PM]**

(What do you need for trial? How do you subpoena your witnesses? When do you subpoena your witnesses? Do you have any priors? What about any enhancements? How do you create a trial binder? What technology will you need for your trial?)

Trainer(s): Chief Assistant DA Marshall Khine

IX. New Policies **[2:00-3:00 PM]**

Trainer(s): Chief, Criminal Division, Tal Klement

X. Ethics and the Role of the Prosecutor **[3:00-4:00 PM]**

(ABA and CA State Bar rules, including hypos)

Trainer(s): ADA Chris Gauger

FRIDAY FEBRUARY 11, 2022, 10:00 AM – 12:00 PM

XI. Preliminary Hearings, Part 2

Trainer: MA Julius DeGuia

END OF TRAINING FOR THE DAY (ending early to accommodate State of the Office presentations)

FRIDAY FEBRUARY 18, 2022, 10:00 AM – 4:00 PM

PART 2:

The remainder of the training will focus on trial practice. This portion of the training will be interactive. There will be a lecture on each topic and then attendees will practice the skill. Trainers will observe the exercise and record it. Trainers will then sit with the trainee and review the video. Trainers will provide constructive criticism to the trainee.

XII. Trial Briefs/ Motions in Limine/Jury Instructions [**10:00 AM-12:00 PM**]

(You have been sent out to trial, what happens next? How to argue and respond to defense pretrial motions. How do you write a persuasive trial brief so that you can best present your evidence to the jury? What jury instructions will you need?)

Trainer(s): ADA Jonathan Schmidt

LUNCH BREAK 12:00-1:00 PM

XIII. Direct Examination/Exhibits/Laying foundation [**1:00-2:30 PM**]

(How do you perform an effective direct exam? How do you lay foundation for various pieces of evidence? What about exhibits such as lab reports? Photos? BWC? We will go through common exhibits used in trial and how to admit them into evidence. **EXERCISE:** After the lecture, the attendees will have practice a direct exam of an officer.)

Trainer(s): Courtney Burris

BREAK OUT GROUPS 2:30-4:00 PM

FRIDAY FEBRUARY 25, 2022, 10:00 AM – 4:00 PM

XIV. Jury Selection/Voir Dire [**10:00-11:00 AM**]

(What questions do you need to ask in order to pick a fair jury? Peremptory challenges and challenges for cause- what are they? How many peremptory challenges does each party have? Batson/Wheeler and how to avoid it and how to respond if defense makes a motion?

Trainer(s): ADA Asit Panwala

Jury Selection/Voir Dire, continued [11:00-12:00]

EXERCISE: Do a practice voir dire. Various people act as prospective jurors and attendees conduct a brief voir dire.)

Trainer(s): ADAs Tina Nunes-Ober; Rebecca Wagner; Asit Panwala (others tbd to provide feedback on exercise)

XV. Expert witnesses **[12:00-1:00 PM]**

(What types of experts are common in our case in chief? How do you effectively prepare to present evidence from an expert? What qualifies a witness as an expert? How to use 402 to eliminate defense witnesses who do not qualify as experts?)

Trainer(s): ADA Lailah Morris

LUNCH 1:00-1:30 PM

XVI. Cross-Examination **[1:30-3:00 PM]**

(how do prosecutors become better at cross? What does an effective cross look like?

EXERCISE: Attendees will do a practice cross on a defendant.)

Trainer(s): ADA Ryan King

XVII. Opening Statement **[3:00-4:00 PM]**

(You have a jury, what's next? How to craft a persuasive and compelling opening statement. What can you say? What should you say? What shouldn't you say? Do you use a power point? **EXERCISE:** The attendees will do a practice opening statement)

Trainer(s): ADA Asit Panwala

FRIDAY MARCH 4, 2022, 10:00 AM – 4:00 PM

XVIII. Objections **[10:00-11:00 AM]**

(What are common objections? How do argue against defense objections? When should you object? Strategies for when to object/not object.)

Trainer(s):

XIX. Closing Argument **[11:00 AM-12:30 PM]**

(Preparing and delivering a persuasive closing argument. Using power point/admitted exhibits. Topics to stay away from in order to avoid mistrial or other legal issues. How do you deliver a closing argument that convinces the jury that you have proven your case beyond a reasonable doubt? **EXERCISE:** Attendees will deliver a practice closing argument.)

Trainer(s):

LUNCH BREAK 12:30-1:30 PM

XX. Sentencing/Negotiations **[1:30-3:00 PM]**

(Basics of felony sentencing and how to effectively negotiate a plea. Who are sentencing planners? When and how do you best utilize a sentencing planner?)

Trainer(s):

XXI. Collaborative Courts **[3:00-4:00 PM]**

(What are collaborative courts? What are criteria for each court? Who do you contact when you have questions?)

Trainer(s): MA Demarris Evans, ADA Kim Lutes-Kothes

XXII. Parole Court and Procedures **[4:00-4:30 pm.]**

(What is Parole Court and how do you coordinate when there is both a new open case and a parole revocation proceeding?)

Trainers: ADAs Lisa Culbertson and Armando Miranda

FRIDAY MARCH 11, 2022, 10:00 AM – 2:30 PM

XXIII. Office Information Systems **[10:00 AM-12:00 PM]**

Trainer(s): ADAs Sheila Johnson/Rebecca Wagner/others TBD

12:00-1:00 LUNCH BREAK

XXIV. FINGERPRINT EVIDENCE **[1:00-2:30 P.M.]**

Trainer(s): SFPD Inspector Ronan Shouldice