

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 instructors. 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>
September 8th	Overview and Background of Post-Conviction Remedies 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. Skim 28 U.S.C. § 2254 and O.R.C. § 2953.21
September 15th	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 22nd	Raising Constitutional Issues during Post-Conviction: Part One The Constitutionality of the Death Penalty Reading Assignment: 1. Read the following cases: <i>Gregg v. Georgia</i>, 428 U.S. 153 (1976) <i>Pulley v. Harris</i>, 465 U.S. 37 (1984) <i>Tison v. Arizona</i>, 481 U.S. 137 (1986)

Penry v. Lynaugh, 492 U.S. 302 (1989)
Atkins v. Virginia, 122 S.Ct. 2242 (2002)
Roper v. Simmons, 125 S.Ct. 1183 (2005)

September 29th Raising Constitutional Issues during Post-Conviction: Part Two
Ineffective Assistance of Counsel

Reading Assignment:

1. Read Section 137 of Chapter 8 in *Postconviction Remedies*
2. Read the following cases:
Strickland v. Washington, 466 U.S. 668 (1984)
Williams v. Taylor, 120 S.Ct. 1495 (2000)
Wiggins v. Smith, 123 S.Ct. 2527 (2003)
Schirro v. Landrigan, 127 S.Ct. 1933 (May 14, 2007)

October 6th Raising Constitutional Issues during Post-Conviction: Part Three
Prosecutorial Misconduct, The Selection of Jurors, and The Limiting Doctrine

Reading Assignment:

1. Read the following cases:
Witherspoon v. Illinois, 391 U.S. 510 (1968)
Uttecht v. Brown, No. 06-413 (June 4, 2007)
Batson v. Kentucky, 476 U.S. 79 (1987)
McClesky v. Kemp, 481 U.S. 279 (1987)
2. Read Sections 96 through 100 of Chapter 7 in *Postconviction Remedies*

October 13th Fall Break (no class)

October 20th Raising Constitutional Issues during Post-Conviction: Part Four
Sentencing Issues

Reading Assignment:

1. Read the following cases:
United States v. Booker, 543 U.S. 220 (2005)
Rita v. United States, Sup. Ct. No. 06-5754 (June 21, 2007)
Ohio v. Foster, 109 Ohio St.3d 1 (2006)

October 27th Procedural Obstacles to a Hearing on the Merits: Part One
The Exhaustion Requirement

Reading Assignment:

1. Read Chapter 5 (Sections 52 through 69) in *Postconviction Remedies*

- November 3rd Procedural Obstacles to a Hearing on the Merits: Part Two
Procedural Default
- Reading Assignment:**
1. **Read Chapter 6 (Sections 70 through 87) in *Postconviction Remedies***
- November 10th Procedural Obstacles to a Hearing on the Merits: Part Three
The AEDPA's Statute of Limitations and Tolling Provisions
- Reading Assignment:**
1. **Review 28 U.S.C. § 2244(d)(1)**
 2. **Read the following cases:**
Payton v. Brigano, 256 F.3d 405 (6th Cir. 2001)
Rhines v. Weber, 125 S.Ct. 1528 (2005)
- November 17th Special Procedural Problems in Ohio
- Reading Assignment:**
1. **Read the following cases:**
State v. Cole, 2 Ohio St.3d 112 (1982)
State v. Perry, 10 Ohio St.2d 175 (1967)
State v. Murnahan, 63 Ohio St.3d 60 (1992)
- November 24th Habeas Corpus Relief and Retroactivity; End-Game Litigation
- Reading Assignment:**
1. **Read Chapter 8 (Sections 8.01 through 8.05) of *Habeas Corpus Checklists* to be provided by instructors**
 2. **Review 28 U.S.C. § 2244(b)(1)**
 3. **Read the following cases:**
Teague v. Lane, 489 U.S. 288 (1989)
Schriro v. Summerlin, 124 S.Ct. 2519 (2004)
Gonzales v. Crosby, 125 S.Ct. 2641 (2005)
Felker v. Turpin, 518 U.S. 651 (1996)
- December 1st The Mechanics of a Habeas Corpus Case:
Investigation, Pleadings, and the Role of Hearings
Final Exam Review
- Reading Assignment:**
1. **Read Chapter 8 (Sections 111 through 138) in *Postconviction Remedies***
 2. **Review materials from *State of Georgia v. Andrew Cook* to be provided to you in class**

December 16th, 9:30 a.m. FINAL EXAM