

CRIMINAL PROCEDURE I DEAN GALLINI

First reading assignments:

For **TUESDAY**:

1-13 (Introductory readings)
14-15 (Typical defendant)
15-17 (Introduction)
18-22 (Malloy v. Hogan) ◊ background
22-26 (Meet Adnan Syed)
26-27 (Introductory comments)
27-46 (Strickland v. Washington)
Adnan Syed filings (online repository)

**Note*: Our first defendant like most is, well, famous and perhaps you knew that already. Syed's fame as you may also know derives from his role in the first season of the hit NPR series *Serial*. Given that the show came out in 2016, I realize you may have missed it. If so, here is a link: <https://serialpodcast.org/season-one>. More recently, Syed's case was the focus of an HBO documentary.

In any event, there are several fascinating issues raised by Syed's case, but we'll be focusing solely on the quality of his trial lawyer—Cristina Gutierrez. You may wish to focus your attention from the *Serial* podcast on episode 10 beginning at the 26:36 mark (when Gutierrez is speaking with the trial judge) and again at 29:09 (when she is cross-examining Jay—a critical witness). That will give you some flavor of her approach to Syed's case, but I'll leave it at that and let you explore.

By the way, we will likely just scratch the surface of the multitude of issues raised by *Strickland*. If you're interested in learning more about the historic case and a couple of secrets behind it, you're welcome to skim an article I wrote about the case a few years back. You can find it here:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2700291.

For **THURSDAY**:

83-87 (Meet Alex Levin)
87-91 (Introductory comments)
91-94 (Introductory comments)
95-104 (Mapp v. Ohio)
Alex Levin filings (online repository)

**Note*: Alex Levin is no Adnan Syed in terms of pop culture fame but that's largely because the investigative methods used by the government during Operation Pacifier stole the show. One of the amazing things about Levin's case is that the government actually operated a child pornography server as part of an investigation. That is, the FBI became criminals in order to catch criminals. And they caught a lot of them. Operation Pacifier ultimately led to hundreds of prosecutions both nationally and internationally. Investigative methods aside, Levin's case grew in prominence because his victory at the motion to suppress stage gave other defendants hope—if just for a while.