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FORTY-EIGHTH ANNUAL

# CRIMINAL LAW SEMINAR

# 2018

Recent Developments in Criminal Law and Procedure

•  
The Best Defense Is a Good Offense:  
Using Pretrial Practice to Improve Your Case

•  
The Nose Knows: Drug Dogs

•  
Trial Publicity, Social Media, and Case Commentary: Can Litigating  
in the Court of Public Opinion Get Lawyers into Trouble?

•  
The Eye of Sauron Is upon You

•  
Gun Rights Restorations:  
Procedures, Pitfalls & Practical Considerations

•  
The ABCs of Expungements in Virginia

**FEBRUARY 2, 2018**  
DoubleTree by Hilton Charlottesville

**FEBRUARY 9, 2018**  
DoubleTree by Hilton Williamsburg

[www.vsb.org/site/sections/criminal](http://www.vsb.org/site/sections/criminal)

Video Replays in 12 Locations  
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## PROGRAM

**DOUBLETREE BY HILTON CHARLOTTESVILLE, ROUTE 29 NORTH — FEB. 2**  
990 Hilton Heights Road, Charlottesville, VA 22901 (434) 973-2121

**DOUBLETREE BY HILTON WILLIAMSBURG, ROUTE 60 EAST — FEB.9**  
50 Kingsmill Road, Williamsburg, VA 23185 (757) 220-2500

**8:00 LATE REGISTRATION AND EXHIBITS**

**8:15 WELCOME AND OPENING REMARKS**

**8:30 RECENT DEVELOPMENTS IN CRIMINAL LAW AND PROCEDURE**

Annual comprehensive review of developments in substantive and procedural criminal law.

- *Assistant Dean Corinna B. Lain*

**10:00 COFFEE BREAK**

**10:15 THE BEST DEFENSE IS A GOOD OFFENSE: USING PRETRIAL PRACTICE TO IMPROVE YOUR CASE**

This panel will present the topic of substantive pretrial litigation from the perspective of the judiciary, the prosecution, and the defense. This session will consider proactive motions that each side can file to restrict or expand the evidence to be presented at trial. Topics will include motions to suppress, motions *in limine* to exclude or admit evidence, *Kirkpatrick* motions pertaining to prior bad acts, and other motions to limit evidence.

- *Hon. Junius P. Fulton*
- *David A. Lord*
- *Bryan T.D. Kennedy*

**11:15 THE NOSE KNOWS: DRUG DOGS**

This presentation will examine the current state of the law involving drug dogs and their utility to police work. It will focus on the concept of residual odor, expertise of the dog/handler team, and recent Supreme Court cases that address the utility of the police K9 in drug cases.

- *Sandra R. Sylvester*

**12:15 LUNCHEON PRESENTATIONS**

**CHARLOTTESVILLE:**

*W. Taylor Reveley III, President,*  
*College of William & Mary*

**WILLIAMSBURG:**

*Hon. Robert E. Payne, Senior Judge,*  
*U.S. District Court, Eastern District of Virginia*

**1:30 TRIAL PUBLICITY, SOCIAL MEDIA, AND CASE COMMENTARY: CAN LITIGATING IN THE COURT OF PUBLIC OPINION GET LAWYERS INTO TROUBLE?**

Lawyers sometimes comment on pending cases or attempt to seek an advantage by using media attention to support their case. In other instances, lawyers may believe that media attention is putting their client or their case in a bad light, deserving a public response. This panel will explore the lawyer's use of media—both traditional and social—to advocate a client's position, or to protect their client's reputation or other legal interests. The panel will discuss ethical and legal restrictions on lawyer speech during criminal investigations or trial.

- *Paul E. Fletcher*
- *James M. McCauley*
- *Conrad M. Shumadine*
- *Hon. Michael N. Herring (Charlottesville moderator)*
- *Hon. Colin D. Stolle (Williamsburg moderator)*

**3:00 THE EYE OF SAURON IS UPON YOU**

Just like the all-seeing Eye of Sauron from Lord of the Rings, your cell phone is also keeping tabs on your location. In this class you will learn how cell phones are tracked and located using various types of records, from the least reliable to most reliable.

- *Larry E. Daniel*

**4:00 GUN RIGHTS RESTORATIONS: PROCEDURES, PITFALLS & PRACTICAL CONSIDERATIONS**

Following the widespread restoration of civil rights by the last few gubernatorial administrations, requests for the restoration of the right to possess a firearm have increased dramatically. This session explores the intersection of state and federal laws on the subject and offers some practical considerations for petitions.

- *Michael R. Doucette*

**4:30 THE ABCS OF EXPUNGEMENTS IN VIRGINIA**

This session will explore the statutory requirements for expungements in Virginia and the pitfalls that often frustrate the ultimate success of expungement petitions in Virginia courts.

- *Scott C. Alleman*

**5:00 CLOSING REMARKS AND ADJOURNMENT**

## VIDEO REPLAYS

Please see <http://www.vsb.org/site/sections/criminal> for complete video replay addresses and contact information.

Abingdon: April 24

Alexandria: March 27

Charlottesville: March 27

Danville: March 27

Fredericksburg: April 24

Hampton: March 27

Lynchburg: March 27

Norfolk: April 24

Richmond: March 27, April 24

Roanoke: March 28, April 24

Tyson: April 24

Winchester: March 28

*Video replays do not include the luncheon portion of the live programs.*

**SCHEDULE NOTICE:** The amount of time allocated to each subject and, occasionally, the order of topics may vary from the published schedule. If you are interested in attending a specific portion of a video replay, please contact Virginia CLE several days prior to the seminar for schedule times.

*For more information, call Virginia CLE at 1-800-979-8253 or 434-979-5644. For directions to programs, please call the program site or visit the Virginia CLE website: [www.vacle.org](http://www.vacle.org).*

## REGISTRATION, MATERIALS, AND GENERAL INFORMATION

**REGISTRATION:** Make your check payable to Virginia CLE\* and mail it with your registration form to Virginia CLE\*.

**Only credit card registrations will be accepted by fax, telephone or via the Internet.** No confirmation will be sent; your check or credit card statement is your receipt. Programs will be conducted in a smoke-free environment. If you have a disability that requires special accommodations, please contact Virginia CLE\* well in advance of the program date. In the event of extreme weather, transfers to alternate programs may be allowed. A final decision on transfers due to weather will not be made until the morning of the program. Please direct all inquiries to Virginia CLE\*.

**DOWNLOADABLE E-BOOK SEMINAR MATERIALS:** ALL seminar registrants will receive access to a complete set of downloadable e-book seminar materials. E-book materials are searchable, easily accessible, and efficient to use. When registering, please be sure to provide a legible, valid e-mail address that Virginia CLE\* can use to distribute the e-book materials.

**Discount Available:** If you choose to forgo receiving printed materials and receive **only** the downloadable e-book, you will receive a discounted registration fee (see the registration panel). Registrants who elect this option will receive a short printed seminar outline with space to take notes.

**REGISTRATION DEADLINES FOR DISCOUNTED FEE OPTIONS:** To have the option to register for a discounted fee AND to receive access to the downloadable e-book materials BEFORE the seminar, your live program registration must be received no later than **January 19, 2018**, or your video replay registration must be received no later than **5:00 p.m. THREE BUSINESS DAYS BEFORE** the seminar. After these dates, the discounted e-book-only registration options will **NOT** be available. Virginia CLE\* will e-mail you a link to the downloadable e-book materials two business days before the seminar. Once you download the materials, you can review them and print the portions you want to bring with you to the seminar.

**CANCELLATIONS/TRANSFERS/REFUNDS:** Cancellation/transfer requests will be honored through 5:00 p.m. of the DAY PRIOR TO the seminar. NOTE: Following receipt of the e-book link from Virginia CLE\*, registrants will incur a \$60.00 materials fee if they cancel or transfer to a seminar other than the 48th Annual Criminal Law Seminar. Please direct all inquiries to Virginia CLE\*: 105 Whitewood Road, Charlottesville, VA 22901 (1-800-979-8253, Fax: 434-979-3147).

**LATE REGISTRATION/SPACE LIMITED:** An *increased* registration fee will apply to live program registrations postmarked, phoned, or faxed after January 19, 2018, and to walk-in registrations (see registration form for details). Space is limited to 200 registrants in Charlottesville and 600 registrants in Williamsburg. All registration is on a **first-come, first-served basis**; early advance registration is **strongly urged. Walk-in registration cannot be guaranteed.**

**AUXILIARY SEATING / WILLIAMSBURG LOCATION:** Once capacity seating of 500 in the main auditorium is reached at the Williamsburg location, auxiliary seating for 100 additional registrants will be provided in a room adjacent to the main auditorium, using closed circuit T.V. **Seating in the main auditorium will be based on the date your payment and registration are received.**

**HOTEL ACCOMMODATIONS:** A block of rooms for the nights prior to the live programs will be available on a first-come, first-served basis. All reservation requests will be handled by the hotels directly:

By calling DoubleTree by Hilton: 1-800-222-8733 with reference group name VA State Bar 48th Annual Criminal Law Seminar.

Or for online reservations at the DoubleTree by Hilton Charlottesville:  
[http://doubletree.hilton.com/en/dt/groups/personalized/C/CHOSHDT-RAB-20180201/index.jhtml?WT.mc\\_id=POG](http://doubletree.hilton.com/en/dt/groups/personalized/C/CHOSHDT-RAB-20180201/index.jhtml?WT.mc_id=POG)

Or for online reservations at the DoubleTree by Hilton Williamsburg:  
<http://group.doubletree.com/VASStateBar48thAnnualCriminalLawSeminar>

*The room block for both hotels will be released on January 19, 2018.*


LIVE LOCATIONS	
<input type="checkbox"/> <b>FRIDAY, FEBRUARY 2, 2018</b> DoubleTree by Hilton, Charlottesville	<input type="checkbox"/> <b>FRIDAY, FEBRUARY 9, 2018</b> DoubleTree by Hilton, Williamsburg
VIDEO REPLAYS*	
<b>TUESDAY, MARCH 27</b> <input type="checkbox"/> Alexandria <input type="checkbox"/> Charlottesville <input type="checkbox"/> Danville <input type="checkbox"/> Hampton <input type="checkbox"/> Lynchburg <input type="checkbox"/> Richmond	<b>TUESDAY, APRIL 24</b> <input type="checkbox"/> Abingdon <input type="checkbox"/> Fredericksburg <input type="checkbox"/> Norfolk <input type="checkbox"/> Richmond <input type="checkbox"/> Roanoke <input type="checkbox"/> Tysons
<b>WEDNESDAY, MARCH 28</b> <input type="checkbox"/> Roanoke <input type="checkbox"/> Winchester	
* <i>Video Replays run from 8:15 a.m. – 4:45 p.m. There is a scheduled lunch break that does not include a speaker. Afternoon session will reconvene at 1:15 p.m.</i>	
4 EASY WAYS TO REGISTER	

**INTERNET:** <http://www.vacle.org> (credit card required).

**MAIL** check payable to “Virginia CLE” with registration form to: CLE Registrations, 105 Whitewood Road, Charlottesville, VA 22901.

**FAX** form with credit card information to 434-979-3147.

**CALL** 1-800-979-VCLE (979-8253) or 434-979-5644 to register with a credit card.

PREREGISTRATION FEES
<i>All registrants will receive access to a complete set of downloadable e-book seminar materials.</i>
<input type="checkbox"/> <b>\$150 Registration Fee (includes printed materials)</b> Member, VSB CR Section  <input type="checkbox"/> <b>\$170 Registration Fee (includes printed materials)</b> Non-member, VSB CR Section  <input type="checkbox"/> <b>\$185 Late Registration Fee (includes printed materials)</b> Registrations for live locations post-marked, phoned, or faxed after January 19, 2018; video registrations not received by 5:00 p.m. the day before the program; and all walk-in registrations.
<input type="checkbox"/> Judicial Member (Fee Waived)  <input type="checkbox"/> \$25 Luncheon Fee for Judges and CLE Coupon Registrants per location (payable only if attending luncheon)
<b>METHOD OF PAYMENT:</b> <input type="checkbox"/> Check ( # _____ ) <input type="checkbox"/> VISA <input type="checkbox"/> MC <input type="checkbox"/> AMEX  Name on Card: _____  Billing Address (if different from above): _____  City _____ State ____ Zip _____  Card Security Code (3 or 4 digits): _ _ _ _ _ <i>(located on back of card)</i>  CREDIT CARD NUMBER _____ EXPIRATION DATE _____

**DISCOUNT REGISTRATIONS**

**\$120\* Member, VSB CR Section (e-book materials only)**

**\$140\* Non-member, VSB CR Section (e-book materials only)**

\$72.66\*\* printed written materials only. Order #62918

I wish to join the Virginia State Bar's Criminal Law Section and take advantage of the reduced registration. Enclosed is a *separate check* for \$20 made payable to **Virginia State Bar.**

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