



713 South Front Street, Columbus, OH 43206

TOOLS FOR THE CRIMINAL DEFENSE TOOLBOX

6.00 hours of CLE
FRIDAY, SEPTEMBER 18, 2015



Tools for the Criminal Defense Toolbox
Friday, Sept. 18, 2015

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www.oacdl.org

OCLC Conference Center • 6600 Kilgour Place • Dublin, OH 43017 • 614-764-6000



Tools for the Criminal Defense Toolbox Friday, Sept. 18, 2015

AGENDA

9:00 – 9:45	Case Law Update Todd Barstow, Columbus
9:45 – 10:30	Appeals Judge Amy O’Grady, Columbus
10:30 – 10:45	Break
10:45 – 11:45	Issue Spotting/Fact Pattern/Audience Participation Russ Bensing, Cleveland
11:45 – 12:15	Allied Offenses Jeremy Masters, Supervisor in the Legal Division, Office of the Ohio Public Defender
12:15 – 1:15	Lunch
1:15 – 2:00	What Should be Filed in Every Criminal Case Greg Myers, Division Chief for the Trial Division, Office of the Ohio Public Defender Kathy Szudy, Supervisor in the Legal Division, Office of the Ohio Public Defender
2:00 – 2:45	Being Persuasive Scott Anderson, Columbus
2:45 – 3:00	Break
3:00 – 4:00	Basic OVI Kelly Farrish, Cincinnati
4:00 – 4:30	CCW Law Changes Derek Debrosse, Columbus

UPCOMING SEMINARS

October 23, 2015	Annual Superstar Seminar, Cleveland, OH
November 18-20, 2015	Annual Death Penalty Seminar, Columbus
December 11, 2015	Hot Topics to include 2.5 hours of Professional Conduct

DIRECTIONS TO THE CONFERENCE CENTER AT OCLC

Important: When you approach the intersection of Route 161/33 and Frantz Road from I-270, the street signs may be misleading. To go to OCLC, be sure to turn north (left) toward Post Road and then make an immediate right and you will be on Kilgour Place.

From the North: Take I-71 South to I-270 West. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.

From the South: Take I-71 North to I-270 West. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.

From the West: Take I-70 East to I-270 North. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.

From the East: Take I-70 West to I-270 North. Take 270 to exit 17A (Dublin/161 Exit). Follow 161/Rt. 33 to Frantz Road. Turn Left toward Post Road and then make an immediate right and you will be on Kilgour Place. Follow the signs that say Conference Center.

Speaker Biographies

Todd Barstow

Todd is a fifth generation Ohioan whose ancestors are among the earliest settlers in the State. He moved to Pataskala in 2009 because of the city's rural atmosphere and high quality of life. Todd attended Washington and Lee University on an ROTC scholarship and graduated in 1984 with a BA in History. He was commissioned a Second Lieutenant in the Army upon graduation and then served on active duty, including three years in Germany. After returning to Ohio in 1988, he began law school at Capital University. He graduated with a JD in May of 1991, and was admitted to the practice of law that November. While in law school, he joined the Ohio Army National Guard. He retired from the Guard in May of 2012 as a Lieutenant Colonel in the JAG Corps.

Todd owns and operates his own law practice. His primary focus is criminal defense, both trials and appeals. He maintains an active and busy case load and is more likely to be found in a courthouse than in his office. He is a member of the Licking County and Columbus Bar Associations; and the Central Ohio Association of Criminal Defense Lawyers. He was a member of Charity Newsies for 15 years and was also a "Big Brother" with Big Brothers/Big Sisters.

Amy O'Grady

Amy O'Grady is the Director of Criminal Justice Initiatives, Office of the Ohio Attorney General. Prior to this move, she sat on the 10th District Court of Appeals. She attended Kent State University where she studied criminal justice. During her senior year, she moved to Washington D.C. to continue her studies and work as a criminal investigator for the Georgetown University Law Center. She later moved back to Ohio and attended Capital University Law School. While earning her law degree, Amy worked in the Capital University Legal Clinic and interned in the felony division of the Franklin County Public Defender's Office. After obtaining her law license, she began practicing as an assistant public defender, spending five years with that office. Amy gained a deeper appreciation for the judiciary when she became retired Judge John Bender's law clerk at the Franklin County Court of Common Pleas. In that position, she experienced all aspects of the law affecting the trial court. She expanded her knowledge base by next becoming Judge Lisa Sadler's law clerk at the Tenth District Court of Appeals. Amy then spent 6 years at the Office of the Attorney General in the Crime Victim Services Section, then serving as Chief of that section before being appointed to sit on the 10th District Court of Appeals.

Russ Bensing

Russ has been practicing law here in Ohio since he graduated from Case Western Reserve Law School in 1975. He has handled just about everything since then, from civil rights cases to personal injury to divorce to commercial litigation. Over the last ten years, his practice has become almost exclusively criminal. He does do a good bit of trial work, but specializes in appeals, mostly in Cuyahoga County, but he has handled appeals in nine of the twelve appellate districts in Ohio, as well as the Ohio Supreme Court and the United States 6th Circuit Court of Appeals.

About eight years ago, Russ started a legal blog, "The Briefcase" (<http://briefcase8.com>). He writes four posts a week, analyzing criminal law decisions from Ohio trial courts all the way up to the United States Supreme Court. It's the premier criminal law blog in Ohio, and it's read by lawyers and judges throughout the state. Russ also gives lectures on criminal law to various bar groups; for the past four years, he has given presentations at the annual death penalty seminar here in Ohio.

No awards for The Briefcase (though it was among the runners up for last year's Best Criminal Law Blog Post), and he's not one of the Rakofsky 74, but as he so modestly says, it's the "premier criminal law blog in Ohio."

Jeremy Masters

Jeremy Masters is a supervising attorney with the Office of the Ohio Public Defender, in the Appeals and Postconviction Section of the Legal Division. Jeremy has been with the Ohio Public Defender's office since 2006. He earned a B.A. in Psychology and a J.D. from The Ohio State University, as well as an M.S. in Neuroscience from the University of Pittsburgh.

Jeremy has litigated direct appeals and post-trial proceedings in Ohio's trial courts and appellate courts, the Supreme Court of Ohio, and in federal court. In his role as a supervising attorney he leads a team of Assistant State Public Defenders conducting complex appellate and postconviction litigation throughout Ohio, in both state and federal courts. Jeremy also presents on Ohio criminal appellate issues, and has written columns for the Ohio State Bar Association about the practical application of the Fourth Amendment.

Greg Meyers

Greg Meyers has been with the Ohio Public Defender since 1996, and currently serves as Chief Counsel of the Trial Division. Meyers has defended capital trial level clients in twenty-six Ohio Counties; and he's represented many capital clients in state post-conviction and federal habeas litigation.

Meyers earned his Juris Doctor degree from The Ohio State University School of Law in 1983, and was awarded the Harry S. Lett Award for Graduating Student Most Dedicated to Civil Rights. He also holds a Bachelor's degree in both Religion and Government from Oberlin College, where he graduated with Honors. Before working with the Ohio Public Defender, Meyers worked with the Franklin County Public Defender's Office as an Assistant Public Defender for five years and was in private practice for seven years. Meyers has represented literally thousands of criminal defendants, including those facing aggravated murder with death penalty specifications, non-capital homicides, and various other felonies and misdemeanors.

Kathy Szudy

Katherine was born and raised in Cleveland, Ohio. While attending Magnificat High School, she patented her invention, The Braille Rail, after receiving an award in Tokyo from the Japan Institute of Invention and Innovation. During her trip to Tokyo she had the privilege of meeting the Emperor and Empress.

She graduated summa cum laude from The University of Dayton, and received her juris doctor from The Ohio State University College of Law. Katherine has been an Assistant State Public Defender since 2003, and is a supervising attorney in the Appeals and Postconviction Section of the Legal Division of the Office of the Ohio Public Defender. As an Assistant State Public Defender, she represents indigent defendants in state courts of appeals throughout Ohio, the Ohio Supreme Court, federal district courts, the United States Court of Appeals for the Sixth Circuit, and the United States Supreme Court, and she supervises Assistant State Public Defenders who provide similar representation. She has also co-authored an article that was published in the Sex Offender Law Report, titled Supreme Court of Ohio Deems State's SORNA Law Punitive and Unconstitutional, Volume 12, Number 06, October/November 2011, pp. 83-85(3).

Scott Anderson

Professor of Legal Research and Writing, Scott Anderson brings 15 years of extensive legal experience to Capital University Law School. For the past six years, he has been staff attorney at the Ohio Criminal Sentencing Commission and before that served as the Commission's juvenile coordinator. His experience also includes prosecuting adult felony crimes for the Licking County Prosecutor's Office before being promoted to managing attorney of the juvenile and civil divisions. Anderson also brings extensive teaching experience; he was a part-time instructor teaching contemporary ethical theory and the philosophy of law at The Ohio State University and has been a seminar instructor on a variety of legal issues for state agencies and the Ohio Judicial College. Anderson has been a member of the American Philosophical Association, the Committee on Juvenile Rights in the Justice System, and the Ohio Supreme Court Workgroup on Juvenile Defendant Access to Legal Counsel. He holds a Ph.D. in Philosophy from The Ohio State University and a J.D. from Case Western Reserve University.

Kelly Farrish

Kelly Farrish always knew he wanted to be an attorney, but the path he took to get there isn't like most. He served five years in the United States Air Force and did two voluntary years in South Vietnam. When he returned to Cincinnati, he worked the midnight shift as a technician at Cincinnati Bell, all the while attending college full time year round for three years. He graduated Cum Laude from the University of Cincinnati. Upon promotion to the marketing department, Kelly then continued to work full time at Cincinnati Bell while attending Chase Law School year round at night for four years. He's now practiced DUI law for 36 years. He is also a frequent speaker on DUI for the Cincinnati Bar Association and the annual statewide Ohio State Bar Association DUI Seminar. Not only that, but he has been a speaker at many DUI seminars and speaks to private groups and organizations upon request. He also taught at the University of Cincinnati in the undergraduate program for about 10 years.

Derek Debrosse

Derek was raised in Piqua, Ohio, where he graduated from Lehman Catholic High School. Derek attended The Ohio State University, but his graduation was delayed because of a 14-month combat tour in support of Operation Iraqi Freedom as a member of the Ohio National Guard. After his service overseas Derek returned to Ohio, and earned his B.A. in Political Science.

Immediately after graduation, Derek enrolled at the Regent University School of Law, where he served as Chairman of the Alternative Dispute Resolution Board (which won the American Bar Associations coveted National Negotiations Competition), and earned his Juris Doctor in 2008.



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713 South Front Street
Columbus, OH 43206
800-443-2626 / fax 740-654-6097
www.oacdl.org

OCLC Conference Center
6600 Kilgour Place
Dublin, OH 43017
614-764-6000
www.oclc.org/conferencecenter

REGISTRATION FORM

Name _____
Name for Badge _____
Address _____
City _____ State _____ Zip _____
Phone _____ Email _____

PAYMENT

Seminar Cost: \$190 OACDL MEMBER \$240 OACDL NON-MEMBER

Register online at www.oacdl.org and click on Seminars (to pay with credit card); or complete this registration form and mail to OACDL with either check made payable to OACDL or credit card information below. Phone registrations are not accepted.

Charge my Visa MasterCard Discover in the amount of \$ _____

Card # _____

Expiration Date _____ 3 Digit Security Code _____

Signature _____

(Cancellation must be received by the OACDL by 5:00 p.m. on Tuesday, September 15 to receive a refund.)

SERVICES FOR PERSONS WITH DISABILITIES

If special arrangements are required for individuals to participate in this seminar, please contact the OACDL at least 3 days prior to the course date at 800.443.2626.

PUBLIC DEFENDER/PRO BONO FUNDING PROVIDED BY THE OFFICE OF THE OHIO PUBLIC DEFENDER

If you have represented at least one client on a Pro Bono basis during the past year, you are entitled to attend this seminar FREE of CHARGE. You may not have used that case to attend any other seminar on a PRO BONO basis. However, any attorney, private or public defender, is limited to 2 seminars per fiscal year (July 1, 2015 - June 30, 2016) on this basis.

PRO BONO REPRESENTATION WAS PROVIDED IN THE FOLLOWING:

This is to certify that the attorney named at right provided representation for an indigent person charged with a criminal offense in my court. Further, the attorney did not submit a bill for payment for any services involved in that representation and represented the defendant on an appointed basis at no cost to the state.

All Pro Bono and Public Defenders MUST Be Pre-registered by September 1, 2015. All applications are on a first come first serve basis.

State/City _____ vs. _____

Case # _____ County _____

Date Representation Provided _____

Offense Charged _____

Judge's Name _____

Judge's Signature (required) _____

OR Public Defender Information (do not complete if pro bono portion is filled out)

Name of Director or County Public Defender _____

County in which you serve as a public defender _____

County Public Defender's Signature (required) _____

There is limited scholarship money for Pro Bono and Public Defenders. Space is limited to the first 45 people to apply. You will receive notification via email if your registration is one of the first 45.