

# Criminal Law

Criminal Justice 1330-50, Fall 2014

Location: UPLAZ-D 102

Day/Time: Tuesdays 5:15 p.m. – 7:45 p.m.

Instructor: Marshall McConkie.

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## **SYLLABUS**

### **TEXTBOOK**

- 2014 Utah Criminal and Traffic Code, LexisNexis

### **OTHER READINGS**

Other handouts and assignments as provided

### **COURSE DESCRIPTION/OBJECTIVES**

Criminal Law and Procedure is intended for students interested in a career in law enforcement, adult or juvenile corrections, law, private or industrial security, counseling or criminology and persons interested in the functioning of the criminal justice system of the United States. This course provides an overview of criminal law and procedures. Covering the history and terminology of the criminal justice system, the elements of specific offenses, and Constitutional Rights. A variety of teaching methods, including lecture, videos, guest lecturers and assigned text study may be employed. This course prepares students for the Criminal Justice associate degree and for bachelors work.

### **COURSE OBJECTIVES**

1. To understand key cases, legal terms, clauses, and chronologies in criminal law
2. To understand the criminal elements of crimes against person, property, order, and state
3. To examine the historical evolution of criminal law maxims, doctrines, and principles
4. To analyze both early and contemporary judicial thinking and legal reasoning
5. To articulate informed opinion over important, controversial issues in criminal law
6. To recognize important considerations dealing with the rights of criminal defendants
7. To appreciate the scholarly study of law and its application

### **EXPECTATIONS**

In addition to respecting the instructor and fellow students, college students in Criminal Justice 1330 are expected to:

1. Attend all classes;
2. Arrive on time, remain for the entire class and be attentive in class;
3. Be prepared – including but not limited to having read the assigned materials, participating intelligently in class discussion, and submitting assignments on time;
4. Bring appropriate textbooks, assignments, and other materials;
5. Maintain politeness and civility toward instructor and fellow students;
6. Refrain from receiving cellular telephone calls or similar electronic interruptions during class;

### **GRADING**

The following items will comprise a final grade:

Midterm examination – 30% of final grade;

Final examination – 35% of final grade;

Moot Court – 20% of final grade;

Class participation – 15% of final grade.

### **MIDTERM EXAM**

The Midterm Examination will be given in class on **October 9**. It will consist of essay questions. You will need a blue book, please bring your own blue book.

### **FINAL EXAM**

The final exam will be held in class on **December 18**. It will consist of essay questions. You will need a blue book, please bring your own blue book. The final examination will be **comprehensive** covering materials throughout the term.

### **SCOPE OF EXAMINATIONS:**

The student will be responsible for all materials assigned in the book through the date of the examination, lectures, guest lecturer's presentations, any materials distributed in class and/or placed on reserve, as well as the content of any video or other multi-media presentation in class. If you fail to attend a class session please contact a fellow student or the instructor to ascertain what material may have been missed.

### **MOOT COURT/MOCK TRIAL**

Students will participate in a Moot Court exercise. There will be two portions to this project. First, students will research the legal issues related to a fact scenario assigned them then they will participate in a mock trial.

Students will be assigned roles as prosecutor or defense attorney on a particular case.

Students may be assigned to work in teams.

Each team will be given a fact scenario and procedural history of a fictitious case. They will be assigned a side (Gov't or Defendant) and then will research the law in a state other than Utah, write a 2-3 page paper "briefing" the court on the law and applying the law to the

underlying facts and be prepared to examine witnesses and make an argument in their case before the “court”.

Students will be expected to wear appropriate dress and act in an appropriate manner as if appearing in an actual court.

This exercise is an opportunity to apply the information you have gained through your study of the criminal law. The ability to apply the law in an appropriate fashion is not only an important skill but essential to a thorough understanding of the law. It will also be valuable as an observer to see others' presentations and learn from them.

Further details will be provided in class.

### CLASS PARTICIPATION

Students are expected to attend classes, be prepared (have read the assigned materials), and participate in class discussions. Student participation grades will be based not only on attendance and quantity of participation but on quality of participation. Quizzes may be given at any time and will be included within your class participation grade.

### **SCHEDULE (This is a loose schedule and will be adjusted throughout the semester)**

|              |                                                                                                                                 |
|--------------|---------------------------------------------------------------------------------------------------------------------------------|
| August 28    | Introduction to materials/History/statutory Interpretation,                                                                     |
| September 4  | Principles of Criminal Responsibility, Affirmative Defenses, Punishments                                                        |
| September 11 | Inchoate Offenses, Offenses against the person – Assaults, Homicides/kidnapping                                                 |
| September 18 | Offenses against the person - Sexual offenses/sexual exploitation of minors                                                     |
| September 25 | Offenses against the person – finish                                                                                            |
| October 2    | Controlled Substance Offenses & Exam Review                                                                                     |
| October 9    | <b>Mid Term Exam- In Class</b>                                                                                                  |
| October 23   | Offenses against property - Property destruction & Robbery                                                                      |
| October 30   | Offenses against property - Burglary/Trespass                                                                                   |
| November 6   | Spring Break- No Classes                                                                                                        |
| November 13  | Offenses against property - Theft & fraud                                                                                       |
| November 20  | Offenses against the family                                                                                                     |
| December 4   | Offenses against the administration of Government & Offenses against public order and decency<br><b>Moot Court Brief Due!!!</b> |

|             |                   |
|-------------|-------------------|
| December 11 | <b>Moot Court</b> |
| December 18 | <b>Final Exam</b> |

Guest lecturers may be visiting class during the semester. Video and other presentations may also be made. Therefore, class discussions will not necessarily cover all materials in the book, however you are responsible for all assigned readings whether covered in class or not. Regardless of guest speakers or multi-media presentations, you are required to have completed all the readings according to the above schedule and be prepared to discuss the materials required through that date in class. You will note that the reading schedule is intensive at times; I suggest that you read ahead during breaks etcetera.

**Quizzes may be given at any time on the readings and other materials up through the date of the quiz.**

### **ACADEMIC DISHONESTY**

No form of academic dishonesty will be tolerated. On examinations no “cheating” will be tolerated. Cheating includes, but is not limited to, copying another student’s answers, consulting “crib sheets”, consulting with another student or any other act or attempted act seeking to gain unfair advantage. All work submitted must be the student’s own work.

Plagiarism (the unattributed inclusion of another’s work as the student’s own), in whole or in part, will likewise not be tolerated. Any academic dishonesty will result in the student receiving a failing grade for the course.

### **IMPORTANT NOTES:**

1. Any person missing a Examination or Quiz will receive an “F”, numerically a zero on that Quiz or Examination. Only under the most extraordinary of circumstances will a make-up examination or quiz be given for a student who was absent. Should such an extraordinary circumstance arise, contact the instructor as soon as possible to explain the reason for your absence. Proof of the underlying cause may be required. It will be at the instructor’s sole discretion as to whether to allow a make-up exam.
2. This class involves the study of crime and criminal law. The subject matter and materials presented may be graphic on occasion and disturbing to some. If at any time you are so affected and wish to leave class for that reason please feel free to do so.
3. I will on occasion refer to actual cases in which I have been involved. If you, a family member, or friend were also involved in a case discussed, be it as a victim, defendant, or otherwise, please let me know. Certainly no offense or desire to embarrass is intended.

## **DISABILITIES**

If you are a student with a medical, psychological, or learning disability and would like accommodations, contact the Disability Resource Center (652-7516) in the Student Services Center. The Disability Resource Center will determine the eligibility of a student requesting special services and determine the appropriate accommodations related to their disability.

The instructor specifically reserves the right to amend this syllabus at any time if he deems it necessary or appropriate to do so.