

CRIMINAL LAW AND PROCEDURE I **CJL 3410**
Department of Criminology and Criminal Justice
University of North Florida
Spring 2009

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Office: Social Science Building (51), Room 2303
Office Hours: Tuesdays 1:30-3, Wednesdays 3:30-5:30
Phone: 620-1685
Class time & location: Tues & Thurs 10:50 AM – 12:05 PM, Building 2/Room 1129

Department of Criminology and Criminal Justice Mission Statement

The Department of Criminology & Criminal Justice seeks to provide its students with the theoretical, practical and research foundations for understanding crime and the criminal justice system in its social context. The faculty is committed to *excellence* through development of *focused* and *relevant* scholarship and instruction. Through research and teaching in the areas of law creation, crime and deviance, and societal responses to law violation in policy and practice, students develop a greater understanding of social control and its dynamic processes. All departmental coursework stresses the importance of critical thinking about justice issues, particularly as they relate to race, class, and gender dynamics in social relations. Our graduate program emphasizes theory and research, while undergraduate internships enhance *relevance* to current practice and further prepare students to apply their knowledge in the field. Students at the graduate level receive advanced instruction in research design and theory, helping students *focus* their skills for direct application or more advanced study. Rigorous commitment to peer-review and collegiality help assure an ethic of *self-reflection and continuous-improvement* govern all departmental processes.

COURSE DESCRIPTION

This course is designed to provide an understanding of criminal law and procedure and an in-depth analysis of the criminal trial process. Students will be exposed to the theoretical and practical underpinnings of the criminal justice apparatus and will bridge the gap between theory and practice in the context of criminal law.

This course meets the following expected **undergraduate learning outcomes**:

Content/Disciplinary Knowledge & Skills

- To understand the social context of crime and punishment and the operational logic and limitations of the criminal justice system.
- Demonstrate an understanding of the tension between social control and democracy and its relevance to the study of crime & punishment.

Critical Thinking

- To demonstrate awareness of the ways in which prevailing social arrangements may bias the criminal justice system against some groups and not others.

Communication

- Write in a clear, logical style
- Speak in an informed and professional manner

GROUND RULES

Class participants are asked to follow some guidelines to help create a constructive learning environment.

- Treat colleagues with respect. There should be no interruptions of another student who has the floor, negative comments about the opinions of our colleagues, or private conversations taking place during class
- Arrive on time and leave when the *instructor* indicates class is over. Do not pack up materials before the class period ends. This is disrespectful to both the instructor and the other students
- No audible cell phones or pagers
- If you use a laptop to take notes, do not “surf the net” or otherwise engage the UNF wireless connection during class time
- This course may touch on sensitive and sometimes controversial material. Discussions should take place within a context of academic inquiry and in the spirit of understanding diverse perspectives and experiences. The goal of class discussion is not to find out the “one true answer,” but rather to facilitate understanding of the different perspectives on a particular topic. Part of becoming educated requires thinking critically and being challenged by ideas that differ from your own.

REQUIRED READINGS

Samaha, Joel. 2008. *Criminal Law* (9th Edition). Belmont, CA: Wadsworth Group/Thomson Learning.

COURSE STRUCTURE & GRADING SYSTEM

Moot Court Competition	50
Written Assignment	40
Exams (100 pts each)	200
Oral Case Briefings (10 pts each)	(variable 10-20 points)
Attendance/Participation	30
TOTAL:	330-340

FINAL GRADING SCALE

Based on total points possible

90-100%	A
80-89%	B
70-79%	C
60-69%	D
59% or below	F

Please note that your final grade will utilize the +/- system. For example, the range for a B would be: 80-82% for a B-, 83-87% for a B, and 88%-89% for an B+. All percentages will be translated into grades in the same fashion.

STUDENT RESPONSIBILITIES:

Academic Honesty

Students are expected to conduct themselves ethically during all activities associated with this class. Academic dishonesty in any form will not be tolerated.

Definitions

Cheating: Whereby non-permissible written, visual or oral assistance including that obtained from another student is utilized on examinations, course assignments or projects. The unauthorized possession or use of examination or course related material shall also constitute cheating.

Plagiarism: Whereby another's work is deliberately used or appropriated without any indication of the source, thereby attempting to convey the impression that such work is the student's own. Any student failing to properly credit ideas or materials taken from another has plagiarized. These forms of academic dishonesty will result in an F (0 points) on the assignment or exam and potentially severe consequences at the university level. Violations of student academic behavior standards are outlined in the UNF Student Handbook.

ASSIGNMENTS:

1. Case Briefings (10 points each)

During the semester, students will be called upon randomly to either: 1) orally brief a case in the class material assigned for that day 2) answer the "Questions for Discussion" posed in the text following a case in the class material assigned for that day or 3) tie the relevance of the case in with the topic being discussed in the chapter. Each and every class day, students should be prepared that they *may* be called upon for any one of these tasks. The amount of times that a student will be called upon during the semester depends on final class size, but will be between 1-2 times.

2. Written Assignment (40 points) Due Thursday February 19th

There will be one written assignment during the semester requiring analysis of a film shown in class. The student must demonstrate the ability to think critically and recognize his/her personal bias when addressing the issues. Essays should be 3-4 pages in length. A more detailed handout will follow.

All writing submitted for class must be double-spaced and word-processed, with approximately one-inch margins and with 12 point font. Please note: **Late work will NOT be accepted. Also, I cannot accept written work via e-mail or other electronic means.** This includes self-assessments for the moot court. All work must be printed out and turned in. Proofread your work! Typos and grammatical errors should all be corrected by the time you hand in assignments. If your work exhibits an unacceptable amount of typos and grammar errors, penalties will be applied. The Center for Academic Excellence at UNF (620-2766) is available for those who need guidance with their written assignments.

3. Exams (100 points each) Thursday February 26th and Thursday April 16th

There will be two non-cumulative examinations during the course of the semester. Each exam will be worth 100 points, for a total of 200 possible points. The exams will be multiple choice and T/F. Please bring in a brown Scantron form for each exam. Except in cases of extreme and documented emergencies, **there are no makeup exams.** Situations that qualify as an emergency are dictated by university standards and must be

accompanied by appropriate documentation. A review sheet will be provided before the exam.

4. *Moot Court Competition (50 points)*

You will be given a detailed handout about this requirement. Each student will be assigned to a group and be required to prepare the oral arguments of a case for presentation in class. **You are expected to communicate with your other group members online using Blackboard (click on the Discussion Board tab to see your group).** Individual members who do not participate with their group on Blackboard will have points detracted from their moot court grade. All students have access to Blackboard. Computers are available for use in the UNF library. The groups will determine the roles and responsibilities of individual members. Generally, the entire group will earn one grade and each student will receive a maximum of 50 points. The presentations will be used to evaluate students' ability to prepare and conduct the oral arguments of an appellate hearing trial as well as their ability at oral expression.

5. *Attendance/Participation (30 points)*

Students are expected to attend all classes and participate regularly in class discussion. It is your responsibility to let me know early in the semester of any health or personal issues that might preclude your full participation in the class. I am much more likely to be understanding if you keep the lines of communication open between us, rather than coming to me *after* you have already missed several days. If a situation arises during the semester, arrange to speak with me as soon as possible. Unexcused absences are not acceptable. Also, students are expected to be present – mentally and physically, during class time. If you know you must miss a class for a legitimate medical or work-related reason, you may apply for an excused absence by supplying proper documentation (e.g. doctor's note, police accident report, emergency room receipt). Other absences will NOT be considered excused.

CLASS SCHEDULE

Please note that the readings should be completed by the first class day of the week.

January 6 & 8	Introduction Chapter 1 The Nature and Limits of Criminal Law in U.S. Society pp. 36-40 (The Text-Case Method)
January 13 & 15	Chapter 1 The Nature and Limits of Criminal Law in U.S. Society pp. 2-28
January 20 & 22	Chapter 2 Constitutional Limits on Criminal Law (cases begin)
January 27 & 29	Chapter 3 The General Principles of Criminal Liability: Actus Reus

February 3 & 5	Chapter 4 The General Principles of Criminal Liability: Mens Rea, Concurrence and Causation
February 10 & 12	Chapter 5 Defenses to Criminal Liability: Justifications
February 17 & 19	Chapter 6 Defenses to Criminal Liability: Excuse Thursday the 19th ASSIGNMENT DUE
February 24 & 26	Tuesday 24 th Chapter 7 Parties to Crime and Vicarious Liability, Exam Review Thursday the 26th EXAM I
March 3 & 5	Tuesday 3 rd , Finish Chapter 7 Thursday the 5th MOOT COURT COMPETITION – Groups 1 & 2
March 10 & 12	Chapter 8 Inchoate Crimes: Attempt, Conspiracy and Solicitation
March 17 & 19	SPRING BREAK!
March 24 & 26	Chapter 9 Crimes Against Persons I: Criminal Homicide pp. 324-349 (Introduction to Second-Degree Murder) Thursday the 26th MOOT COURT COMPETITION – Groups 3 & 4
March 31 & April 2	Chapter 9 Crimes Against Persons I: Criminal Homicide pp. 349-380 (Second-Degree Murder to Summary) Thursday the 2nd MOOT COURT COMPETITION - Groups 5 & 6
April 7 & 9	Chapter 10 Crimes Against Persons II: Criminal Sexual Conduct, Bodily Injury and Personal Restraint Thursday April 9th MOOT COURT COMPETITION – Groups 7 & 8
April 14 & 16	Tuesday April 14 th Finish Chapter 10, Exam Review Thursday April 16th EXAM II

The instructor reserves the right to make changes to this syllabus at any time.