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LEG 189T.01: Criminal Procedures

Teresa Ann Thompson

University of Montana - Missoula, teresa.thompson@mso.umt.edu

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THE UNIVERSITY OF MONTANA-MISSOULA COLLEGE OF TECHNOLOGY
PARALEGAL STUDIES BUSINESS TECHNOLOGY DEPARTMENT
LEG 189T COURSE SYLLABUS - CRIMINAL PROCEDURES

REVISED: Spring 2014

CREDITS: 3

PREREQUISITES: consent of instructor

FACULTY: Teresa (Terry) Melcher Thompson, J.D. teresa.thompson@mso.umt.edu office hours by appointment

COURSE DESCRIPTION:

This course provides an overview of the law as it applies to Criminal Law and Procedures. Topics include the nature and sources of criminal law and procedure; Constitutional rights of a defendant; the definition of crime; arrest, search and seizure; post arrest procedure; evidence, interrogation and confessions; investigation and discovery; principals and accessories; different types of crimes; trial procedure; defenses; and sentencing and appeals. See also: <http://www.umt.edu/catalog/cat/cot/bustech.html>

Upon completion of this course, the student will be able to:

1. Recognize ethical issues when they arise in criminal law situations.
2. Describe relevant sources of law relating criminal law and procedure.
3. Analyze facts relating to a criminal charge to determine appropriate legal defenses.
4. Interpret how different areas of the criminal law and procedure apply to situations involving arrests, searches and seizures; post arrest procedures; evidence gathering; interrogations and confessions; investigations and other discovery; principals and accessories; trial procedure; defenses; and sentencing and appeals.
5. Be familiar with Montana criminal law and procedure statutes.
6. Be familiar with the US Constitution and its application in criminal law.

STUDENT PERFORMANCE ASSESSMENT METHODS AND GRADING PROCEDURES:

Final grade in this course will be determined from points earned through a midterm examination and a final examination. Each assignment and exam will be graded in an objective manner through use of a point allocation system and weight factoring formula. Assignments will be announced in class. Attendance is required.

GRADE SCALE:

- A: 100-93%
- B: 92 - 85%
- C: 84 - 77%
- D: 76 - 69%
- F: below 69%

Attendance 30%; mid-term 30% of final grade; final examination: 40% of final grade. Grades will be posted in the instructor's hand-written grade book throughout the semester. It is the student's responsibility to contact the instructor with any questions regarding grades.

If any student requires special consideration for any reason, it is the responsibility of the student to contact faculty to discuss the matter prior to any situation, which might give rise to the special consideration requested.

Make-up quizzes and exams will not be given unless the instructor is contacted at least 48 hours prior to the quiz and/or exam and special circumstances are explained. It is the student's responsibility to contact the instructor

REQUIRED TEXT:

Basic Criminal Law, Second Edition, by Anniken U. Davenport, Prentice Hall/Pearson Education Inc., 2009.

SUGGESTED REFERENCE MATERIALS:

As announced and/or distributed by faculty.

Nature of Course:

Many different criminal topics are discussed to provide the greatest overview of criminal law and procedure. As a result, each class will consist of a lecture that will lead the student through the assigned chapters' concepts and highlights with emphasis on practical application of the theories.

Topics covered:

- I. Defining Criminal Law
 - A. Historical Background, Theories of Law
 - B. Schools of Jurisprudence
 - C. Types of Crimes, Elements of Crimes
 - D. Crimes Against the Person
 - E. Crimes Against Property
 - F. Treason, Terrorism, & Wartime Criminal Justice
 - G. Crimes Against the State
 - H. Social Crimes
- II. Common Law Defenses
 - A. Justification
 - B. Duress
 - C. Capacity
 - D. Insanity
- III. Constitutional Rights of the Defendant
 - A. Before Arrest
 - B. After Arrest
 - C. Right to Trial by Jury
 - D. Postconviction Rights

How I plan to teach the course:

First of all, there is an assigned text. The logical extension of that assignment is, of course, that you READ the text. One way to read this text that works well is to read the Summary at the end of the chapter. Then read the chapter. Then read the summary again. Each week, you will be asked to read Montana statutes relating to the material in the book. I will review the statutes and the book's chapters in class. Students will be expected to participate in class discussions.

There will be a mid-term and a final.

Course Outline (very rough estimate):

- I. Introduction and review of syllabus and chapter summaries. 1 hour
- II. Discussion regarding historical background of criminal law.
 - a. Sources of the law. .5 hour
 - b. Napoleonic Code. .5 hour
 - c. US Judicial System. .5 hour
- III. Discussion regarding the definition of crime.
 - a. Elements of a crime. .5 hour
 - b. Mens Rea. .5 hour
 - c. Actus Rea. .5 hour
- IV. Review of Appendix Materials and Discussion. 1.5 hour
- V. Crimes Against the Person
 - a. Murder. .5 hour
 - b. Manslaughter, Euthanasia, Infanticide, Suicide. .5 hour
 - c. Killings That Are Not Crimes. .5 hour
 - d. Rape and Other Sex Crimes. .5 hour
 - e. Crimes against Children. .5 hour.
 - f. Assault, Domestic Violence, Hate Crimes. .5 hour
 - g. Cyber Crime, Elder Abuse, Kidnapping. .5 hour
 - h. Against Property, Theft, Robbery, Burglary. .5 hour
 - i. Arson, Forgery, Identity Theft. .5 hour
- VI. Review of Montana statutes. 1.5 hour

- VII. Treason, Terrorism, Wartime Criminal Justice
 - a. Wartime Power, Wartime Habeas Corpus, Military Tribunals. 5 hour
 - b. Treason, Sedition, Terrorism. .5 hour
 - c. Public Policy. .5 hour
- VIII. Review of Appendix Materials and Discussion. 1 hour
- IX. Crimes Against the State
 - a. Perjury, Obstruction of Justice, Civil Disobedience. .5 hour
 - b. Contempt, Bribery, Corrupt Organizations. .5 hour
 - c. Impeachment. .5 hour
- X. Review of Montana Statutes. 1 hour
- XI. Social Crimes
 - a. Prostitution, Fornication, Abortion. .5 hour
 - b. Sodomy, Indecency, Gambling. .5 hour
 - c. Drug Production and Use. .5 hour
- XII. Review of Appendix and Discussion. 1 hour
- XIII. Common Law Defenses
 - a. Justification. .5 hour
 - b. Duress. .5 hour
 - c. Competency, Incapacity, Insanity. .5 hour
- XIV. Review of Montana Statutes. 2 hour
- XV. Constitutional Rights
 - a. Before Arrest .5 hour
 - b. Searches and Warrants. .5 hour
 - c. Technology and Searches. .5 hour
 - d. Presumption of Innocence. .5 hour
 - e. Right to Remain Silent, Right to Reasonable Bail. .5 hour
 - f. Presumption of Innocence; Polygraph Tests. .5 hour
 - g. Arrest, Bail and Preliminary Hearings. .5 hour
 - h. Grand Jury, Indictments, Informations. .5 hour
 - i. Right Against Self Incrimination. .5 hour
 - j. Right to Counsel, Arraignment, Speedy Trial. .5 hour
 - k. Right to Trial by Jury, Jury Selection. .5 hour
 - l. Venue. .5 hour
 - m. Reasonable Doubt. .5 hour
 - n. Cruel and Unusual Punishment. .5 hour
 - o. Death Penalty. .5 hour
 - p. Procedural Safeguards. .5 hour
- XVI. Role Playing utilizing Appendix Materials. 3.0 hour
- XVII. Puzzles and games. 3.0 hour
- XVIII. Midterm and Final Exam. 3.0 hour

Academic Honesty: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor or a disciplinary sanction by the University. All students need to be familiar with the University Student Council Code available at: <http://life.umt.edu/vpsa/documents/StudentConductCode1.pdf>

Accommodations will be made for students with special needs.

Computers are provided for on-line legal research; refrain from use your computer or any additional device to access the internet for other purposes during class.

CELL PHONES MUST BE TURNED OFF.