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LEG 189.01: Criminal Procedures

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Syllabus: Criminal Procedures (LEG 189)

(rev. 1/24/2016)

Spring Semester 2016

Faculty: Thomas W. Trigg

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Phone 406-721-6778

(prerequisite: consent of instructor)

Missoula College

Business Technology Department

Paralegal Studies

Academic Misconduct Statement

Be honest, and never offer someone else's work as your own. Missoula College insists that all students practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code. The Code is available for review online at: http://www.umt.edu/vpsa/policies/student_conduct.php

Course Description

This is a three credit course. The course provides an overview of constitutional, decisional, and statutory law as it applies to the procedure governing the administration of the criminal justice system by courts, both federal and state. Topics include the constitutionalization of criminal procedure; arrests and searches, with and without warrants; grand jury issues; consent; wiretapping, eavesdropping, and secret agents; police interrogations; confessions; the exclusionary rule; right to counsel; the privilege against self-incrimination; pretrial, trial, and appellate procedures; and related topics. Students will examine federal constitutional law, Montana statutes, and Federal and state cases to illuminate course topics. The official catalog course description is available at:

<http://www.umt.edu/catalog/colleges-schools-programs/missoula-college/business-technology/aas-paralegal-studies/default.php>

Required Text and Materials

Jerold Israel & Wayne LaFave, *Criminal Procedure: Constitutional Limitations in a Nutshell* (8th ed.) (West Acad. 2014). Other materials will be used as announced or distributed by the instructor, including the United States Constitution, with particular emphasis on the 4th, 5th, 6th, and 14th amendments,

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http://www.archives.gov/exhibits/charters/constitution_transcript.html,
<https://www.law.cornell.edu/constitution>, the Montana Constitution,
http://leg.mt.gov/bills/mca_toc/Constitution.htm, the Montana statutes governing
criminal procedure, Title 46, Mont. Code Ann.,
http://leg.mt.gov/bills/MCA_toc/72.htm; Montana Supreme Court cases,
<http://searchcourts.mt.gov/>, and other resources available online.

Course Objectives

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

1. Recognize major issues of criminal procedure from a constitutional perspective.
2. Locate sources of law governing criminal procedure.
3. Analyze the facts relevant to procedural issues in criminal cases.
4. Interpret statutes addressing criminal procedure.

Course Outline

The course will address topics in criminal procedure as outlined above and in the course plan, which will be provided separately. Most topics will be covered in two class meetings, but some will extend to several more meetings. The midterm examination and the final examination will each take one class period and might include a take-home component.

Course Plan

Details about weekly class assignments will appear on the course plan. The instructor may alter the spreadsheet during the semester.

Instructional Methods

A close reading of textual materials is required. Classroom sessions will involve lectures and class discussion. Participation in the discussion is strongly recommended. Major court decisions, constitutional provisions, and statutes will receive detailed attention. The major writing in this class will consist of a midterm examination and a final examination. Both will be scheduled for class sessions, but whether they will also include take-home components will be determined following class discussion. Several quizzes might be given early in the course to afford practice in addressing course issues in writing. The quizzes will not contribute to grades given in the class, but comments, including advisory grades, might be provided to students.

How I Plan to Teach the Course

In each class, we will discuss class readings from the text, constitutions, court cases, and

statutes. Class members should carefully study these materials before the class begins for the class discussions to be meaningful to them.

Student Performance Assessment Methods and Grading Procedures

Your final grade in this course will be determined from points earned through the midterm and final examinations. These will be graded objectively using of a point allocation system and weight factoring formula. The midterm examination and the final examination will each contribute 50% to your grade. If you attend classes and study the course materials meticulously, you are likely to learn the material and do well in the class. If you skimp on your reading and class attendance, your learning and your grade are likely to suffer, perhaps severely.

Untimely Work. You may submit your examinations late without your grade being reduced as a consequence. You should write the word "Late" prominently at the top of the first page of any examinations that is turned in after its due date. Deposit all late submitted work in the lock box outside the Adjunct Office, AD 14A. All late-submitted work will be graded at the end of the semester. You should not count on having late-submitted work before you have take your final examination. The instructor's comments on late work will be more sparse than those on timely work.

Grades. If you wish, you may keep track of the grades you have received on work that has been returned to you. You can calculate your ongoing average by using the information included in the syllabus and the assignment spreadsheet. If you have questions about why you received a particular grade, contact your instructor.

Grade Scale

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

Grades falling between integers in the final calculations of grades will be rounded up or down to the nearest integer. Grades falling exactly on the half integer, for instance, 92.5000, will always be rounded up. However, 92.4999 will be rounded down to 92.

Meeting Challenges. If you confront circumstances that make the class challenging, contact the instructor to discuss ways you can improve upon your situation.

Meetings with Instructor

I will be glad to meet with any student outside of class to discuss your work in the course. Please contact me by email, thomas.trigg@umontana.edu, or by phone, 406-721-6778, to schedule a mutually convenient time and place for the meeting.

Disability Accommodations Statement

Accommodations will be made for students with special needs. If any student requires special consideration for any reason, it is the responsibility of the student to contact the instructor to discuss the matter prior to any situation that might give rise to the special consideration requested. You may also wish to contact Disability Services for Students by email, dss@umontana.edu or by phone, 406-243-2243.

Machines

All law offices rely on computers, smartphones, and similar machines. I encourage you to bring them to class and to use them suitably. Whenever a machine can help you learn and contribute to the class, use it. Whenever the contemplated usage might prompt an irascible senior partner to fire you from a job, don't use it. Treat this class -- and machines -- as an opportunity to learn how to practice your profession.