

LS 1070 Criminal Law & Procedure

SALT LAKE COMMUNITY COLLEGE

Instructor:

E-mail:

Office:

Phone:

Course Information: Course # (3 credit class)

This course is conducted entirely in person, which means you must attend classes on campus to complete the course. You will be using SLCC's learning management system called CANVAS to complete some assignments.

Textbook:

Recommended:

Title: Criminal Law & Procedure 3rd Edition or newer

Author: Bacigal, Ronald J.

ISBN-10 9781428317413

ISBN-13 978-1428317413

Students will need internet access to access the Utah Code at: <https://le.utah.gov/xcode/code.html>

Course Description: Overview of criminal law and criminal procedure topics such as elements of crime, mental states, defenses to crimes, constitutional and statutory limitations on prosecutions, the trial process, sentencing and appellate issues.

Communication: In this course we will use the INBOX feature on the course navigation links (located in the left-hand navigation links) to send email for private messages.

You can either check your messages in the Canvas system or set your notifications to your preferred method of contact. Please check your messages regularly.

If you do need to email me through my personal email account, please include your name and the class name in the subject line. Do not submit your assignments by email, they should all be submitted through Canvas.

Questions: It is normal to have many questions about things that relate to the course, such as clarification about assignments, course materials, or assessments. I am happy to address any question you may have.

There are NO dumb questions in my courses.

If you have a concern and send me a message, you can expect a response within 24 hours.

Participation: Participation is essential to your success in this class.

Assignments & Testing: The due dates for each assignment can be found in Canvas. If you are travelling outside of Utah, please be aware that Canvas will continue to use the Mountain Time Zone as a basis for determining the exact deadline for your assignment.

Late Assignment Policy: Late policies are as follows: I do not give full credit to late assignments. Once the due date has passed, you can and should still submit your work with a 25% reduction in credit for the late submission.

GRADING

A	Excellent	93-100%
A-	Excellent	90-92%
B+	Good	86-89%
B	Good	83-85%
B-	Good	80-82%
C+	Average	76-79%
C	Average	73-75%
C-	Average	70-72%
D+	Below Average	66-69%
D	Below Average	63-65%
D-	Below Average	60-62%
E	Failing	0-59%

Grading Percentages:

Midterm – 30%

Court Attendance – 20%

Final Project – 50%

Extra Credit: Extra credit of up to 5% points can be earned for classroom participation which includes discussion in class and providing materials for discussion such as news articles or feeds relating to criminal law.

Additional Policies

Withdrawal and Incomplete Grades: The last day to drop this class with a refund is listed in the official college schedule but is approximately 3 weeks after the first day of class; the last day to withdraw (without refund) is also listed in the official college schedule but is approximately 12 weeks after the first day of class. Any requests to withdraw after that date will require documentation from a physician or an employer stating that you are unable to continue in the class for health or work-related reasons. Poor performance in the class is not a legitimate reason for withdrawal. It is the responsibility of the student to drop/withdraw from this class, not the instructor. Students who do not attend during the first week of class may be dropped at the discretion of the instructor.

Dropping the Course: If you decide for any reason to discontinue this class, you must go through the process of dropping the class with SLCC. I cannot and will not do it for you. If you stop submitting work and do not drop the class, I am required to give you a grade based on the limited amount of work you have submitted, which could result in an “E”.

Incomplete Grades: Sometimes life gets in the way for all of us to do our best. Car accidents happen – pandemics destroy our plans – things change at work. That’s why incomplete grades exist; however, awarding an incomplete grade is rarely in a student’s best interest. Most “I” grades become failing grades after the required one-year grace period expires. The school policy is that a grade of “I” (Incomplete) may be available at the instructor’s option but is only given in the most extenuating of circumstances (for example health reasons) for which there is verifiable written documentation. In order to receive an incomplete, nearly all course work

must have been completed (>75%) with a passing grade. When an incomplete grade is awarded, a contract must be completed to finish the missing work.

Institutional Policies

As members of our academic community, we would like to invite you to review the Institutional Syllabus which covers important policies and procedures. This document contains important links for students on the code of student rights and responsibilities, academic integrity, and grading policies, Title IX and other important acknowledgements. By familiarizing yourself with this information, you can help us create a safe and respectful environment for everyone. You can access the document by clicking on the following link:

<https://slcc.instructure.com/courses/530981/pages/institutional-syllabus>

Learning Support and Tutoring Services

We are pleased to offer a range of tutoring and learning support services to help you achieve your academic goals. Whether you need assistance with a specific subject or want to improve your study skills, you have many options for tutoring or other support.

To learn more about the services we offer and how to access them, please visit the Institutional Syllabus under the Tutoring and Learning Support tab: <https://slcc.instructure.com/courses/530981/pages/institutional-syllabus>. We encourage you to take advantage of these resources to help you succeed in your studies. If you have any questions or would like to schedule a tutoring session, please don't hesitate to reach out to us. We are here to support you.

Accommodations for students with disabilities: Students with medical, psychological, learning or other disabilities desiring accommodations or services under ADA, should contact the Disability Resource Center (DRC). The DRC determines eligibility for and authorizes the provision of these accommodations and services for the college. Please contact the DRC at the Student Center, Suite 244, Redwood Campus, 4600 So. Redwood Rd, 84123. Phone: (801) 957-4659, TTY: 957-4646, Fax: 957- 4947 or by drc@slcc.edu.

Academic honesty and the SLCC Student Code of Conduct: Students are both bound and protected by the SLCC Student Code of Conduct. If you are unaware of this Code and the requirements it makes of you as well as the protection it gives you, contact Student Services for a copy (of either the complete code or the abbreviated version). Personal integrity and responsibility are requirements of this class, as are all other guidelines of the Student Code.

Plagiarism is theft. Any time you present another person's work as your own—even if that other person is a friend and/or spouse—you have plagiarized. The penalty for a first offense of academic dishonesty is no credit for the assignment, which cannot be redone. A second offense means that you fail the course and will be reported to the Division Chair and Student Advising.

In this class we will comply with the Salt Lake Community College Student Code of Conduct which defines disorderly conduct as: "Any behavior, which disrupts the academic and/or social environment on College owned or controlled property or at College sponsored or supervised functions, violates the standard of fair access to the educational experience. Examples of disorderly conduct include but are not limited to: disrupting the classroom or office environment, harassing an instructor, staff or fellow student intentionally or recklessly interfering with normal college or college sponsored activities, included but not limited to studying, teaching, research, college administration, or fire, police or emergency services.

To maintain a respectful and open environment, please refrain from expressing opinions about your fellow students or making any statements in class which would threaten them or make them uncomfortable. I am always available after class, by phone or by appointment at any time to assist you in resolving any problems or concerns in an appropriate manner.

Title IX Information:

20 U.S.C.A. Section 1681 (a): TITLE IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal funds.”

Examples of violations (but not limited to):

- Sexual advances, requests for sexual favors and sexually motivated physical conduct
- Overt or subtle pressure for sexual activity
- Sexually offensive verbalization including remarks, “teasing”, slurs, and innuendo.
- Repeated inappropriate jokes or comments about sex or gender specific traits.
- Conduct that is demeaning or derisive and occurs substantially because of one’s gender.
- Sexual assault
- Sexual Violence
- Gender based disparate treatment.

Violations can occur in any college environment, such as (but not limited to):

- Field Trips
- Classrooms
- Student Clubs
- Athletics
- Transportation
- On Campus Events

If you have questions or concerns regarding your rights or responsibilities, or if you would like to file a Title IX

Online Reporting Form: <http://www.slcc.edu/eo/title-ix/complaint.aspx>

Salt Lake Community College has a strong prohibition against retaliation. The college does not tolerate acts of retaliation against anyone for engaging in filing a complaint or participating in an investigation.

Institutional Syllabus: See the Institutional Syllabus for more information about:

- Institutional Policies
- Advising
- Counseling
- Learning Support
- Tutoring Services
- DRC
- and many other support services

STUDENT LEARNING OUTCOMES

Program Learning Outcomes: Consistent with the College's learning outcomes, the Paralegal Studies program is committed to achieving the following program learning outcomes:

1. Demonstrate a clear understanding of legal concepts and terminology in several substantive areas of the law.
2. Perform professional caliber legal research and writing using legal reasoning skills in the reading and interpretation of legal materials such as statutes, court decisions and other legal documents.
3. Analyze the procedural rules in both the civil and criminal areas of the law and the relationship between procedural rules and substantive law.
4. Demonstrate effective oral and written communication.
5. Describe the ethical responsibilities of paralegals, the rules of professional conduct governing lawyers, and the application of these rules to paralegals.

Course Learning Outcomes: Consistent with the Paralegal Studies program learning outcomes, the Program is committed to achieving the following course learning outcomes for LS 1070:

Course Objectives	Activities and Assignments Used to Assess Student Achievement of course objectives. *Students will be assessed using one or more of the following:
Identify and define major criminal offenses: Distinguish between felonies, misdemeanors, and infractions, including examples such as theft, assault, battery, DUI, and drug possession.	
Comprehend the criminal justice system: Describe the stages of a criminal case from arrest to potential appeal, including arraignment, plea bargaining, trial, and sentencing.	
Emerging issues in criminal law: Identify current trends and developments in criminal law, such as technology-related crimes.	
Explain the elements of a crime:	

Understand the components necessary to prove a criminal offense, including the criminal act (actus reus) and the guilty state of mind (mens rea).	
Analyze criminal defenses: Identify and explain common criminal defenses such as self-defense, insanity, duress, and alibi.	

TENTATIVE COURSE OUTLINE

This is a tentative course schedule and is subject to change based on the instructor's and students' needs. Warning: the instructor reserves the right to modify the syllabus as class needs demand. Also, remember the numbers reflect class sessions rather than dates. This allows us to continue where we left off if cancellation, etc. Occurs. It also allows some flexibility to extend topics or reviews as needed to make sure everyone understands the material covered.

Week	Topic	Assignments
1	Introduction/Overview	
2	The Roles of Actors in the System <ol style="list-style-type: none"> 1. The Branches of Government 2. Law Enforcement Personnel (Attorneys and Police) 3. Court Personal 4. Defendant and Counsel 5. Chapter 1 & App. A– Bacigal 	
3	Sources of law <ol style="list-style-type: none"> 1. The Constitution 2. The Model Penal Code 3. Statutes 4. Burdens of Proof, Production and Persuasion 5. Chapter 1 & App. A – Bacigal 	
4	Levels of Offense: felonies and misdemeanors <ol style="list-style-type: none"> 1. Criminal Punishments 2. Purposes 3. Probation vs. Incarceration 4. Indeterminate Sentencing 5. Consecutive vs. Concurrent 6. Chapter 16 pp. 297-307 of Bacigal 	

	7. Chapter 1 of Bacigal	
5	<p>The Elements of an Offense</p> <ol style="list-style-type: none"> 1. Actus Reus (the Act Requirement) 2. Mens Rea (Criminal Intent Requirement) 3. Levels of Intent 4. Strict Liability Offenses, Causation, Parties to a Crime 5. Chapter 2 of Bacigal 	
6	<p>Inchoate Offenses & Parties to Crimes</p> <ol style="list-style-type: none"> 1. Attempts 2. Specific Intent 3. Plea Bargains 4. Conspiracy & RICO 5. Chapter 3 of Bacigal 	
7	<p>Constitutional Limitations on the Prohibition of Criminal Conduct Constitution of the United States – Appendix A</p> <ol style="list-style-type: none"> 1. Chapter 14 pp. 266-270 2. Appendix A of Bacigal 	
8	<p>Criminal Responsibility and Defenses</p> <ol style="list-style-type: none"> 1. Chapter 4 of Bacigal 	
9	Defenses Cont'd	
10	<p>Overview of Element Structure, Types of Offense From Utah Code Ann. & Model Penal Code</p> <ol style="list-style-type: none"> 1. Utah Code Ann. – Online & App. B of Bacigal 	
11	<p>Offenses Against Persons</p> <ol style="list-style-type: none"> 1. Homicide 2. Assault 3. Domestic Violence Issues 4. Chapter 5 of Bacigal 	
12	<p>Offenses Against Persons Cont'd</p> <ol style="list-style-type: none"> 1. Sex Crimes 2. Civil Rights and Hate Crimes 	
13	<p>Property Crimes</p> <ol style="list-style-type: none"> 1. Chapter 6 of Bacigal 	

14	<p>Offenses Against the Public – non-drug or alcohol</p> <ol style="list-style-type: none"> 1. Public Order Offenses 2. Governmental Administration 3. Public Morality Offenses 4. Chapter 7 of Bacigal 	
15	Review for Midterm and Dist. Of Midterm Materials	
16	Midterm – Work Period	Midterm
17	<p>Offenses Against the Public Cont'd</p> <ol style="list-style-type: none"> 1. Drug and Alcohol Offenses 2. DUI 	
18	<p>Pretrial Process</p> <ol style="list-style-type: none"> 1. How to read Police Reports 2. Identity and procedure for Identification 3. The Information or Indictment 4. The Probable Cause Statement 5. Chapter 13 & 14 and 6. Chapter 9 pp. 159-166 of Bacigal 7. Constitutional Procedure 8. Reading Reports – Issue Spotting - Drafting 	
19	<p>Pretrial Process Cont'd</p> <ol style="list-style-type: none"> 1. More on Informations 2. Custody and Pre-trial Release 3. Discovery 4. Reading Reports – Issue Spotting - Drafting 	
20	<p>Pre-trial Process Cont'd</p> <ol style="list-style-type: none"> 1. The Preliminary Hearing 2. Motion Practice 3. The Plea Bargain & The Statement of Defendant 4. Reading Reports – Issue Spotting - Drafting 	
21	<p>4th, 5th and 6th Amendments - US Const. – Appendix A</p> <ol style="list-style-type: none"> 1. Exclusionary Rule 2. Standing 3. Fruits of the Poisonous Tree 4. Federalism, State Constitutions and Incorporation 5. Chapter 11 pp. 203-210 6. Appendix A of Bacigal 7. The Exceptions 	

	8. Reading Reports – Issue Spotting - Drafting	
22	<p>Search and Seizure</p> <ol style="list-style-type: none"> 1. The Rule - The 4th Amendment Warrant Requirement 2. Probable Cause 3. Reading Reports – Issue Spotting - Drafting 	
23	<p>Search and Seizure Cont'd</p> <ol style="list-style-type: none"> 1. Defining a Search or Arrest and Levels of Encounter 2. Chapter 9 pp. 146-158 3. Chapter 10 & Chapter 11 pp. 198-203 of Bacigal 4. Reading Reports – Issue Spotting - Drafting 	
24	<p>Interrogation And Self-Incrimination</p> <ol style="list-style-type: none"> 1. Voluntariness 2. Miranda & Custodial Interrogation 3. Reading Reports – Issue Spotting - Drafting 	
25	<p>Interrogation And Self-Incrimination Cont'd</p> <ol style="list-style-type: none"> 1. Reading Reports – Issue Spotting - Drafting 	
26	<p>The Criminal Trial</p> <ol style="list-style-type: none"> 2. Chapter 15 of Bacigal 3. Reading Reports – Issue Spotting - Drafting 	
27	<p>Post-Conviction Remedies and Appeal</p> <ol style="list-style-type: none"> 1. Chapter 16 pp. 308-318 of Bacigal 2. Reading Reports – Issue Spotting - Drafting 	
28	Course review and distribution of Final Project	
29	Final Project	Final Project