

PELLISSIPPI STATE TECHNICAL COMMUNITY COLLEGE
MASTER SYLLABUS

**CRIMINAL LAW & PROCEDURE
LAW 2120**

Class Hours: 3.0

Credit Hours: 3.0

Laboratory Hours: 0.0

**Date Revised: Spring
03**

NOTE: This course is not designed for transfer credit.

Catalog Course Description:

Survey of state and federal law of crimes and criminal procedure; the assistant's role in criminal cases.

Entry Level Standards:

College-level competencies in logic, reading, and English are required.

Prerequisites:

LAW 1000

Corequisite:

LAW 1060

Textbook(s) and Other Course Materials:

Required Text:

McCord, James W. H. and Sandra L. McCord, *Criminal Law and Procedure for the Paralegal, A Systems Approach*, 2nd Ed., (West/Thomson Learning, 2001)

Recommended Sources:

Tennessee Rules of Criminal Procedure

Federal Rules of Criminal Procedure

Shapiro & Ames, *Tennessee Criminal Procedure*

I. Week/Unit/Topic Basis:

Week	Topic
1	Foundations of Criminal Law: what constitutes a crime, distinction between criminal law and criminal procedure; between criminal and civil law (3 hours)
2	Administration of Criminal Justice and the Role of the Paralegal: areas paralegals work in the criminal law system and tasks performed by paralegals (3 hours)
3	Components of a Crime: mens rea, actus reus; proof, motive (3 hours)
4	Crimes Against Persons and Crimes Against Habitation: common law and statutory approach; crimes that may also be torts (3 hours)
5	Crimes Against Property, Public Order and Safety, Public Morals, and Justice and Public Administration (3 hours)
6	Inchoate and Organized Crimes: parties, attempt, conspiracy (3 hours)
7	Defenses: affirmative defenses, insanity, duress, self-defense, infancy, intoxication;

- constitutional defenses, 1st , 5th, 14th, and privacy (3 hours)
- 8 Intake and Drafting the Complaint (3 hours)
- 9 Search and Seizure: 4th Amendment, arrest, probable cause, considering 4th Amendment problems (3 hours)
- 10 Confessions and Pretrial Identification Procedures: Miranda, 6th Amendment, voluntariness; lineups, one-on-one stationhouse showup (3 hours)
- 11 Pretrial: Initial Appearance to Preliminary Hearing: pretrial release, Detention, 8th Amendment (3 hours)
- 12 Pretrial: Grand Jury to Pretrial Conference: indictment, discovery, motion practice, arraignment (3 hours)
- 13 Trial: Rights, Procedure, Tasks: presumption, burden, confrontation, speedy trial, counsel (3 hours)
- 14-15 Sentencing, Punishment and Review: procedure, forms of punishment (3 hours); habitual offender statutes; postconviction remedies (3 hours)
- 16 Final Examination

II. Course Objectives*:

- A. Demonstrate a complete and thorough understanding of legal ethics. I, III, V
- B. Identify and become familiar with the basic terminology of criminal law. I, II, IV
- C. Understand the nature of the role and responsibilities of legal assistants within the area of criminal law. I, II, III, IV, V
- D. Demonstrate an adequate understanding of the basic concepts of defenses. I, II, III
- E. Demonstrate an adequate understanding of the procedures by which criminal litigation is conducted in the state and federal systems. I, II, III
- F. Demonstrate an adequate understanding of the elements of various criminal offenses and defenses. I, II, III, IV, V

*Roman numerals after course objectives reference goals of the Paralegal Studies program.

III. Instructional Processes*:

Students will:

1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. *Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Transitional Strategy*
2. Refine reading skills and expand legal vocabulary through completion of weekly guided reading exercises that allows more effective communication with lawyers and legal professionals. *Communication Outcome, Transitional Strategy*
3. Strengthen analytical skills by locating court cases and statutes in the Educational Resources Center and on Westlaw to determine the application of the rules of law to specific facts. *Information Literacy Outcome, Problem Solving and Decision Making Outcome, Cultural Diversity and Social Adaptation Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*
4. Examine ethical issues related to legal representation, unauthorized practice of law,

confidentiality, duty of legal professional to provide legal services, etc. *Personal Development Outcome, Cultural Diversity and Social Adaptation Outcome, Transitional Strategy, Active Learning Strategy*

5. Listen to speakers from the legal community to learn the demands for legal assistants who possess basic knowledge of legal topics in the work world. *Personal Development Outcome, Problem Solving and Decision Making Outcome, Transitional Strategy*
6. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. *Problem Solving and Decision Making Outcome, Information Literacy Outcome, Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*

*Strategies and outcomes listed after instructional processes reference Pellissippi State's goals for strengthening general education knowledge and skills, connecting coursework to experiences beyond the classroom, and encouraging students to take active and responsible roles in the educational process.

IV. Expectations for Student Performance*:

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

1. Recognize and avoid acts that constitute the unauthorized practice of law. A
2. Recognize and avoid acts that constitute the breach of client confidentiality. A
3. Recognize potential and actual conflict of interest situations. A
4. Identify basic terminology of criminal law. B, C, D
5. Recognize and explain the function and purpose of motions to suppress. B,F
6. Identify the function of various federal and state courts having criminal jurisdiction. B,F
7. Draft a Motion to Suppress Evidence. B,D,E,F
8. Draft a Rule 16 discovery motion. B,D,E,F
9. Identify the proper courts that have jurisdiction over criminal matters. B,E
10. Assist in pre-trial litigation and research. B,C,E
11. Understand jury selection process. B,C,D,E,F
12. Recognize potential witnesses. B
13. Interview witnesses. B, C
14. Prepare exhibits. B,C,D,E,F
15. Understand rules and state statutes governing appeals in criminal actions. B,C,D,E,F

*Letters after performance expectations reference the course objectives listed above.

V. Evaluation:

A. Testing Procedures:

Students are evaluated primarily on the basis of tests. The instructor will provide full details the first week of class via a syllabus supplement.

B. Laboratory Expectations:

N/A

C. Field Work:

Students will set up and complete a "System Folder," which will contain various documents. The instructor will provide a list of such documents to students the first day of class.

D. Other Evaluation Methods:

1. Class participation, group work, and homework will also comprise the final grade for the course. The instructor will provide full details the first week of class via a syllabus supplement.
2. All tests and papers will be graded for spelling and English usage in addition to content and format.
3. Any student encountering academic difficulty during the term is strongly encouraged to meet with the instructor to discuss options and solutions.

E. Grading Scale:

A	93-100
B+	88- 92
B	83- 87
C+	78- 82
C	73- 77
D	65- 72
F	64 and below

VI. Policies:

A. Attendance Policy:

Pellissippi State Technical Community College expects students to attend all scheduled instructional activities. As a minimum, students in all courses must be present for at least 75 percent of their scheduled classes and laboratory meetings in order to receive credit for the course. (*Pellissippi State Catalog*).

B. Academic Dishonesty:

Plagiarism, cheating and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance, is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination or to assign an F in the course.

C. Other Policies:

Late papers will not be accepted nor will make-up tests be given without specific approval of the instructor.