

Pellissippi State Community College  
Master Syllabus

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**CRIMINAL LAW AND PROCEDURE**  
**LAW 2120**

Class Hours: 3.0

Instructor:

Laboratory Hours: 0.0

Office:

Credit Hours: 3.0

Phone:

Revised: July 2009

E-mail:

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**Catalog Course Description:**

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

**Entry-level Standards:**

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

**Prerequisites:** LAW 1000

**Co-requisite:** LAW 1060

**Textbooks and Other Supplies:**

**Required Text:**

1. McCord, James W.H., McCord, Sandra L., *Criminal Law and Procedure: A Systems Approach, Third Edition*, (Thomson Delmar Learning, 2006)

**Recommended Sources:**

1. *Tennessee Rules of Criminal Procedure*
2. *Federal Rules of Criminal Procedure*
3. Shapiro & Ames, *Tennessee Criminal Procedure* (in library)

**I. WEEK/UNIT/TOPIC BASIS:**

<b>WEEK</b>	<b>UNIT</b>	<b>TOPIC</b>
1	Chapter 1	Introduction to Criminal Law; foundations of criminal law (.50 hour); sources of criminal law (.50 hour); substantive and procedural due process (.25 hour); classification of crimes (.25 hour); purpose of criminal law (.50 hour); Systems Folder Overview (1 hour)
2	Chapter 2	Role of the paralegal in criminal law (1 hour); Overview of criminal court process (.75 hour); Ethical considerations of prosecutors, defense bar, judiciary and paralegal (1.25 hour)
3	Chapter 3-4	Elements of offenses; actus rea of offense (.50); mens rea of offense (.50 hour); General, specific and transferred intent (.25 hour); causation of offenses (.25 hour); parties to offense (.25 hour); lesser included offense (.25 hour); crimes against persons: homicide and lesser included offenses (1 hour)

- 4 Chapters 3-4 Crimes against persons: assault and battery (.50 hour); sexual offenses, Tennessee Sexual Offender Registry (1 hour); Kidnapping and lesser included offenses (.50 hour); Crimes against habitation: Burglary and related offenses (1 hour)
- 5 Chapter 5 Crimes against property: Theft (.50 hour); Fraud (.25 hour); Forgery (.25 hour); Crimes against Public: Disorderly Conduct (.25 hour); Tennessee firearm laws (.75 hour); Child Pornography and exploitation (1 hour)
- 6 Chapters 5-6 Crimes against Public: Driving under the Influence (.75 hour); controlled substances and paraphernalia (.50 hour); Attempt and defenses to attempt (.50 hour); Conspiracy, defenses to conspiracy, evidentiary issues (.75 hour); solicitation (.50 hour)
- 7 Chapter 7 Defenses, perfect and imperfect (.25 hour); affirmative defenses and burden of proof (.50 hour); Constitutional and statutory defenses, double jeopardy (.75 hour); substantive due process, ex post facto laws (.50 hour); statute of limitations and exceptions (.50 hour); self-defense, defense of property (.25 hour); duress and necessity (.25 hour)
- 8 Chapters 7-8 Insanity and competency to stand trial (.75 hour); defenses to mens rea (.50 hour); Intake (.25 hour); interviewing techniques (.75 hour); paralegal ethical considerations (.25 hour); joinder of offenses and defendants (.50 hour)
- 9 Chapter 8 Drafting complaint and warrant from intake interview and police report (1.50 hour); paralegal ethical considerations (.25 hour); docket tracking (.25 hour); Constitutional victim rights amendment (.50 hour); Victim compensation report (.50 hour)
- 10 Chapter 9 Arrest, Search and Seizure: 4<sup>th</sup> Amendment (1 hour); warrant requirement and drafting(1 hour); Exceptions to search warrant requirement (1 hour)
- 11 Chapters 9-10 Exclusionary rule (.50 hour); Fifth Amendment Protections: Self-incrimination and Miranda (.75 hour); issues regarding Miranda (.50 hour); Sixth Amendment Right to Counsel: effect of denial of right (.25 hour); Motion to Suppress and Response (1 hour)
- 12 Chapters 10-11 Pretrial identification: lineups and showups (.50 hour); initial appearance (.25 hour); Bail and pretrial release: requirements, types, bail schedules (.50 hour); paralegals role (.50 hour); intake and interview (.25 hour); paralegal ethical considerations (.25 hour); preliminary hearing (.50 hour); extradition (.25 hour)
- 13 Chapter 12 Grand Jury and Indictment: powers (.25 hour); paralegals role: prosecution and defense (.50 hour); drafting of indictment (.50 hour); information (.25 hour); arraignment and paralegal's role (.25 hour); Discovery: exculpatory evidence (.50 hour); Pretrial motions (.50 hour); plea bargaining and speedy trial(.25 hour);
- 14 Chapters 13-14 Trial rights: jury trial, counsel, presence and confrontation, presentation of witnesses, testify (.75 hour); paralegal's role in preparation of trial and trial notebook (.50 hour); stages of Trial (.50 hour); evidentiary considerations (.25 hour); post trial motions (.25 hour); sentencing (.25 hour); appeals (.50 hour)

**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

**III. INSTRUCTIONAL PROCESSES:**

The student will:

- 1. Practice elements of the work ethic such as professionalism, preparedness, punctuality, honesty, cooperation, dependability, contribution, effectiveness, good manners, etc. *Active Learning Strategy, 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, Active Learning Strategy, Transitional Outcome*
- 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. *Communication 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. *Communication 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. *Transitional Strategy.*
- 6. Develop investigative skills using the Internet, library, and governmental agency resources to find relevant information. *Technological Literacy Outcome, Transitional Strategy, Active Learning Strategy*

**IV. EXPECTATIONS FOR STUDENT PERFORMANCE:**

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.

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)

**V. EVALUATION:**

**A. Testing Procedures:**

Students are evaluated primarily on the basis of tests.

**B. Laboratory Expectations: N/A**

**C. Field Work:**

Students will complete a Criminal Systems folder which will include various motions, pleadings, and other written assignments.

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

**VI. POLICIES:**

**A. Attendance Policy:**

Pellissippi State 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 class and laboratory meetings in order to receive credit for the course. (*Pellissippi State Online 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. (*Pellissippi State Online Catalog*)

**C. Computer Usage Guidelines:**

College-owned or –operated computing resources are provided for use by students of Pellissippi State. All students are responsible for the usage of Pellissippi State's computing resources in an effective, efficient, ethical and lawful manner. (*Pellissippi State Online Catalog*)

**D. Accommodation for Disabilities:**

Students who need accommodations because of a disability, have emergency medical information to share, or need special arrangements in case the building must be evacuated should inform the instructor immediately, privately after class or in her or his office. Students must present a current accommodation plan from a staff member in Services for Students with Disabilities (SSWD) in order to receive accommodations in this course. Services for Students with Disabilities may be contacted by going to Goins134 or 126 or by phone: 694-6751 (Voice/TTY) or 539-7153. More information is available at [www.pstcc.edu/departments/swd/](http://www.pstcc.edu/departments/swd/).

**E. Late Work:**

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