COURSE SYLLABUS

Political Science 435

Criminal Law and Procedure

CRN: 46620
Semester: Fall 2013
Class Meets: Tuesday and Thursday, 11:10 AM to 12:25 PM
Room: College of Nursing Building, Room 105
Instructor: Dr. Hemant Sharma, B.A. Cornell University, Ph.D. University of Tennessee
Office: 1013 McClung Tower
Office Hours: Tuesday and Thursday, 9:30 AM to 11:00 AM
Office Phone: 865-974-2261
Email: hsharma@utk.edu

Course description: This course will provide students with an overview of how courts of justice are structured in this country, an understanding of key concepts related to a criminal act, an analysis of major laws designed to curtail criminal activity, and a discussion of the major stages in a criminal trial. The crux of this course will involve the reading of federal and state appellate court decisions—so that students will learn to recognize how laws are implemented and interpreted in practical situations. A basic understanding of constitutional rights related to criminal procedure, including discussion of search and seizure and Miranda Rights, also will be fostered.

University/College/Departmental curricular requirements met: This course can be used toward the American Government and Politics/Public Administration area of the Political Science major. Alternatively, it can be applied to meet the U.S. Studies component of the Upper-Level Distribution requirement of the College of Arts and Sciences curriculum.

Program level learning objectives: Students will gain basic knowledge of, understanding of and the ability to apply political science principles.

Central learning objectives that the course supports: Students will learn to apply fundamental political science principles in the context of criminal law. Specifically, students will critically analyze concepts that pertain to creation of criminal law by the legislative branch, the implementation of criminal procedures by the executive branch, and the review of criminal law and procedure by the American court system.

Required textbook: None. This course will involve reading appellate court case decisions. Links to cases are posted on the course Blackboard site.
**Required instructional technology:** Case opinions will be posted on a blackboard. Please read them and be prepared to discuss in an intelligent, analytical fashion.

**Student Assessment and Evaluation Methods:**

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<thead>
<tr>
<th>Course Element</th>
<th>Contribution to final grade</th>
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<tbody>
<tr>
<td>Class participation</td>
<td>10%</td>
</tr>
<tr>
<td>Exam 1</td>
<td>20%</td>
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<tr>
<td>Exam 2</td>
<td>20%</td>
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<tr>
<td>Case briefings</td>
<td>15%</td>
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<tr>
<td>Appellate Brief</td>
<td>15%</td>
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<tr>
<td>Final examination</td>
<td>20%</td>
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**Attendance and participation:** Regular attendance is expected. Please email the instructor if extenuating circumstances will mandate prolonged absence. No set formula is used to reduce a student’s grade simply based on number of absences, but obviously, class participation is impossible if a student is not present. Participation grades will be based on a student’s effort to engage in discussion over the legal issues presented. Public speaking is an essential component of studying and practicing law, and thus students will be rewarded for making an effort to verbalize facts and issues associated with the court cases that we will confront. Quality of participation will be taken in account, in addition to quantity.

**Examinations:** The format for the exams will include a medley of multiple choice questions, short answer questions, and hypothetical scenarios which require you to apply legal principles to a set of facts. Exams also will have a take home component, in which students analyze a hypothetical legal scenario. Under special circumstances, make-up exams will be offered. If such circumstances arise, please contact the instructor as far in advance as is feasible.

**Case briefings:** Five case briefings will be required. These involve a summary of facts, legal issues, and decisional rationales. A sample of the required format is posted on the course Blackboard site. Late submissions are not accepted.

**Appellate brief:** In addition to the case briefings, students also will prepare a mock appellate brief. This assignment will involve selecting a defendant from any case that is listed on the course Blackboard site and preparing an appeal on their behalf. The format will mimic that used in Tennessee appellate courts. A sample document is posted on Blackboard to help guide you through the process of constructing this assignment. Again, late submissions are not accepted (just as in the real world of law).
Grading scale:

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<thead>
<tr>
<th>Grade</th>
<th>Range</th>
<th>Grade</th>
<th>Range</th>
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<tbody>
<tr>
<td>A</td>
<td>93 – 100%</td>
<td>C -</td>
<td>70 – 72%</td>
</tr>
<tr>
<td>A -</td>
<td>90 – 92%</td>
<td>D +</td>
<td>67 – 69%</td>
</tr>
<tr>
<td>B +</td>
<td>87 – 89%</td>
<td>D</td>
<td>63 – 66%</td>
</tr>
<tr>
<td>B</td>
<td>83 – 86%</td>
<td>D -</td>
<td>60 – 62%</td>
</tr>
<tr>
<td>B -</td>
<td>80 – 82%</td>
<td>F</td>
<td>Less than 60%</td>
</tr>
<tr>
<td>C +</td>
<td>77 – 79%</td>
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<tr>
<td>C</td>
<td>73 – 76%</td>
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**Overall Course Structure**

This course is divided into three general modules: Substantive Criminal Law, Statutory Criminal Law, and Criminal Procedure. Case readings for each module will be posted on Blackboard.

**Week 1: Substantive Criminal Law: Organization of the Criminal Justice System**

a. Federal and State Court Systems  
b. Trial and Appellate Courts  
c. Alternative Courts: Military Tribunals; Juvenile Courts; Drug Courts  
d. Jurisdiction and Standing

**Week 2: Substantive Criminal Law: Sources and Limits of Law-Making Authority**

a. Common Law / Police Powers  
b. Sources of Law Making Power: The Constitution (Article I, Section 8)  
c. Limits on Law Making Power: Vagueness, Ex-Post Facto Law, Bills of Attainder

**Weeks 3-5: Substantive Criminal Law: The Criminal Act**

a. Actus Reus / Mens Rea  
b. Strict Liability  
c. General Intent vs. Specific Intent  
d. Transferred Intent  
e. Causation  
f. Mistake of fact; Mistake of law; Legal impossibility  
g. Parties to Crimes

**Exam 1:** Tuesday, September 24th
**Weeks 6-10: Statutory Criminal Law**
a. Homicides: Murder, Manslaughter, Negligent Homicide, Felony Murder, Self-Defense
b. Other Crimes Against Persons: Assault, Battery, Kidnapping, Stalking, Hate Crimes
c. Crimes Against Property: Theft, Burglary, Robbery, Carjacking, Arson
d. Inchoate Offenses: Attempt, Solicitation, Conspiracy
e. “White Collar” and Organized Crime: Money Laundering, Fraud, Insider Trading
f. “Vice Crimes”: Prostitution, Pornography, Gambling, Drugs, Alcohol

**EXAM 2:** Thursday, October 31

**Weeks 11-14: Criminal Procedure**
a. Investigation, Searches, and Interrogation: The 4th, 5th, and 6th Amendments
b. Pretrial Processes: Grand Juries, Preliminary Hearings, Bail; Severance; Discovery
c. The Trial Process: Juries; Rules of Evidence (i.e. hearsay); Opening statements
d. The Prosecution: Forensic Evidence; Direct examination; Objections
e. Defenses: Insanity; Mistake of Law/Fact; Self-Defense; Durres; Necessity; Alibi
f. Verdicts: Jury Instructions; Standards of Proof; Mistrials; Hung Juries
g. Sentences/ Punishments: Felony/Misdemeanor; Death Penalty; “Mandatory Minimums”
h. The Appeals Process: Appellate briefs; Appellate arguments; Remands; Pardons

**Additional Information:**

**Key Dates**
Exam 1: Tuesday, September 24th
Exam 2: Thursday, October 31
Final Exam: Wednesday, December 11th, 10:15 AM
Appellate Brief / Case Briefs Due: Thursday, December 12th, 11:59 PM via email

**Academic Integrity**
All rules concerning academic honesty as set out in the current edition of Hilltopics will be enforced. Particular attention should be paid to the section on plagiarism. Students are reminded of their obligation to abide by the UTK Honor Code: “An essential feature of the University of Tennessee, Knoxville is a commitment to maintaining an atmosphere of intellectual integrity and academic honesty. As a student of the university, I pledge that I will neither knowingly give nor receive any inappropriate assistance in academic work, thus affirming my own personal commitment to honor and integrity.”

**Disabilities that Constrain Learning**
Any student who feels he or she may need an accommodation based on the impact of a disability should contact the Office of Disability Services (ODS) at 865-974-6087 in 2227 Dunford Hall to document their eligibility for services. ODS will work with students and faculty to coordinate reasonable accommodations for students with documented disabilities.
The Student’s Role in Improving Teaching and Learning through Course Assessment
At UT, it is our collective responsibility to improve the state of teaching and learning. During the semester, you may be requested to assess aspects of this course either during class or at the completion of the class. You are encouraged to respond to these various forms of assessment as a means of continuing to improve the quality of the UT learning experience.

University Civility Statement
Civility is genuine respect and regard for others: politeness, consideration, tact, good manners, graciousness, cordiality, affability, amiability and courteousness. Civility enhances academic freedom and integrity, and is a prerequisite to the free exchange of ideas and knowledge in the learning community. Our community consists of students, faculty, staff, alumni, and campus visitors. Community members affect each other’s well-being and have a shared interest in creating and sustaining an environment where all community members and their points of view are valued and respected. Affirming the value of each member of the university community, the campus asks that all its members adhere to the principles of civility and community adopted by the campus: http://civility.utk.edu/.

Communication of Announcements
Announcements will be sent via e-mail to students’ official UTK e-mail addresses and/or posted on Blackboard. Students are responsible for monitoring their UTK e-mail account and the course Blackboard site.

Alteration of this Syllabus
The instructor reserves the right to revise, alter and/or amend this syllabus, as necessary. Students will be notified by email and/or Blackboard of any such revisions.

Key Resources For Students

- Political Science Department Website: http://web.utk.edu/~polisci/
- Academic Planning: http://www.utk.edu/advising
- Arts and Sciences Advising Services: http://artsci.utk.edu/advising/
- Student Success Center: http://studentsuccess.utk.edu
- Undergraduate and Graduate Catalogs: http://catalog.utk.edu
- Hilltopics: http://dos.utk.edu
- Course Timetable: https://bannerssb.utk.edu/kbanpr/bwckschd.p_disp_dyn_sched
- Library: http://www.lib.utk.edu
- Career Services: http://career.utk.edu