

CCJS498W-SG91: Selected Topics in Criminology and Criminal Justice; Cultural Issues in Criminal Defense-Spring 2019 adrew12

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Edit

CCJS498- SG 91: Cultural Issues in Criminal Defense-Spring 2019

University of Maryland, Shady Grove

Department of Criminology & Criminal Justice

Wednesdays

9:30 a.m.-12:00 p.m.

INSTRUCTOR

Alan C. Drew

Building III, Room 3206

Email da4617@gmail.com

Office Hours: Thurs 12:00 p.m.- 2 p.m or by appointment

COURSE DESCRIPTION

REQUIRED TEXT

Cultural Issues in Criminal Defense

Author: Linda Friedman Ramirez

Edition: Third/Fourth Ed.

ISBN: 978-1-57823-271-0

COURSE DESCRIPTION AND OBJECTIVES

This course is designed to introduce students to defending cultural issues in a criminal case. These cultural issues can arise within a country and amongst its people, within a means of collecting and investigating information, and within the way society perceives the information. All of these factors influence the way that criminal defendants are

represented by their lawyers. The course will include references to relevant cases and materials.

COURSE LEARNING OUTCOMES

Upon completion of this course, students should be able to:

- Demonstrate a basic understanding of the role of consular resources and litigation strategies;
- Demonstrate a basic understanding of interviewing immigrant clients;
- Demonstrate a basic understanding of language in representing immigrant clients including the role of interpreters in the criminal process;
- Demonstrate a basic understanding of culturally competent criminal forensic psychological evaluations;
- Demonstrate a basic understanding of immigration consequences of criminal convictions;
- Demonstrate a basic understanding of legal challenges in extradition cases;
- Demonstrate a basic understanding of obtaining evidence abroad;
- Demonstrate a basic understanding of immigration racial profiling and selective prosecution;
- Demonstrate a basic understanding of cultural issues involving Fourth, Fifth, and Sixth Amendments;
- Demonstrate a basic understanding of the presentation of cultural defenses;
- Demonstrate a basic understanding of presentation of cultural experts;
- Demonstrate a basic understanding of cultural issues in jury selection;
- Demonstrate a basic understanding of cultural issues in sentencing;
- Demonstrate an understanding of communicating with immigrant clients regarding the appellate process.

READINGS will be posted on ELMS.

COURSE WEBSITE

This class utilizes Canvas (ELMS) for distribution of important course information. To access Canvas, go to <http://elms.umd.edu> and log in with your Directory ID and password. If you have any problems accessing your account, contact the support desk at 301-405-1400. You must be registered for the class to access the course website. The syllabus, additional required readings, class announcements, and grades will be posted on Canvas. You are responsible for knowing the material posted on the website. Writing assignments will also be submitted via Canvas.

COURSE GRADING

Exams: 75% total. Exam 1: 25%, Exam 2: 25% Final Exam: 25%

Participation: 5%

Writing Assignment: 20%

Percentage points will be converted to a letter grade as listed below:

A+ (97-100%) B+ (87-89%) C+ (77-79%) D+(67-69%) A (93-96%) B (83-86%) C (73-76%) D (63-66%)

A- (90-92%) B- (80-82%) C- (70-72%) D- (60-62%) F (<60%)

EXAMS

There will be two in-class examinations and a final exam during finals week. Exams will cover content from both assigned readings and class lectures. Exam format will be some combination of multiple choice, matching, and short-answer questions designed to capture the full breadth of students' understanding of the course material. Exams will be completed without the use of notes, texts, computers, or additional aides. The first two exams will be non-cumulative, however the final exam is cumulative. The date of each exam is specified on the class schedule. P **Exams and Written Assignments**

1. There will be several written assignments which will be considered as mini-exams. All of the written and presentations will constitute 45% of your grade and must be turned in on the designated date given on Elms or in class.
2. There will be a written assignment which should be 10 pages. Taking up space with excessive graphs/images/quotes will result in significant point deductions. Do not cite Wikipedia or any other website that is not scholarly, unless for approved purposes. Consult the instructor and/or the writing center if you have any. This written assignment will count 30% of your grade.
3. Your class participation will constitute 25 % of your grade.

GRADE DISPUTES

If you have questions or concerns about your grade(s) and believe I should review them, you must submit a written request over email that describes your concern in detail. This request must be submitted within one week after grades for the relevant assignment have been posted.

COURSE RELATED POLICIES

The University of Maryland now maintains a webpage that provides students with information about students' rights and other course-related university policies. Please visit <http://www.ugst.umd.edu/courserelatedpolicies.html> to review these policies.

MAKEUP POLICY/LATE ASSIGNMENTS

Makeup exams and assignments will only be given in cases of excused absences and official documentation is required. Exams and assignments are considered to be Major Scheduled Graded Events and therefore the new University medical excuse policy, which allows one's student signed honor statement attesting to illness, does not apply to them. Excused absences are: illness with a doctor's note, death in the immediate family, required school activities, and required court appearances. I will not accept a Health Center honor statement to verify an illness.

If you go to the Health Center and a doctor will not write you a note, you will need to get a copy of your medical record from them to verify your illness. If you know prior to an exam or assignment that you will have an approved absence, you must take the exam or turn in the assignment PRIOR to the exam/assignment due date. Failure to adhere to this policy will result in a grade of zero for the exam/assignment. All makeup exams and assignments must be completed within one week of the missed exam/assignment. If you have a documented excused absence for a day that a quiz is given, you may make up the missed quiz during my office hours within one week of the missed class.

A late writing assignment without a documented excused absence will lose one full letter grade (10%) per day. Students have up to five business days to submit the writing assignment late with a maximum penalty of 50%. If you miss a lecture, it is your responsibility to obtain lecture notes from a classmate. I do not post or hand out lecture notes regardless of circumstances. Although University policy does not allow grading based on attendance, you will need to attend classes regularly to ensure you obtain and understand the course material covered each week.

DISABILITY SUPPORT

I will make every effort to accommodate students who are registered with the Disability Support Services (DSS) Office and who provide me with a University of Maryland DSS Accommodation form. To receive documentation, please call DSS at 301-314-7682. This form should be presented to me by Wednesday, February 6, 2019. I am not able to accommodate students who are not registered with DSS or who do not provide me with documentation that has been reviewed by DSS. DSS students who are requesting to take their exams at the DSS Center must submit a request with DSS online no later than one week prior to each exam. The student is expected to take the exam at the same time as the rest of the class.

RELIGIOUS OBSERVANCES

If you are unable to take an exam due to a religious observance, you will need to notify and discuss the absence with me by Wednesday, February 6, 2019. Failure to notify me of a religious observance in advance will result in a grade of zero for the missed exam/assignment.

ATHLETES

Official athletic schedules must be submitted to me by Wednesday, February 6, 2019. Practices do not count as excused absences. In cases of an excused absence, students

are expected to arrange a makeup exam/assignment with me in advance of the absence. Athletes who miss an exam or assignment due to a game or other commitment but never submitted an official schedule by September 12 and never notified me will receive a grade of zero for the missed exam/assignment.

ACADEMIC INTEGRITY

Academic dishonesty of any form will absolutely not be tolerated. Academic dishonesty encompasses the traditional behavior such as cheating on exams and assignments, giving false statements, etc., but also includes activities such as possessing and/or reviewing previous semesters' exams. Additionally, students will be asked to write the University approved Honor Pledge on each exam. The University of Maryland, College Park has a nationally recognized Code of Academic Integrity, administered by the Student Honor Council. This Code sets standards for academic integrity at Maryland for all undergraduate and graduate students. As a student, you are responsible for upholding these standards for this course. It is very important for you to be aware of the consequences of cheating, fabrication, facilitation, and plagiarism. For more information on the Code of Academic Integrity or the Student Honor Council, please visit

<http://shc.umd.edu/SHC/StudentAcademicDishonesty.aspx> .

CLASSROOM EXPECTATIONS

I expect that all students will come to each class prepared to discuss the assigned material. In order to have a productive discussion, assigned readings must be complete PRIOR to the class period and you should come prepared to ask any questions and to provide your opinion on the material. Class discussions are essential to understanding the course material, so please come prepared to participate in group discussions, debates, class games, and group activities. I also expect that students pay attention and take notes during lectures. My lectures and slides WILL NOT be available online. If you miss class you must get notes from a classmate. If you would like me to review those notes for completeness, please stop by my office hours or make an appointment to discuss what you missed. In order for this class to be a success, we must maintain a respectful environment that is conducive to learning. Disruptive behavior or disrespect toward me or other students will not be tolerated. Students who are unable to show civility with each other or with me will be referred to the Office of Student Conduct or to Campus Police. You are expected to follow the Code of Student Conduct. The University of Maryland's Code of Academic Integrity defines classroom a reasonable person would view as substantially or repeatedly interfering with the conduct of a class." This includes such things as leaving the classroom repeatedly, making loud and distracting noises, and conversing with other students during the course lecture. This also includes reading outside material, sleeping, text messaging, and using prohibited technological devices. Repeated classroom disruptions will result in being asked to leave the class and may ultimately affect the grade you receive.

USE OF TECHNOLOGY

Technology used for any purpose other than note-taking during class is prohibited. I will allow you to use a laptop to take notes during class if you like, but cell phones, mp3

players, etc. must be turned off during class and put away at all times. If devices are seen or used during class for any purpose other than note-taking, you will be asked to leave class. If any technological devices are seen and/or used during an exam, the exam will be collected from you and you will no longer be allowed to continue taking the exam. The exam score will be noted as zero and you will be referred to the Student Honor Council. The only exception to the use of technology policy is required accommodations through DSS.

INCLEMENT WEATHER POLICY

If the University is closed due to inclement weather on a day that a graded assignment is due, the graded assignment will be due for the next class meeting in which the University is open. This does not apply to the writing assignment- which is to be uploaded to ELMS at the scheduled time since you need not be present to upload. If the final exam is cancelled, I will follow the University rules for rescheduling.

EXTRA CREDIT OPPORTUNITIES

Students may visit a criminal court hearing and write a 4-5 page reflection on their experience as it relates to topics discussed in class. Reflections can be submitted at any point in the semester and can earn you up to 30 points out of 300 points on the final exam. Reflections must accompany proof of physically being at the court (we will discuss this more in class).

COURSE EVALUATIONS

Your feedback about this course is very important to me. An online evaluation will be conducted at the end of the semester. You can go directly to the website (www.courseevalum.umd.edu) to complete your evaluation.

COPYRIGHT

The lectures that I deliver in this class and the course materials I create and distribute are protected federal copyright law. You are permitted to take notes of lectures and to use course materials for your use in this course. You may NOT record, reproduce, or distribute my lectures/notes for any commercial purpose without my written consent. Persons who sell or distribute copies or modified copies of my course materials, possess commercial copies of my notes (i.e. Terpnotes), or assist another person or entity in selling or distributing those materials may be considered in violation of the University Code of Student Conduct, Part 9(k).

Tentative Class Schedule and Reading Assignments

Date Topic Assignment Due

SCHEDULE OF ASSIGNMENTS

Subject to change by Professor

Date/Topic

Reading/Assignments

1. Reading Assignments

* Please understand that the dates below are for guidance only. The dates of particular topics may vary depending on material covered in each class. I shall advise you of variances from the dates, as necessary. *

1/30: Review of Syllabus, class policies and procedures; Introduction to Cultural Issues in Criminal Defense.

2/6: Chapter 1: The Role of Consular Resources and Litigation Strategies;

2/13: Chapter 2: Interviewing of immigrant clients and Special Immigration Relief for Crime Victims.

2/20: Chapter Three: Language Proficiency and Its Relation to Language Evidence.

2/27: Chapter Four: Foreign Language Interpreters and the Judicial System.

3/6: Chapter Five: Culturally Competent Criminal Forensic Psychological Evaluations.

Spring Break March 11- March 15

3/20: Chapter Six: Immigration Consequences of Criminal Convictions.

3/27: Chapter Seven: Immigration Consequences of Criminal Convictions.

4/3: Chapter Eight: Legal Challenges in Extradition Cases.

4/10: Chapter Nine: Taking Rule 15 Depositions Abroad in Criminal Cases.

4/17: Chapter Ten: Practical Issues in Collecting Evidence.

4/24: Chapter Eleven: Immigration Racial Profiling.

5/1: Chapter Twelve: Selective Prosecution.

PLEASE NOTE THAT ALL THE TOPICS DESIGNATED 5/8 WILL BE CONSOLIDATED BY ME TO COVER THE REQUIRED MATERIALS. DON'T WORRY ABOUT THE VOLUME OF MATERIAL DESCRIBED.

5/8: Chapter Thirteen: Cultural Issues Fourth Amendment Motions to Suppress.

5/8: Chapter Fourteen: Cultural Issues in Motions to Suppress.

5/8: Chapter Fifteen : Defending the Crime of Illegal Entry and Reentry.

5/8: Chapter Seventeen: Raising Cultural Defenses.

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5/8: Chapter Eighteen: Using Cultural Experts.

5/8: Chapter Nineteen: Cultural Issues in Jury Selection.

5/8: Chapter Twenty: Cultural Issues in Voir Dire.

5/8: Chapter Twenty-Two: Cultural Issues in Sentencing.

5/8: Chapter Twenty-Four: Using Mitigation Videos to Bridge the Cultural Gap at Sentencing.

5/8: Chapter Twenty-Five: Appeal and Post Conviction Review.