COURSE DESCRIPTION AND OBJECTIVES

The goal of this course is to expand every student’s idea of criminal law by providing an overview and framework for substantive criminal law in the United States. We will discuss how the Constitution places limits on what behaviors the state and the federal government can designate as crimes. We will identify and consider the differences between manslaughter and murder, robbery and burglary, and self-defense and duress. We will learn the elements of different crimes and we will analyze the different justifications and excuses that may be asserted by defendants. We will consider the changes and advances in federal, state and local laws in the last few decades.

This course will introduce the students to the general principles and common themes of criminal law that run throughout the states and the federal system. We will use the Model Penal Code as our guide in discussing the elements of different crimes.

The balance between upholding individual freedoms and maintaining social order in our democratic society is a constant underlying theme. Cases will be used to illustrate legal principles and to present the reasoning and philosophy behind the law.

Students will learn the importance and relevance of appellate level decisions on our everyday lives by learning how to dissect and brief cases. Students will ultimately comprehend the crucial role of criminal law in our comprehensive legal system.
CLASS FORMAT

All students are expected to be prepared every class session as students will be called upon randomly to outline the cases in the text. The class will be guided by the instructor, but student participation is a key element of the class.

COURSE PREREQUISITES

You must have completed CCJS100 in order to take this class.

REQUIRED BOOKS


Strongly Recommended: Garner, Blacks Law Dictionary or

Any Legal Dictionary.

Student Study Site: edge.sagepub.com/russellbrown

STATEMENT ON CLASSROOM CLIMATE

The success of this class is dependent not only on my abilities and talents as an instructor to communicate information and ideas, but also on our ability as a class to work together to create an environment conducive to active learning. As a department and university, we expect the faculty and students to be prepared for class and to be actively engaged in the classroom activities. Unfortunately, disruptive behaviors in the classroom cheat other students of opportunities to learn. The University of Maryland’s Code of Academic Integrity defines classroom disruption as “behavior a reasonable person would view as substantially or repeatedly interfering with the conduct of a class.” Examples include coming late to class, repeatedly leaving and entering the classroom without authorization, excessive talking, persisting in speaking without being recognized, allowing cell phones to ring, talking on a cell phone, reading text messages, sending text messages, or using a cell phone or any other electronic device. None of this behavior will be tolerated.

Students are expected to treat each other with respect. Disruptive behavior of any kind will not be tolerated. Students who are unable to show civility with one another, the teaching assistants or with me will be subject to being referred to the Office of Student Conduct or to Campus Police. You are expected to adhere to the Code of Student Conduct.

USE OF TECHNOLOGY
In this class, students will not be allowed to use their personal computers to take class notes. Students will also be prohibited from using their mp3 players, cell phones, tablets or any other type of technology during class. If these devices are seen and/or used during class, the student(s) will be asked to leave the class immediately. If these devices are seen and/or used during an exam, the exam will be collected from the student and the student will no longer be allowed to continue taking the exam. The exam score will be noted as 0.

Exception: Students will be allowed to use electronic devices (like tablets) to access the e-version of the textbook. However, if at any time the professor learns that students are using the device for other reasons, the students will no longer be permitted to access this device for the remainder of the semester.

CLASS CANCELLATIONS

In the course outline you will find dates where classes have been identified as cancelled. If for any reason a class needs to be cancelled at the last minute, a Teaching Assistant will be present in the classroom to notify the class of the cancellation and/or notice will be posted through the class email list. If for any reason the Professor or a Teaching Assistant is not present, students should wait at least 15 minutes. After that time has passed without the Professor or a Teaching Assistant showing up to the class, students may leave without suffering any consequences.

INCLEMENT WEATHER

Official closures and delays are announced on the campus website at http://www.umd.edu and snow phone line (301-405-SNOW) as well as local radio and TV stations. If the University closes for inclement weather, then any reading assignments, written assignments or exams that were assigned for that day will be due the next class period that the University is open. If the University is opening late then the instructor will notify the class via the course-mail and on ELMS as to whether the instructor will either have class or cancel class.

ATTENDANCE GUIDELINES

Regular and consistent attendance in this class is expected from registered students. University policy excuses the absences of students for illness, religious observances, participation in University activities at the request of University authorities, and compelling circumstances beyond the student’s control. Students must submit the request in writing and supply appropriate documentation.

Campus Senate policy requires students who are absent for a Major Student Grading event, due to illness/injury, to furnish documentary support to the instructor. I require students to contact me by email or by phone prior to class time in which you indicate that you have an illness or an injury. You must provide written documentation of the illness from the Health Center or an outside health care provider verifying the dates of treatment and the time period during which the student was unable to meet academic responsibilities. This documentation must be provided immediately upon your return to class. You will not be allowed to turn in missed assignments or make up quizzes, tests or papers if you have not provided this documentation. Documentation not presented to me in a timely manner will not be accepted. In addition, if it is found that you
have falsified the documentation provided, I will refer you to the University’s Student Conduct Office.

If a student has missed a **single** lecture, Campus Senate policy allows that I accept as an excused absence a self-signed note from the student. The note must also contain an acknowledgement by the student that the information is true and correct and that providing false information is prohibited under Code of Student Conduct. The student is also obligated to make a reasonable attempt to inform the instructor of his/her illness in advance. A self-signed note will not apply to missing a major Scheduled Grading Event.

**ATHLETES**

Any student participating in a school sponsored athletic program must provide a copy of their athletic calendar outlining dates when they will miss classes to the instructor by September 18, 2015.

**RELIGIOUS OBSERVANCES**

While the University does excuse absences for religious observances, it is the student’s responsibility to inform the instructor of any intended absences for religious observances in advance and prior notification is especially important in connection with final examinations, since failure to reschedule a final examination before the conclusion of the final examination period may result in loss of credits during the semester. Therefore, by September 11, 2015, students must provide me in writing a request for a make-up exam if I have indicated a date on this syllabus that you are unable to make due to a specific religious observance on a specific date. **Please refer to the Online Undergraduate Catalog Policy on Religious Observance. Please remember that accommodations are NOT made for travel to and from the religious observance.**

**STUDENTS WITH DISABILITIES**

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, which has been updated for the Fall 2015 semester. This form must be presented to me no later than September 18, 2015. I am not able to accommodate students who are not registered with DSS or who do not provide me with documentation which has been reviewed by DSS after September 18, 2015.

**ELMS**

The University of Maryland now uses Canvas via Enterprise Learning Management Systems, (ELMS). The ELMS website is [www.elms.edu](http://www.elms.edu). We will use ELMS in this course for posting grades, class announcements and class notes. After assignments are due and exams are given, grades will be posted on ELMS in a reasonable period of time. The instructor will also post class notes on ELMS for students to review. It should be noted that while notes will be posted, these
notes are only a sketch of what will be discussed in class and are not to be considered a replacement for attending class and taking notes for oneself.

ACADEMIC INTEGRITY

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 of the Code of Academic Integrity or the Student Honor Council, please visit http://www.studenthonor council.umd.edu/code.html

The following statement must be signed and/or written on every exam and assignment: “I pledge on my honor that I have not given or received any unauthorized assistance on this examination (or assignment).”

COPYRIGHT

Legally, course materials such as written or recorded lectures and Power Point presentations are copyright protected and the ability to copy and distribute course materials unless it is for personal use and with instructor’s permission is illegal.

The lectures I deliver in this class and the course materials I create and distribute are protected by federal copyright law as my original works. My lectures are recorded or delivered from written lectures in order to ensure copyright protection. You are permitted to take notes of my 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).

ONLINE COURSE EVALUATIONS

Your feedback about this course is very important to me and therefore we do several forms of evaluations throughout this semester. One important campus-wide evaluation is the online evaluation at the end of the semester. Students can go directly to the website (www.courseevalum.umd.edu) to complete their evaluations.

ASSIGNMENTS

1. Reading Assignments: Each student is responsible for reading assignments as outlined below and being fully prepared to participate in classroom discussions. Most of the assigned reading for this course will consist of court cases. We will examine the application of criminal law by
analyzing United States Supreme Court opinions and State Court opinions. You will be expected to brief the assigned cases for this course.

2. **Participation:** Each student will be responsible for knowing the information contained in the brief for each of the assigned cases. Students will be called upon at random every class period to tell the professor and fellow classmates the contents of their brief. Each student will be called upon at least once during the semester. Being present and prepared when asked to brief a case, gives the student an opportunity to earn full points for the participation portion of their grade. If a student is unprepared when called upon, the student is allowed “one free pass.” The student will then be called upon in a future class. If the student is unprepared again or absent, the student will receive a zero for participation unless the student is able to voluntarily brief a case in class. If a student is absent when called upon, I will call on the student in a subsequent class (not necessarily the next class) and the student should be prepared at that time. If the student is not prepared at that time, the student will receive a zero for attendance & participation.

3. **Exams:** Three multiple-choice exams will be given based on material from the TEXT as well as from LECTURES. **NO MAKE-UP EXAMS** will be given unless a legitimate and documented excuse plus notification to me prior to the exam are given, and the exam must be made up within one week of the missed examination.

4. **Case briefs:** Case briefs will be assigned and due on dates announced by the Professor in class. While all cases should be briefed to maximize the possibility for understanding and analyzing case law, several case briefs will be collected.

   A case brief consists of the following elements and should be approximately 1-2 pages typed. While portions of all cases are in our textbook, students will be required to use Lexis-Nexis to find complete versions of the opinions in order to complete some assignments.

   **Components of a case brief:**

   1. **Case Name, Citation and Year**

   2. **Prior Proceedings:** What occurred in prior court proceedings before the case reached the U.S. Supreme Court.

   3. **Facts:** What circumstances led to the filing of criminal charges: What is the alleged criminal activity? Include the facts that are used by the judges to make the decision in the case.

   4. **Issue:** What question(s) is the Court being asked to decide?
5. **Holding:** How does the Court answer the question(s) presented to it?

6. **Rationale:** What specific reasons does the Court give for its decision? (e.g. facts, precedent, policy)

7. **Concurring opinion (if available):** Why did the concurring judges join in the holding of the Court but not the opinion? How would they have reasoned differently?

8. **Dissenting opinion (if available):** Why did the dissenting judges apply the facts differently? Where do they differ?

*How To Find Cases Using Lexis Nexis*

1. Go to [www.lib.umd.edu](http://www.lib.umd.edu)

2. Click on Research Port

3. Click on Find Database by Database Name

4. Type in “Lexis Nexis” and hit enter

5. Click on Lexis Nexis Academic

6. Click on the arrow of the section titled *Look Up a Legal Case*

7. Type the case citation (e.g. 521 U.S. 346)

8. Click on Go

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5. **Court Observation Report:** Students must attend a criminal matter in a local court and write a detailed report based on the requirements described in the latter part of this syllabus.

   Your observations are to be only of criminal cases: no traffic cases, civil cases, protective order hearings or family law cases. Your court visit may NOT be based upon a case that you are personally involved in (e.g., victim, witness, or defendant).

   You may visit any criminal court in the states of Maryland, Virginia or in the District of Columbia. The District Court closest to the UMD campus is the Hyattsville District Court, at 5012 Rhode Island Avenue, (301) 699-2766. The closest Circuit Court is located in Upper Marlboro at 14735 Main Street and can be contacted at (301) 952-3344. The United States District Court for the District of Maryland is located in Greenbelt. Information for this courthouse can be obtained from [http://www.mdd.uscourts.gov](http://www.mdd.uscourts.gov).
Your visit must take place during the Fall 2015 semester. Students must schedule their court visit outside of classroom time. Furthermore, students must not use this assignment as an excuse not to attend any of their classes, including this class.

Written Report: You must type a three to five page report in which you describe your observations during the court visit. You are encouraged to call and check the courthouse’s hours of operation before you go. You must submit a hard copy of your report. Assignments are not accepted via e-mail.

Your written report MUST include the following information:

1. Name of the case (e.g. Maryland v. Maxwell) you observed
2. Causes of the action (e.g. assault) AND the docket number
3. Name of the presiding judge
4. Name of the courthouse
5. Date of your court visit
6. Phone number to the courthouse

Court visit papers are due at the beginning of class on Friday, November 20, 2015.

No Late Papers Are Accepted!!

GRADING

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This syllabus is subject to change by the instructor’s discretion. All changes will be announced at the beginning of class. Please read the assigned chapter(s) by the date noted.

All assignments in BOLD are Major Scheduled Grading Events.
COURSE OUTLINE

Week 1                         Introduction and Overview of the Course
8/31-9/4                      Criminal Law and Criminal Punishment  Chapter 1

Week 2                         Constitutional Limits on Criminal Law  Chapter 2
9/7-9/11

Week 3                         The Elements of a Crime  Chapter 3
9/14-9/18

9/16                         No Class (Jury Duty!!!)

Week 4                         Incomplete Crimes  Chapter 4
9/21-9/25

Week 5                         Theft and Other Property Crimes  Chapter 5
9/28-10/2

10/2                         Exam 1 Chapters 1-4

Week 6                         Public Order Crimes and Offenses Against  Chapter 6
10/5-10/9                      Public Decency
                              Rape and Other Violent Crimes  Chapter 7
Week 7                         Rape and Other Violent Crimes  Chapter 7
10/12-10/16                    Criminal Homicide  Chapter 8
Week 8                         Criminal Homicide  Chapter 8
10/19-10/23                    In-class movie: A Time To Kill
Week 9                         Justification Defenses  Chapter 9
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