

CCJS 230 – FALL 2023
Criminal Law in Action

Instructor: Russ Hamill

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Phone: 301-405-4851

Office Hours: By Appointment

Class: Wednesday 4pm-6:30pm (N/A)

Teaching Assistants: TO BE ANNOUNCED.

COURSE OVERVIEW:

The goal of this course is to give the student an overview and understanding of how the criminal law applies to our society. The student will be introduced to the application of the criminal law, the elements or various crimes, and the limits of the criminal law in today's world.

This is not a course in the Maryland criminal law, although we will certainly read cases from Maryland. This course will cover the states as a whole, as well as our federal criminal law system.

ASK QUESTIONS/ENGAGE IN CLASSROOM DISCUSSIONS/BE INVOLVED/BE BRAVE!!!

TEXT: Samaha, Joel. Criminal Law (**Current Edition**).

UNIVERSITY IDENTIFICATION NUMBERS (UID's):

UID's will be used to grade all assignments in this class. Do NOT use your social security number!

When assignments are due, please include the following in the upper right-hand corner of the first page of your paper:

1. Your name (not mine),
2. UID number,
3. The date,
4. The course number.
5. Topic.

COURSE REQUIREMENTS (grading):

1. HOMEWORK/CLASS PARTICIPATION:

There are a number of homework assignments for the course. Each student is expected to have each assignment completed on the due date and is to hand in a copy of the assignment at the beginning of class. The assignments are to be typed, double spaced, and in a 12-point type set.

The assignments are listed on the syllabus and are **due on the day noted**. As the course is 2.5 hours long, I will give a 15-minute allowance at the beginning of each class where I will accept assignments. After 4:15pm (by my watch) the assignments will not be accepted, and the student will lose points available for that day.

The assignments **MUST** be handed in at class and will **NOT** be accepted via e-mail without my **prior** approval. The assignments are worth the points noted towards the final grade – this is a critical component of your grade, and it is highly recommended not to miss any assignments.

See below for the grading system as to how these points will affect your grade. If you will have an excused absence from class, you must notify me **prior** to the start of class – e-mail is the most efficient way to do so.

UNIVERSITY EXCUSE POLICY:

On May 10, 2011, the Campus Senate amended the University of Maryland Policy for A Student's Medically Necessitated Absence from Class V-100 (G)

Under this policy, instructors are expected to accept as an excused absence a self-signed note from a student who has missed a single lecture, recitation, or laboratory, attesting to the date of the illness. This note must also contain an acknowledgment by the student that the information is true and correct and that providing false information is prohibited under the 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 student is allowed only ONE self-signed note per class for the semester. *****SEE COVID POLICY ADJUSTMENTS TO SELF SIGNED NOTES FOR COVID-19 RELATED ABSENCES/MISSED COURSE EXPECTATIONS!*****

2. EXAMS:

There are three exams for the class (see schedule). Each exam is worth a total of 100 points toward your final grade. The exams will not be, per se, cumulative, that is every exam will primarily cover the work done since the prior exam. However, one will need to be well versed in the entire course to succeed on subsequent exams.

3. GRADING SYSTEM:

There are a total of 340 points available in the course. The grades will be assigned in the traditional manner, 90% and above is an A, 80%-89% equals a B, 70%-79% equals a C, 60%-69% equals a D, and below 60% is a failure. **Plusses and**

minuses will be assigned to grades as well in accordance with University policy as follows: 100-97 = A+; 96-93 = A; 92-90 = A-; 89-87 = B+, 86-83 = B, 82-80 = B-; 79-77 = C+, 76-73 = C, 72-70 = C-; 69-67 = D+, 66-63 = D, 62-60 = D-; 59 and below = F.).

ASSIGNMENTS/MAKE-UP EXAMS:

Attendance at class is expected and is recommended, of course life happens – if you are late or absent with a valid excuse (contact the instructor prior to class) you will NOT be penalized. Just hand in the assignment during the class it is due or through arrangements with the instructor.

*****SEE COVID POLICIES HERE AS WELL!*****

What is a valid excuse?

I will excuse absences due to a documented illness, family or general emergency, work or study related interviews, and university sanctioned excuses or court appearances. Documentation is required for an excuse to be accepted. As for lateness, the same rule applies.

Please remember that this is a long class period with limited class dates. Therefore, missing one class is comparable to missing three days of most other classes. If you are going to be late, it is highly recommended that you get here as soon as possible. Also, if you miss an exam, you must notify me via phone or e-mail **prior** to the beginning of the exam and have a valid and verifiable excuse as outlined above (and below) so that a make-up can be scheduled at a mutually convenient time. **It is the responsibility of the student to schedule a make-up exam:**

“Campus Senate policy requires students who are absent 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 verifying your illness/injury immediately upon your return to class. You will not be allowed to turn in missed assignments or make up quizzes, tests, papers, etc. 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.”

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, which has been updated for the FALL 2022 semester. This form must be presented to me no later than September 20, 2023. I am not able to accommodate students who are not registered with DSS or who do not provide me with documentation that has not been reviewed by DSS after September 20, 2023.

RELIGIOUS OBSERVANCES

“By September 20, 2023, students must provide me in writing a request for a makeup exam if I have indicated a date on this syllabus that you are unable to make due to a specific religious observance (specify) on a specific date. Please refer to the Online Undergraduate Catalog Policy on Religious Observance.”

ACADEMIC INTEGRITY:

Cheating in ANY fashion is not acceptable. ALL cases of suspected cheating will be submitted to the Student Honor Council and Officer of Judicial Programs. This includes homework assignments.

The Student Honor Council requests us to review the following:

“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://www.studenthonorcouncil.umd.edu/whatis.html>.”

DISRUPTIVE BEHAVIOR:

Students are expected to treat each other, the teaching assistances, guest lecturers, other faculty and staff in a respectful manner and to not disrupt others in the pursuit of classroom or other studies. As referenced in University guidelines,

*“**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 myself 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.**”*

CASE BRIEFS – HOW TO:

(You must use this outline for applicable homework assignments)

1. Please identify yourself as outlined above
2. Put the name of the case and case citation centered on the page
3. Facts of the Case:
 - a. Simply write what happened – the relevant actions of the parties that resulted in the case going before a court of law.
 - b. Include how the case got to the court that wrote the opinion – procedural history – what happened in the lower courts.
4. Issues Presented:
 - a. What is the question before the court?
5. Holding:
 - a. What is the answer given by the court?
6. Opinion:

- a. What is the court's reasoning behind its decision/holding?
 - b. What is the rule of law that comes from the case and how is it applied herein?
7. Concurring Opinion (if applicable):
- a. Why did any concurring judge join the holding of the majority but not the opinion?
8. Dissenting Opinion (if applicable):
- a. Why do the dissenting judges differ from the majority?

Paper Assignments Explained (40 POINTS TOTAL):

- 1. DECLARATION OF INDEPENDENCE/BILL OF RIGHTS PAPER: (10 points)**
 - a. This paper is to be 2-5 pages long, double spaced, twelve-point font.
 - b. Discuss what the Declaration of Independence and Bill of Rights were, why they were important, if you think each is important today (and why), and what each means to you (i.e., your general thoughts).

- 2. TERRY VS. OHIO PAPER: (10 points)**
 - a. Explain the case and follow all the steps in briefing this case.
 - b. Include in your paper why the case is important in our criminal law today.
 - c. This paper is to be 2-4 pages long, double spaced, twelve-point font.

- 3. TENNESSEE VS. GARNER CASE *BRIEF*:(10 points)**
 - a. Explain the case and follow all the steps in briefing this case.
 - b. Include in your paper why the case is important in law enforcement today.
 - c. This paper is to be 2-4 pages long, double spaced, twelve-point font.

- 4. M'NAUGHTEN PAPER: (10 points)**
 - a. This paper is to be 2-4 pages long, double spaced, twelve-point font.
 - b. Explain the case and its importance to U.S. Criminal Law.
 - c. *Note: you do not need to brief this case.*

COURSE SCHEDULE:

*****ASSIGNMENTS ARE DUE ON THE DAY LISTED.**

Class	Topic	Assignment/Reading Due
August 30	Introduction/Syllabus/Discussion of Crime.	Chapter 1.
Sept. 6	How did we get here?/Common Law/Const. Limits/Statutory Crimes/Declaration of Independence/Bill of Rights. <i>***LAST DAY TO DROP/ADD W/OUT A PENALTY IS SEPTEMBER 11, 2023!</i>	Chapters 2 and 3.
Sept.13	Actus Reus/Mens Rea/Liability/Declaration of Ind./Bill of Rights.	Chapters 3 and 4.
Sept. 20	Constitutional Issues. Crime and Punishment.	Chapter 3 and 4. <u>Declaration of Independence/Bill of Rights</u> paper due! (10 points).
Sept. 27	Inchoate Crimes.	<u>Terry v. Ohio</u> Paper Due (10 points). Read Chapter 8.
Oct. 4	EXAM # 1	<u>IN CLASS.</u>

Oct. 11	Homicide/Sexual Assault/ Crimes Against Persons.	Chapters 9 and 10.
Oct. 18	Homicide/Sexual Assault/ Crimes Against Persons (continuation).	Paper due – brief and explain the USSC case of Tennessee vs. Garner and its importance to law enforcement today. (10 points). Chapters 9 and 10.
Oct. 25	Persons and Property Crimes/Criminal Culpability.	Chapter 4 Chapter 11
Nov. 1	EXAM # 2. <u>*** LAST DAY TO WITHDRAW FROM CLASS IS NOV. 6, 2023!</u>	<u>IN CLASS.</u>
Nov. 8	Parties to Crime. Criminal Defenses – Justifications.	Chapter 5/6/7; M'Naughten paper due – explain the case and its importance to U.S. criminal law. (10 points).
Nov. 15	Criminal Defenses – Excuses. <u>***NO CLASS NOV. 22 – ENJOY THE BREAK!!!</u>	Chapter 6.

Nov. 29	Criminal Defenses. Crimes Against the State/Terrorism.	Chapter 5/6
Dec. 6	Crimes Against the State/Terrorism. Crimes Against Public Order and Morals. Final Review.	Chapters 12 and 13.
<p><i>*** THE FINAL EXAM – WILL BE ANNOUNCED DURING CLASS AFTER IT IS SCHEDULED. IT IS USUALLY SCHEDULED FOR THE LAST DAY OF EXAMS SO PLEASE PLAN ACCORDINGLY!</i></p>		

**** Adjustments to the syllabus may be made throughout the semester during class ****