

Criminal Justice Syllabus
Spring 2024
Prof. Salem

University of Maryland

EVOLVING LEGAL ISSUES

CCJS 418

Spring 2024

Instructor: David I. Salem

David.Salem@USDOJ.gov

Dsalem@UMD.edu

Teaching Assistant: Madeline Iazzetta

mriazz@terpmail.umd.edu

COURSE DESCRIPTION

This course is designed to introduce students to very recent, complex issues in criminal law. Particular emphasis will be placed on some of the current issues in the law, which means this class syllabus may be more fluid than others. Among other things, you will learn about recent developments in Constitutional principles, including issues that have arisen with respect to criminal charges against the former President. We will also discuss the federal death penalty and how a capital case is tried in the courtroom. In addition, we will learn about how a prosecutor decides to charge an offense, what considerations go into that decision and how the Grand Jury helps to formulate that decision. Students will become familiar with federal charging documents, including Indictments and Informations, as well as discovery obligations, but the focus will be on understanding some of the most current issues of the day as they relate to criminal legal matters. In addition, the student will be exposed to ethical considerations in prosecuting criminal cases. Readings will include uploads, but there is no assigned book for this course. This is a terrific opportunity to learn about significant legal developments in criminal law directly from a federal prosecutor.

SYLLABUS

CLASS 1: Introduction and course overview; examination and grading policy.

CLASS 2-5: Overview of the criminal process: the manner in which a federal court obtains jurisdiction and venue of a criminal case and defendants. I will also cover the Federal Rules of Evidence, particularly as they relate to admissibility of evidence and an understanding of indictments, hearsay, the right to confront witnesses and the right to counsel under the Sixth Amendment.

A description of the prosecutor's role in the investigation, charging and prosecution of

crimes. This section will focus on recent developments in the law as they relate to a prosecutor's obligations under a variety of cases and rules for sharing evidence, i.e., discovery.

Most importantly, since I am a practicing federal prosecutor, these classes will offer a first-hand introduction to the mechanics of grand jury investigations, and the use of the grand jury, including types of witnesses and evidence which may be presented, structuring and conducting the investigation with a focus on gathering evidence, locking-in testimony, avoiding allegations of grand jury abuse, and identifying targets, subjects and those individuals from whom cooperation should be sought. These classes are designed to provide you insights into the changing landscape for prosecutors in how they distribute and provide evidence to the defense. Included here are discussions of prosecutorial misconduct cases.

Class 6-9: A review of how cases are charged and resolved, with discussion of the death penalty, RICO (including the recent R Kelly case and Trump indictment), El Chapo (a major drug/money laundering prosecution), and white-collar cases like the University Admissions scandal and the Theranos prosecution. These classes also will cover the growth of white-collar offenses, including money laundering, bribery, the Foreign Corrupt Practices Act and Iranian sanctions. **These classes will also cover plea negotiations and plea agreements, as well as the use of cooperating witnesses, in particular:** (1) what the prosecution expects from cooperators and how the agreement affects the government's goals (i.e., presenting a credible witness at trial), and (2) whether the defendant should be willing to cooperate (i.e., the cost-benefit analysis). We will review the difference between Informations and Indictments, the crime of false statements, and the prosecutor's use of false statement charges as part of an overall strategy with cooperating witnesses.

CLASS 10: Midterm

Classes 11-12/13: Case Studies—

Professor's choice based on current events during the semester, but topics may include the January 6, 2021 prosecutions, civil rights, romance fraud, crime aboard aircraft, drone surveillance, and the use of rap lyrics as evidence in criminal prosecutions.

CLASSES 13, 14 and Final Exam week: (Start date based on number of students in the class). Presentations on a current issue of the law, to be presented orally and as a written assignment.

REQUIRED TEXT: there is no required text for this course. Course materials may be provided before discussions or you will be requested to read materials available on the Internet.

COURSE REQUIREMENTS: There are several requirements you must fulfill for this course. **There will be a midterm exam**, covering the material from the first half of the course. It is primarily multiple choice with some true/false. **The exam will be worth 40% of your grade** and it will be offered during a specified time for you to take and finish remotely in one sitting. During the semester, **there also will be 5 quizzes, which will not be noticed; that is, they will be randomly given. You will have approximately 1-3 minutes to provide the answer; each will be worth 4 points and each will be graded strictly: the answer is either fully correct or completely incorrect.** You will therefore receive on each quiz either 4 points or 0 points: no partial credit will be given. **The quizzes will be worth 20% of your final grade. The final 40% of your grade will be made up of a combined paper/class presentation related to a current event case.** The assignment typically is done in a team setting of groups of two, and each of you is expected to contribute to the written and oral parts of the assignment; my TA and I will give further direction as the course progresses. **There will be no makeups for the quizzes without a legally-excused absence. The scheduled exam must be taken in the time they are offered.**

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. This form must be presented to me no later than the last scheduled class in February 2024. 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 the scheduled last class in February 2024. DSS students who are requesting to take their exams at the DSS Center need to provide me with a testing form for each exam that must be turned in to me no later than 1 week prior to each exam. The student is expected to take the exam at the same time as the rest of the class.

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 semester's exams and computer assignments. Additionally, students will be asked to write the University approved Honor Pledge on the exam and any assignment. 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>.

ZOOM CODE OF CONDUCT (just in case)

The success of this class is dependent not only on my abilities and talents as an instructor to communicate new and complicated ideas, but also on our ability as a class to work together to create an environment conducive to 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 out of opportunities to learn. The University of Maryland's Code of Academic Integrity defines classroom disruption as a behavior a reasonable person would view as substantially or repeatedly interfering with the conduct of a class. Examples would include bombing, making loud or distracting noises, and persisting in speaking without being recognized. Please be sure to mute yourself unless you are speaking.

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 me will be subject to referral to the Office of Student Conduct or to Campus Police. You are expected to adhere to the Code of Student Conduct.

MASKING

Please follow the University directives for recommended masking and **do not come to class if you are ill.**

COPYRIGHT

The lectures I deliver in this class and the course materials I create and distribute, other than copies of case decisions, 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).

AI

One warning to all of you: the University is cracking down on the use of AI, particularly as it might apply to your end-of-semester papers. The policy is to report you immediately to the Office of Student Conduct. Please do not risk your careers, academically and professionally, by improperly resorting to AI to assist you in my course.

COURSE EVALUATION

Your feedback about this course is very important to me and I hope you will fill out the online evaluation at the end of the semester.

SUGGESTED READINGS

In order to get the most out of the class, I would suggest you consider reading the following books:

1. Gideon's Trumpet by Anthony Lewis (1966): a great primer for Right to Counsel
2. Peculiar Institution: America's Death Penalty in an Age of Abolition (2010), David Garland, the newest treatment of the topic; *see also* The Death Penalty in America: Current Controversies (1997), Hugo Bedau: a good review of the death penalty in its current state and recent relevant issues.
3. Madoff Talks, by Jim Campbell.
4. American Kingpin, by Nick Bilton: the hunt for Ross Ulbricht and the Silk Road.
5. El Chapo: The Untold Story of the World's Most Infamous Drug Lord by Noah Hurowitz
6. Bad Blood: Secrets and Lies in a Silicon Valley Startup, by John Carreyrou. The story of CEO Elizabeth Holmes and her revolutionary – and phony – claims to a medical breakthrough involving her company, Theranos.

If you are having life issues that are making it hard for you to keep up with class, PLEASE let me know as soon as possible so I can try to accommodate you.