

CCJS498Z  
A Matter of Life and Death: Criminal Sentencing Issues  
Fall 2021



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**COURSE INFORMATION**

**Instructors:** James Trusty and Judge Debbie Dwyer

**Email:** [jtrusty@ifrahlaw.com](mailto:jtrusty@ifrahlaw.com); [ddwyer@mcccourt.com](mailto:ddwyer@mcccourt.com)

**Meeting Time:** Tuesdays, 6:30-9:00 p.m.

**Classroom:** TBD

**Textbook:** There is no textbook assigned for this class, but there will be cases or materials to read before each class. We will post the materials to ELMS and give you notice in advance of the class for which the reading is due.

## **COURSE DESCRIPTION**

This course will focus on the philosophical, political, practical, Constitutional, and case law issues surrounding the sentencing of criminal defendants in the American criminal justice system. American courts and policy makers have continuously struggled with difficult decisions regarding punishment, deterrence, rehabilitation, mercy, and the impact of crime on victims, to name a few of the recurring issues. There are also critically important procedural rules in play for sentencing that are quite distinct from the trial process. Primarily through reviewing important cases and statutes that apply to sentencing, students will become familiar with the plea-bargaining process, Constitutional rights that apply to sentencing proceedings, the death penalty, alternatives to incarceration, and courtroom advocacy techniques used by defense attorneys and prosecutors at sentencing. The instructors will encourage free-wheeling, passionate, and respectful discourse about this controversial area of criminal justice practice.

## **COURSE REQUIREMENTS AND EVALUATION**

For this course, students will be expected to attend all class sessions and actively participate. There are several additional requirements that must be fulfilled to be successful in this course.

### **Course Participation:**

**Course Lectures and Readings:** All course lecture power-points will be made available on the ELMS website. Students will be expected to complete all reading assignments *before* that week's class.

**Quizzes:** There will be either one or two short quizzes in class, for which we will give at least one week's notice. The quizzes are short, so we will still have a full class of activities (lecture, etc.) on the night that you take a quiz.

**Written Projects:** Throughout the semester, there will be somewhere between one and three written assignments. These projects will ultimately constitute 20% of your final grade. Limited class time may be provided to complete these assignments, but most likely you will be expected to complete these projects as homework.

**Mock Sentencing Hearings:** Each student may be required to participate in a mock sentencing. The intention of these sentencing hearings is to focus on evidentiary concepts, constitutional principles, and advocacy techniques, in the context of a case in which the facts and circumstances are subject to differing opinions on the “right” sentence. This assignment will be a component of your class participation grade.

**Exams:** There will be two exams (which will collectively make up 50% of your grade). These exams will not be cumulative and may consist of multiple choice and essay questions. The exams will cover assigned material presented in lectures, readings, and class discussion. Students will take all exams in class. Students must be present in class to receive credit for the exam. Exams will be closed-book, except to the extent that materials are provided for either reference or analysis.

**COURSE GRADES:**

Grades shall be determined as follows. Any changes to this breakdown will be announced in class, but if there are changes they will be relatively minimal:

<b>Exams</b>	<b>50%</b>
<b>Class Participation/Projects</b>	<b>20%</b>
<b>Quizzes</b>	<b>10%</b>
<b>Written assignments</b>	<b>20%</b>
<b>TOTAL:</b>	<b>100</b>

**Grade Distribution**

A+:	97% to 100%	B-:	82% to 80%	D:	66% to 63%
A:	96% to 93%	C+:	79% to 77%	D:	62% to 60%
A-:	92% to 90%	C:	76% to 73%	F:	< 60%
B+:	89% to 87%	C-:	72% to 70%		
B:	86% to 83%	D+:	69% to 67%		

## **COURSE POLICIES**

### **Attendance and Make-Up Policy**

Opportunities to make-up missed in-class work 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 University medical excuse policy which allows one 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 appearance. If 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. By law, you are entitled to get a copy of this and it is your responsibility to do so. We must be notified in person or by phone or email PRIOR to missing an in-class assignment for us to consider giving you a makeup. If you know you will not be in class for in-class work or a date an assignment is due for an excused reason it is your responsibility to turn in the work PRIOR to the due date unless we agree to other arrangements.

### **Grade Disputes**

All grades will be posted on ELMS. If you have any concerns or issues regarding a grade and would like to discuss it with us or have it reviewed please contact Professor Trusty within 48 hours of receiving the grade. He will not discuss grade disputes after this time.

We understand that sometimes, for various reasons, material can prove challenging. Should you feel overwhelmed, frustrated, or simply worried that your grades are suffering please contact either or both of us. It is better to tackle the problem at the earliest possible moment and find a solution that will most benefit you.

This course follows the University's Course Related Policies, which can be found at: <http://www.ugst.umd.edu/courserelatedpolicies.html>

### **Classroom Code of Conduct**

It is important for both instructors and students to promote a positive atmosphere and spirit of learning--therefore disruptive behavior will not be accepted. Late arrivals to class should take their seat immediately. Students who must leave the classroom for whatever reason must return quietly and avoid disruption. The use of cell phones is not permitted. Students are welcome to use laptops to take notes, but not for listening to music, monitoring social media, checking the scores, or any other purpose other than helping you take good notes.

### **Note on Academic Integrity**

Students are reminded that University policies concerning academic integrity and the student honor pledge are applicable to this course. Any student caught violating those policies will be reported to the academic integrity division of his or her university.

### **Note on Instructor Access**

Because we are practicing attorneys/judges, we do not keep regular office hours at UMSG. That said, we are available by email and by telephone (Trusty: (202) 368-9775), (Dwyer: (240-777-9200) and happy to talk with you any time you need assistance. In addition, we can make arrangements to meet with you on campus before class, should that be needed.

## Fall 2021 Course Schedule

Date	Topic	Assignments Due	Readings Due
Class 1 8/31/21	Course Intro; law approach		Reid Sentencing Transcript
Class 2: 9/6/21	Purposes in Sentencing; Pleas Bargaining; Guilty Pleas		Boykin v. Alabama; N.C. v. Alford; Borderkircher v. Hayes
Class 3: 9/13/21	Rights and Factors considered during sentencing hear	QUIZ	Strickland v. Wash.; U.S. v. Umana; Victim Impact Statement
Class 4: 9/20/21	Sentencing Statutes and Guidelines		
Class 5: 9/27/21	Community-Based Alternatives		
Class 6: 10/5/21		MID-TERM EXAM	
Class 7: 10/12/21	Juveniles		Roper v. Simmons; handouts
Class 8: 10/19/21	Death Penalty		Gregg v. Georgia
Class 9: 10/26/21	Death Penalty		
Class 10: 11/2/21	Catch up – TBD		
Class 11: 11/9/21	Mock Sentencing Hearing		
Class 12: 11/16/21	Mock Sentencing Hearing		
Class 13: 11/23/21	TBD		
Class 14: 11/30/21	TBD		
Class 15: 12/7/21	Review		
<b>FINAL EXAM: 12/21/21 6:30-8:30 pm</b>			