

CRIMINAL LAW AND PROCEDURE SYLLABUS

L.L.M. PROGRAM

Professor Anderson

Spring 2014

Course 604 311G

Required text: Anderson and Mell, Criminal Law: Cases, Commentary and Questions

Handouts, including problems, exercise, and additional required reading, will be distributed throughout the course.

CRIMINAL LAW SEGMENT

Pages in Anderson and Mell

Week 1

Introduction to the criminal process pp.19-46

Burden of Proof in a criminal case pp. 47-84

Week 2

The criminal act and omissions pp. 85-113

Week 3

The criminal intent requirement pp. 114-170

Week 4

Causation pp. 170-194

Week 5

Theft and Fraud pp. 195-218

Crimes related to habitation pp. 219-238

Week 6

Practice Mid-term

Assault and Battery pp. 239-240

When does life begin for the purpose of homicide? pp. 239-244

Murder and Voluntary Manslaughter	pp. 244-271
Week 7	
Assisted Suicide	pp. 272-291
Felony Murder	pp. 292-311
Week 8	
Insanity and diminished capacity	pp. 321-351
Self defense	pp. 352-370
Week 9	
Rape and Sexual offense	pp. 371-323
Week 10	
Inchoate offenses	pp. 513-536
Week 11	
Criminal Jurisdiction and Constitutional limitations	pp. 427-512

CRIMINAL PROCEDURE SEGMENT (Assigned Handouts)

Introduction to the exclusionary rule and the Fourth Amendment

Week 12

What is a search?

What is a seizure?

Probable cause

Arrests

Search Warrants

Searches without warrants

Plain view consents searches

Week 13

The Fifth Amendment: *Miranda v. Arizona*

Coerced confessions (involuntary statements)

Week 14 /Review

Sixth Amendment right to counsel

Attendance and Preparation

Regular and punctual attendance is expected. As the catalog of the School of Law notes, a student whose unexcused absences exceed three classes or whose total absences, excused and unexcused, exceed five classes may be compelled to withdraw from the course. Tardiness, other absence from class for part of a period, talking to other students during class, and inattention may be included in the calculation.

On the average, approximately 2 to 3 hours of preparation is necessary for each hour of class, and additional time is required for a course's other assigned work, for review, and for preparation for examinations. In addition, it is recommended that each student spend about thirty minutes reviewing that day's material as close to class time as possible.

Each student is expected to study the assigned material and to be prepared to discuss it in class. This means that the student has learned the material and is ready to refine his or her understanding of its nuances and overall place within the Criminal law framework. For students not prepared, the class may have little meaning.

On those rare occasions when a student is not prepared for class discussion, he or she should give a note so stating to the instructor before class. The instructor will not call on these students. If a student does this very infrequently no subtraction from that student's grade will be made. As noted above, however, if a student often is unprepared for class discussion his or her grade may be lowered by one level.

This system of notes to excuse a student from daily participation does not apply to the assigned negotiation exercise. Students must perform the assigned negotiation exercise by the applicable deadlines or their overall Criminal grade will be lowered significantly.

Grading Policy

Course grades primarily will be based upon the final exam. Voluntary class participation that is thoughtful and non-domineering can raise a student's grade. Quality, not quantity, counts. Voluntary class participation that does not contribute to the discussion will not, however, cause a grade to be lowered.

Students will be assigned problems, negotiation exercises, and other material to prepare, and will be called upon from time to time. These exercises are integral parts of the course and must be completed. Exceptionally good performance on these exercises, together with class participation, can raise a student's grade a maximum total of one level. If a student often is unprepared for class discussions, or repeatedly is tardy or talks to neighbors during class, the instructor may lower his or her grade by one level. A student who is prepared but does not do well on the assigned problems, cases or negotiation will not be penalized.

Office Hours

Professor Anderson will be available after class and during scheduled office hours. Subject to meetings of the faculty and its committees, Professor Anderson's office hours are: Tuesday 4:30-6:15 p.m., Thursday Noon - 1:30 p.m. and by appointment (Telephone: (410) 837-4398 e-mail janderson@ubalt.edu). My office is located at 1107 of the Angelos Law Center.

Administrative Matters

Seating: Students should decide where they want to sit for the second class. Students should sit at the seat they picked their second day for the remainder of the course.

Taping: Students may tape the class.

Laptop use: Students may not use their laptop for anything that is not related to the Criminal law course.

Cell phone: Turn off your cell phones and other personal electronic devices before class starts.

Class rules: Students may not speak in class unless recognized. Moreover, students may not be recognized or may be interrupted by the instructor if time is short. The instructor apologizes in advance for these situations and urges these students to see him immediately after class or during office hours.

Students may not talk with each other or read outside material during class. This is distracting and discourteous and will not be tolerated. This policy will be strictly enforced.

Forms of address: Students will be addressed as Mr. or Ms.

Additional Reference Material

Perkins and Boyce, Criminal Law (3rd. Ed.)

Lafave , Criminal Law

American Law Institute: The Model Penal Code

(All available on reserve in the library).