



the university of south dakota.

CRIMINAL LAW
CJUS/POLS 431/531

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Fall Semester 2009
Online Course
Once a Week

Contacting the Instructor

The best way to contact me is through the D2L course mail at your convenience. You certainly can call me as well. If you call, I will talk to you if I am available or return the call as soon as possible if I am unavailable. Please recognize that I do not live in South Dakota—I live and work near Atlanta, Georgia—so calls are not toll free. Although I have a hectic travel schedule that makes it virtually impossible for me to keep office hours at the same time week after week, I do check e-mail frequently, and I will make every effort to answer e-mails and return telephone calls within 48 hours.

Course Description

This course analyzes the American criminal justice system and the principles of criminal law. It begins with a critical examination of the major components of the criminal justice system. Afterward, we will delve into the specifics of the criminal law by reading cases. A major theme is the ethics of the criminal justice system. To this end, all students will write a paper exploring some ethical aspect of criminal law. By the end of the semester, students will have gained an understanding of the purposes and principles of criminal law. Furthermore, students will have deliberated on the flaws in the process and possible solutions. Finally, students will have considered the ethical and moral dilemmas that exist in U.S. criminal law.

Readings

One text is required for the class: Samaha, Joel. *Criminal Law*. 9th ed. Wadsworth Publishing Co., 2008. ISBN-13: 978-0-495-09539-2. Occasionally, supplemental readings will be assigned and posted online, as appropriate.

Course Learning Objectives

Learning Outcomes	Assessment
1. Describe the major components of the U.S. legal system and how they work.	<ul style="list-style-type: none">• Topic one discussion postings
2. Demonstrate knowledge of substantive criminal law and how it fits into the system of constitutional law in the United States.	<ul style="list-style-type: none">• Topic two discussion postings
3. Identify and explain the concept of criminal liability.	<ul style="list-style-type: none">• Topic three discussion postings• First examination
4. Describe and explain defenses to criminal liability.	<ul style="list-style-type: none">• Topic four discussion postings
5. Define the concepts of parties to crime as well as the nature of inchoate crimes. Demonstrate an awareness of defenses as well as causality in the law.	<ul style="list-style-type: none">• Topic 5 discussion postings• Second examination
6. Identify the crimes against persons and explain the differences in severity and degree.	<ul style="list-style-type: none">• Topic 6 discussion postings
7. Identify the crimes against property and explain the differences in severity and degree.	<ul style="list-style-type: none">• Topic 7 discussion postings
8. Identify the crimes against public order and explain the differences in severity and degree.	<ul style="list-style-type: none">• Topic 8 discussion postings
9. Identify the crimes against the state and explain the differences in severity and degree.	<ul style="list-style-type: none">• Topic 9 discussion postings
10. Explain the ethical implications of some aspect of criminal law.	<ul style="list-style-type: none">• Topic 10 discussion postings• Final examination• Ethics paper

Course Expectations

This table presents the respective course expectations for students, the instructor, and the University of South Dakota.

<u>Responsible Party</u>	<u>Expectations</u>
1. Students	<ul style="list-style-type: none"> * Familiarize yourself with all course procedures, assignments, and web etiquette. * Participate in each assigned discussion thread. * Follow course calendar to remain current with rest of class. * Complete all assignments and examinations on time and contact the instructor prior to scheduling conflicts to seek extensions or alternatives if deadlines cannot be met.
2. Instructor	<ul style="list-style-type: none"> * Be accessible to students through email, office calls, and discussion threads. * Return phone calls and emails within 48 hours. * Provide timely feedback on assignments and examinations.
3. University of South Dakota	<ul style="list-style-type: none"> * Provide technical, academic, and student support services, as well as information on how to take advantage of these services available through the CE Online Student Orientation at: <ul style="list-style-type: none"> ○ http://www.usd.edu/ce/Orientation.pdf

Course Requirements

Your grade will be determined based on the following point allocation:

- First examination: 150
- Second examination: 150
- Ethics paper: 250
- Final examination: 150
- Class participation: 300

Total	1,000
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Grading Policy

Final grades are based on the points that a student earns on the various assignments completed throughout the semester. Here are the point totals that will be used to calculate final grades:

- A:** 900-1,000
- B:** 800-899
- C:** 700-799
- D:** 600-699
- F:** <600

A: Demonstrates exceptional preparation for class. Exhibits excellent synthesis of course work and original thinking on course themes on exams and assignments. This grade indicates superior performance.

B: Demonstrates thorough preparation for class. Shows solid understanding of course work and ability to effectively analyze course themes on exams and assignments.

C: Demonstrates adequate preparation for class. Exhibits good basic understanding of course work and major themes on exams and assignments.

D: Demonstrates poor preparation for class. Shows weak understanding and application of course principles and themes on exams and assignments.

F: Demonstrates inadequate class preparation and lack of understanding of course themes on exams and assignments.

Examinations

The examinations will be several short essays that require students to think about the concepts we have learned in class and apply them to hypothetical situations. Although secondary materials can be used to complete the examinations, a time limitation will require students to complete the examination with dispatch and post them in the Drop Box.

Grades for examinations will be posted within two weeks of submission. All grades, including the course grade, will be posted on D2L and available for students to view by using the Grades link.

Ethics Paper

The ethics paper will require students to research and write on a topic of their choice

regarding some aspect of ethics in the criminal justice system. Examples include plea bargaining, racial discrimination by police officers, jury nullification, entrapment, and so forth. Each student is required to submit a proposed topic to me by the end of Week 7. In the paper, you should take a position on the ethical dilemma and present your thoughts on the problem and possible solutions. The paper should be 8-10 pages long (not including prefatory matter and a list of references), and follow standard citation format for all secondary materials. Papers are due at the end of Week 14 and must be posted in the Drop Box by the deadline. I will provide detailed comments on the papers privately to each student within two weeks of submission.

A good college-level term paper consists of several parts. Some writers refer to the appropriate formula as: Tell me what you are going to tell me; tell me; and tell me that you told me.

Tell me what you are going to tell me: In the first few paragraphs, the author must introduce the reader to the topic. What exactly is this paper about and how does the author plan to prove his or her point? In other words, what does the author hope to accomplish in the paper? This is what English teachers call the “thesis.” A good paper must begin with a clear, concise statement of the thesis. If the thesis is that the death penalty constitutes cruel and unusual punishment and thereby violates the Eighth Amendment, the author must explain the debates over interpretation of the Eighth Amendment, introduce the reader to the concept of “cruel and unusual punishment,” and discuss why one the author’s perspective on the issue is superior to other interpretations. This process of “setting up the problem” should be done near the beginning of the paper.

Tell me: Next, the paper must set forth an argument and lead the reader through the argument, building one point on another so that the arguments and evidence are cumulative and persuasive. If the introduction summarized the argument, this section fleshes it out, providing the detail that was only hinted at in the introduction. The author would be well-advised to apply concepts discussed in class, as appropriate. The use of examples is especially helpful in illustrating salient points.

Tell me that you told me: Finally, the paper must include a conclusion that does more than restate the thesis. If the assignment asks the author to state an opinion and defend it, the author should do so in more than a mere perfunctory fashion. He or she must demonstrate a clear understanding of the issue and an ability to use concepts discussed in class to develop arguments. The conclusion also must bring together the disparate points discussed in the paper.

Grammar & Mechanics: A good college-level paper should adhere to the normal rules of English grammar, syntax, punctuation, and so forth. Numerous style manuals and grammar books are available. Any well-recognized manual (e.g., The Chicago Manual of Style, the APA guide, etc.) will suffice.

Originality: A good college-level paper is written in the author’s own words and relies on very few direct quotations. It is preferable to present your own ideas and sentences, even if they need improvement, rather than present paraphrased material you gleaned from secondary sources. In addition, the examples the author uses should be original and demonstrate a mastery of the material used in the assignment and the concepts discussed in the course.

Research: “A” papers always cite and discuss the relevant literature and cases in support of a point or argument. It is easy to “get lost in the research”; that is, a student is tempted to simply throw in a great deal of information and facts amassed in the research. The thinking is, “hey, if I went to the trouble of gathering all this material, I should throw it in there.” This kind of thinking is almost always a mistake. You should not bore or confuse the reader with extraneous or irrelevant information. You should use sources and cases that best illustrate your point, but don’t go off on a tangent. Two or three well-argued points supported by a handful of cases are preferable to ten poorly-developed points backed up by voluminous cases that don’t pertain to the subject.

Class Participation

The course is highly structured. For each of the ten topic areas covered in this course, I will post a discussion topic or pose a series of hypothetical questions, typically on a Sunday evening. Students are expected to participate in the discussion threads by posting *substantive* comments and suggestions for resolving the issue by Friday at 5:00 p.m. The comments and suggestions will be open to everyone in the case for a response or critique. (Please be civil in your responses. Save the snide, sarcastic comments for law school or for your opponents in court after you begin your legal career.) Notice that class participation will account for 300 points in the final grade. At the end of a week in which I have posted a discussion topic, I will read each student’s responses and provide feedback privately to the student as well as general comments to the group at the same time that new discussion questions are posted. A break-down of the point assignments for each week’s responses can be found below.

Points	30	20	10	0
Participation	Consistently plays an active role on the discussion board.	Occasionally plays an active role on the discussion board.	Sometimes plays an active role on the discussion board.	Never plays an active role on the discussion board.
Comprehension	Consistently makes comments that reflect familiarity with the assigned cases and readings.	Occasionally makes comments that reflect familiarity with the assigned cases and readings.	Sometimes makes comments that reflect familiarity with the assigned cases and readings.	Never makes comments that reflect familiarity with the assigned cases and readings.
Insight	Consistently offers insights into appropriate topics and makes salient points related to course material.	Occasionally offers insights into appropriate topics and makes salient points related to course material.	Sometimes offers insights into appropriate topics and makes salient points related to course material.	Never offers insights into appropriate topics and makes salient points related to course material.
Quality of Expression	Consistently uses proper grammar and syntax, and is able to express himself or herself with clarity and precision.	Occasionally uses proper grammar and syntax, and occasionally is able to express himself or herself with clarity and precision.	Sometimes uses proper grammar and syntax, and is sometimes able to express himself or herself with clarity and precision.	Never uses proper grammar and syntax, and is never able to express himself or herself with clarity and precision.

Course Policies

Please take note of the following policies which apply to this course:

- **Freedom in Learning**

Students are responsible for learning the content of any course of study in which they are enrolled. Under Board of Regents and University policy, student academic performance shall be evaluated solely on an academic basis and students should be free to take reasoned exception to the data or views offered in any course of study. Students who believe that an academic evaluation is unrelated to academic standards but is related instead to judgment of their personal opinion or conduct should contact the dean of the college which offers the class to initiate a review of the evaluation.

- **Student Disability**

Any student who feels s/he may need academic accommodations or access accommodations based on the impact of a documented disability should contact and register with Disability Services during the first week of class. Disability Services is the official office to assist students through the process of disability verification and coordination of appropriate and reasonable accommodations. Students currently registered with Disability Services must obtain a new accommodation memo each semester.

For information, contact:
Ernetta L. Fox, Director
Disability Services
Room 119, Service Center
Telephone: (605) 677-6389
E-Mail: www.usd.edu/ds; dservices@usd.edu

- **Academic Dishonesty**

The College of Arts and Sciences considers plagiarism, cheating, and other forms of academic dishonesty inimical to the objectives of higher education. The College supports the imposition of penalties on students who engage in academic dishonesty, as defined in the “Conduct” section of the University of South Dakota Student Handbook.

No credit can be given for a dishonest assignment. At the discretion of the instructor, a student caught engaging in any form of academic dishonesty may be: assigned

a zero for that assignment; allowed to rewrite and resubmit the assignment for credit; assigned a reduced grade for the course; dropped from the course; or failed in the course.

(Note: It is the policy of this instructor that any student caught engaging in any form of academic dishonesty in this graduate level course will be given a grade of F for the course.)

Technical Requirements

The University has established minimum hardware and software requirements to ensure the effective delivery of online courses. Those requirements are listed in the student guide found at the URL <http://www.usd.edu/ce/Orientation.pdf>. The core requirements are:

- Internet access
- Microsoft Word
- PowerPoint, or download free viewer at:
<http://office.microsoft.com/en-us/downloads/CD010798701033.aspx>
- Adobe Acrobat Reader for PDF files

Additionally, I will ask that you **submit all of your assignments to me in the appropriate folder within the D2L course Dropbox**, so you will need to know how to do this.

D2L/ONLINE ORIENTATION: If this is your first online course at the University I would suggest that you review the new student guides for online learning. They have valuable information to help you be successful as an online learner, as well as necessary information on how to log-in if you are not familiar with USD's D2L environment. The new learner guide can be found at <http://www.usd.edu/ce/Orientation.pdf> and the guide to access D2L can be found at <http://www.usd.edu/ce/AccessingD2L.pdf>.

Course Schedule

This schedule should be viewed as a rough guide only. Some adjustments may be made during the semester, especially if one section takes a longer time to complete than anticipated.

Topic	Readings	Assignments
II. The U.S. Legal System Week 1	<i>Outline of the U.S. Legal System</i> (online), pp. 4-17 and pp. 90-139	<ul style="list-style-type: none">• Topic one discussion postings due by midnight at the end of Week 1
II. Criminal Law and Constitutional Limits Weeks 2 & 3	Samaha, Chapters 1 & 2; Focus case: <i>Griswold v. Connecticut</i>	<ul style="list-style-type: none">• Topic two discussion postings due by midnight at the end of Week 3

III. Determining Criminal Liability: Actions Plus a “Guilty Mind” Weeks 4 & 5	Samaha, Chapters 3 & 4; Focus case: <i>Brown v. State</i> ; Focus case: <i>Koppersmith v. State</i>	<ul style="list-style-type: none"> • Topic three discussion postings due by midnight at the end of Week 4 • First examination in Week 5
IV. Defenses Weeks 6 & 7	Samaha, Chapters 5 & 6; Focus case: <i>People v. Goetz</i> ; Focus case: <i>Oliver v. State</i> ; Focus case: <i>DePasquale v. State</i>	<ul style="list-style-type: none"> • Topic four discussion postings due by midnight at the end of Week 6 • Term paper topics must be approved by the end of Week 7
V. Parties to Crime and Inchoate Crimes Weeks 8 & 9	Samaha, Chapter 7 & 8; Focus case: <i>State v. Chism</i> ; Focus case: <i>People v. Kimball</i>	<ul style="list-style-type: none"> • Topic 5 discussion postings due by midnight at the end of Week 8 • Second examination in Week 9
VI. Crimes Against Persons Weeks 10 & 11	Samaha, Chapters 9 & 10; Focus case: <i>Commonwealth v. Scnopps</i> ; Focus case: <i>Commonwealth v. Berkowitz</i>	<ul style="list-style-type: none"> • Topic 6 discussion postings due by midnight at the end of Week 10 • Outline of paper topics are due by the end of Week 11
VII. Crimes Against Property Week 12	Samaha, Chapter 11; Focus case: <i>Jewell v. State</i>	<ul style="list-style-type: none"> • Topic 7 discussion postings due by the end of Week 12
VIII. Crimes Against Public Order and Morals Week 13	Samaha, Chapter 12; Focus case: <i>City of Chicago v. Morales</i>	<ul style="list-style-type: none"> • Topic 8 discussion postings due by the end of Week 13
IX. Crimes Against the State	Samaha, Chapter 13; Focus Case: <i>Humanitarian Law Project v. Gonzales</i>	<ul style="list-style-type: none"> • Topic 9 discussion postings due by the end of Week 14 • Ethics paper due at the end of Week 14
X. Concluding Thoughts/Clean-up Weeks 14 & 15	TBD	<ul style="list-style-type: none"> • Topic 10 discussion postings due by the end of Week 15

		<ul style="list-style-type: none">• Final examination in Week 16
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