

CRIMINAL LAW SYLLABUS (LAW 516 § 2)

First Weeks - Fall 2019

DAY/TIME/ROOM: M/W 2:00-3:15 pm (Room 204)

INSTRUCTOR: Prof. Jennifer Brobst; Office 244, jbrobst@siu.edu, 618-453-8702

OFFICE HOURS: Regular office hours on Monday (1:00 – 1:45) and Thursday (3:15 – 4:00). If my office door is open, walk-ins are fine for a quick chat, but office hours are better for longer discussions.

COURSE DESCRIPTION: This three credit required first year course will provide law students with a basic understanding of the American criminal justice system and the structure, policies, interpretation, and application of substantive criminal law. Substantive criminal law addresses common law charges and defenses, as well as related complex topics such as liability for the actions of others, and coverage of some key distinctions in the states that follow the Model Penal Code. Our course will not address criminal procedure (e.g., arrest, search and seizure, Miranda warnings for custodial interrogation, and sentencing) or evidence (e.g., admitting evidence and examining witnesses in criminal trials), which are separate courses taught in the second and third years of law school.

LEARNING OBJECTIVES: Students will learn to effectively advocate for defendants and the state within the criminal justice system, both orally and in writing. Students will learn to interpret and apply the general principles of criminal law and the specific elements of common law crimes and defenses to varying facts, as well as certain Model Penal Code distinctions. Students will also understand the judicial standards in trial and appellate courts in determining whether to permit a charge or defense to be presented and what may constitute sufficiency of the evidence to support a conviction.

GRADED ASSIGNMENTS:

- Writing Assignments (10%) [two practice essays]
- Midterm (15%) [closed book multiple choice]
- Final Exam (75%) [comprehensive closed book, 3 hour multiple choice and essay]

REQUIRED TEXTBOOK: ELLEN S. PODGOR ET AL., CRIMINAL LAW: CONCEPTS AND PRACTICE (4th ed. 2018, Carolina Academic Press) (available used and for rent), ISBN978-1-5310-0767-6

RECOMMENDED BUT OPTIONAL MATERIALS:

- *Gilbert Law Summaries on Criminal Law* (19th ed., 2015), ISBN-978-1634593854, ISBN-10: 1634593855 (substance overview); and *Questions & Answers: Criminal Law* by Emily Marcus Levine & Paul Marcus (4th ed. 2018) (Carolina Academic Press) ISBN-13: 978-1531012403, ISBN-10: 153101240X (multiple choice practice)
- *Free library resources:* Wayne LaFave, *Criminal Law (hornbook)* is an excellent resource for additional explanations on specific concepts if you need. In our law library, you can browse through the criminal law treatise section for similar resources and check them out (see section KF9219.3).
- *Check out our Academic Support Library for Criminal Law Bar Exam materials and practice bar exams.* Nearly all assignments and tests in this course will be in bar exam format, so looking at past exams and answers is a smart approach.

ATTENDANCE: In accordance with [SIU School of Law Rule III](#), students may miss up to a maximum of four (4) classes in this course. There is no excused or unexcused absence policy at SIU. Students who exceed the maximum number of absences at any time, including the last week of class, will be referred to the Associate Dean with the recommendation that the student be withdrawn from the course. Late arrival may be counted as an absence.

TWEN: You must register on TWEN to be able to access it, using your Westlaw username and password. This will be given to you during 1L orientation. To register as a law student, go to: <http://lawschool.westlaw.com>. TWEN is in the top bar in the middle, next to Law Resources. You will find course pages available and you will need to “add course”. Our course is “Criminal Law– Section 2”. You can also check out other courses and their syllabi for fun by temporarily scrolling through and adding other courses – no one minds, but you wouldn’t usually keep the course added once the semester gets under way or the professor might get a little confused. If, instead, you access the Westlaw system via www.westlaw.com (as practicing attorneys do), which I often do to go directly to legal research first, at the top left of the page there should be a blue bar, with “All Content” on the left to “Tools” on the right -- “TWEN” is under “Tools”. When you register, be sure to use your preferred e-mail address (you do not need to use your SIU Law School account), because this is the address that I will use for any class announcements.

WORKLOAD EXPECTATIONS: A student should study and prepare for approximately 3 hours before each class. Students should take extensive notes in class, but in an organized and selective manner, and take time after each class to re-read and clarify their notes. The first semester of the first year of law school can be difficult, because most students are unsure how to gauge how much preparation is required and the level of competition among their peers. Approach the course as a marathon — be consistent from the beginning and pace yourself so that you have energy for the final push at the end. You’ll know you’ve done enough of the right kind of preparation when you begin to anticipate the legal points of discussion in class and are able to argue either side of an issue.

INTERNET, LAPTOP, AND PERSONAL DEVICE POLICY: Use of laptops, tablets, smartphones, and other electronic devices will NOT be permitted in this course during lectures. Research in adult learning has consistently shown that physically writing organized notes in class, later reread, highlighted and organized in typed form is a proven strategy for better conceptual understanding and retention of material. As the exams in most “bar exam courses” like criminal law are closed book and require significant memorization throughout the course, this is the best approach. Do not hesitate to contact me or Academic Support for suggestions on note-taking and outlining. We’re all glad to help.

CLASS RECORDINGS: Unauthorized recording or distribution of class recordings will be prohibited.

CLASS EMAIL AND TWEN: Per the law school regulations, students must regularly check and be responsive to email communications with faculty. Students are expected to regularly check the TWEN course page.

CIVILITY AND PROFESSIONALISM: Students are expected to treat everyone in the class with respect and thoughtful restraint, including conduct both in and out of the classroom and on social media that may impact the educational experience in the course. The professor retains the right to address incivility as needed, including in extreme cases asking the student to leave the classroom if behavior is disruptive to learning. If a student needs to move an assigned seat for any reason, please do not hesitate to ask. Criminal law addresses serious topics and they will be addressed directly – it is important to learn to engage in discourse in a way that communicates effectively and persuasively with others. Unlike what you may have seen through the years in the media and entertainment, most criminal attorneys are highly professional legal counsel, demonstrating compassion, humility, restraint, and courage when working with primarily at-risk and low-income defendants and victim-witnesses.

STUDENT SERVICES: SIU has multiple resources through the law school, as well as Saluki Cares across campus for students who need some help (see <http://www.law.siu.edu/about/student-experience/support-services.html>). These support services are subsidized by your tuition dollars for a good reason. Law school is renowned for being academically difficult, but law students are also adults who frequently have other demands on their time, such as work and family. It is a professional strength, not a weakness, to seek additional support to cope with the isolation and demands of law school when needed. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, discriminatory, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help you access university resources and may be contacted at judiray@siu.edu or 618-453-3135.

DISABILITY DISCLOSURE STATEMENT: Students with disabilities are entitled to reasonable accommodations and academic adjustments (see <http://disabilityservices.siu.edu>). Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

EMERGENCY PROCEDURES: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety's website www.dps.siu.edu (disaster drop down) and in the Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

DATE	SUBJECT	READING ASSIGNMENT (subject to revision)	REQUIRED ASSIGN'S
WEEK 1 – M 8/19	Criminal Justice System and Charging Procedure Overview	(1) Chapter 1 (Podgor) pp. 1-15 (2) Ch. 3 pp. 79-90	
W 8/21	PART ONE: Distinct Elements	(1) <u>State v. Whittaker</u> , 551 S.W.3d 498 (Mo. Ct. App. 2018) [see TWEN] (2) Ch. 4 pp. 113-119 (actus reus) (3) Ch. 7 pp. 239-241 (concurrence and standards of proof)	Turn in hard copy of p. 85 <u>Donaldson</u> case brief
WEEK 2 – M 8/26	Omission, Possession, and Status Offenses	Ch. 4 pp. 120-136 (actus reus)	
W 8/28	Common law specific and general intent	Ch. 5 pp. 137-143 (common law mens rea)	
WEEK 3 – M 9/2	LABOR DAY HOLIDAY		
W 9/4	Codifying Mens Rea	(1) Ch. 5 pp. 144-163 (Model Penal Code mens rea) (2) Ch. 5 pp. 188-195 (Strict Liability)	
WEEK 4 – M 9/9	PART TWO: Select charges Possession and Trafficking	(1) Ch. 3 pp. 91-96 (possession) (2) 21 U.S.C. 841 (trafficking) (look up at https://www.law.cornell.edu/uscode/text/21/841) (3) Ch. 8 pp. 308-310 (lesser included offenses)	
W 9/11	Larceny	(1) Ch. 10 pp. 387-399 (2) <u>State v. Chambers</u> , 22 W. Va. 779 (1883) (3) In class practice essay	
F 12/13 8:15am	FINAL EXAM	3 hour closed book exam – essays & multiple choice	