

PARAC240 : Criminal Law & Procedure

General Information

Author:	<ul style="list-style-type: none">• Dawn Ward• O'Connor, Karen• Meehan, Barbara
Course Code (CB01) :	PARAC240
Course Title (CB02) :	Criminal Law & Procedure
Department:	Business Information Technolog
Proposal Start:	Fall 2020
TOP Code (CB03) :	(1402.00) Paralegal
SAM Code (CB09) :	Advanced Occupational
Distance Education Approved:	Yes
Course Control Number (CB00) :	CCC000451724
Curriculum Committee Approval Date:	11/22/2019
Board of Trustees Approval Date:	03/12/2020
External Review Approval Date:	03/12/2020
Course Description:	<p>This course examines the field of criminal law and procedure that prepares students to assist in preparation of defense or prosecution of criminal defendants while adhering to U.S. Constitutional safeguards for a defendant. Students learn all aspects of a trial from the development of the case to the appellate process and the procedures of the criminal justice system.</p>
Submission Type:	<p>Change to Content</p> <p>Course will be a core requirement for the new AA-T Legal Studies for transfer. The PARA C112 requirement is being removed to facilitate the new program. The course is not research intensive and any research tools needed could be covered within the course to allow students to complete assignments. This will also help PARA students with earlier elective options. SLO revision for spelling correction and aligning SLOs One SLO added to make a prior compound SLO easier to assess. Add approved C-ID. Other sections updated for eLumen. The course was last assessed Summer 2019. Assessment did not influence the changes. However, I did consider the need for the prerequisite and found it was not necessary as noted above.</p>
Author:	No value

Faculty Minimum Qualifications

Master Discipline Preferred:	<ul style="list-style-type: none">• Law
Alternate Master Discipline Preferred:	No value
Bachelors or Associates Discipline Preferred:	<ul style="list-style-type: none">• Legal Assisting (Paralegal)
Additional Bachelors or Associates Discipline Preferred:	No value

Course Formerly Known As

Course Formerly Known As

No Value

Course Development Options

Basic Skills Status (CB08)

Course is not a basic skills course.

Allow Students to Gain Credit by Exam/Challenge

Rationale For Credit By Exam/Challenge

No value

Course Support Course Status (CB26)

No value

Course Special Class Status (CB13)

Course is not a special class.

Allowed Number of Retakes

0

Retake Policy Description

Type:|Non-Repeatable Credit

Grade Options

- Letter Grade Methods
- Pass/No Pass

Course Prior To College Level (CB21)

Not applicable.

Allow Students To Audit Course

Associated Programs

Course is part of a program (CB24)

Associated Program

Award Type

Active

CC Paralegal Studies

A.S. Degree Major

Summer 2018 to Fall 2020

Paralegal Studies

Certificate of Achievement

Summer 2018 to Fall 2020

Law, Public Policy, and Society Associate in Arts Degree for Transfer

A.A. Degree for Transfer

Fall 2020

Paralegal Studies Associate in Science Degree

A.S. Degree Major

Fall 2020

Paralegal Studies Certificate of Achievement

Certificate of Achievement

Fall 2020

Transferability & Gen. Ed. Options

Course General Education Status (CB25)

No value

Transferability

Transferable to CSU only

Transferability Status

Approved

C-ID	Categories	Status	Approval Date	Comparable Course
Administration of Justice	C-ID discipline	Pending	No value	AJ 120

Units and Hours

Summary

Minimum Credit Units (CB07)	3
Maximum Credit Units (CB06)	3
Total Course In-Class (Contact) Hours	54
Total Course Out-of-Class Hours	108
Total Student Learning Hours	162
Faculty Load	0

Credit / Non-Credit Options

Course Credit Status (CB04)

Credit - Degree Applicable

Course Non Credit Category (CB22)

Credit Course.

Non-Credit Characteristic

No Value

Course Classification Status (CB11)

Credit Course.

Variable Credit Course

Funding Agency Category (CB23)

Not Applicable.

Cooperative Work Experience Education Status (CB10)

Weekly Student Hours

	In Class	Out of Class
Lecture Hours	3	6
Laboratory Hours	0	0
Activity Hours	0	0

Course Student Hours

Course Duration (Weeks)	18
Hours per unit divisor	54
Course In-Class (Contact) Hours	
Lecture	54
Laboratory	0
Activity	0
Total	54

Course Out-of-Class Hours

Lecture	108
Laboratory	0
Activity	0
Total	108

Time Commitment Notes for Students

No value

Faculty Load

Extra Duties: 0

Faculty Load: 0

Units and Hours - Weekly Specialty Hours

Activity Name	Type	In Class	Out of Class
No Value	No Value	No Value	No Value

Pre-requisites, Co-requisites, Anti-requisites and Advisories**Advisory**

PARAC112 - Legal Research & Writing I

Students complete some legal research tasks within the subject course and the additional skills could be obtained in PARA 112 Legal Research and Writing I.

Entrance Skills

Entrance Skills	Description
No value	No value

Limitations on Enrollment

Limitations on Enrollment

Description

No value

No value

Specifications

Methods of Instruction

Methods of Instruction

Written work

Rationale

The students will complete weekly assignments from the textbook and those created by the instructor based upon the materials covered in the readings. Assignments will be similar for online and on-ground.

Methods of Instruction

Lecture

Rationale

Online: Lecture will be give via audio PowerPoint or instructor written lecture notes in line with the PowerPoint.

On-ground: Face to face lecture using similar material for online.

Methods of Instruction

Instruction through examination or quizzing

Rationale

Student will complete quizzes and examinations within the courses (online and on ground).

Methods of Instruction

Discussion

Rationale

The primary subject matter for discussion prompts for the online or on-ground classes will be the same.

Online: Students will participate in weekly discussions. Students will post one individual initial posting per week and reply to a minimum of two classmates. The instructor will also participate in the board and student replies. For example, the instructor may rotate through one-half of the class each week to reply to all students equally throughout the course.

On-ground: Students will participate in class discussions with the instructor or/and fellow students.

Assignments

- A. Students will be required to complete readings from assigned text and case law to understand and analyze the subject matter for that topic area.
- B. Quizzes, midterms, and final examination will be given to assess student's understanding and comprehension of the course subject matter.
- C. Students will be expected to participate in classroom discussions and class assignments. Assignments may include case study analysis, written reports, and Internet research. Sample Homework assignment: The textbook offers three hypothetical cases that the students must use for analysis and application of the laws throughout the semester. The first related assignment was to summarize and analyze the given fact patterns. Case Summaries -

Read the cases in Appendices A, B, & C. Draft a summary of each case which includes the following: a) List the possible charges against the defendant. b) Write a brief summary of the facts in the case. (One to three paragraphs) c) Make a list of any possible defenses. d) Make a list of possible witnesses. Make sure you include the names of the police officers or detectives involved. Do your best to include this information in your summary of the case files. You will not know or understand all of the information at this point (the first week of class) and that is okay. This will help you with the cases and information as we progress through the course. Write it in a format that will help you as a reference. You can make it formal or more informal. This will also give you practice for when you receive a new case for the attorney. The attorney may have specific ways they want the information, for now do what helps you.

Methods of Evaluation

Rationale

Homework

Student on ground or online will complete relevant written assignments.

Case analysis and research - legal rights of criminal defendants are evaluated through reviews involving U.S. Constitutional Law protection for defendants charged with criminal activity. Criminal Procedure case law readings of current and precedent setting.

Sample Homework assignment: The textbook offers three hypothetical cases that the students must use for analysis and application of the laws throughout the semester. The first related assignment was to summarize and analyze the given fact patterns. Case Summaries - Read the cases in Appendices A, B, & C. Draft a summary of each case which includes the following: a) List the possible charges against the defendant. b) Write a brief summary of the facts in the case. (One to three paragraphs) c) Make a list of any possible defenses. d) Make a list of possible witnesses. Make sure you include the names of the police officers or detectives involved. Do your best to include this information in your summary of the case files. You will not know or understand all of the information at this point (the first week of class) and that is okay. This will help you with the cases and information as we progress through the course. Write it in a format that will help you as a reference. You can make it formal or more informal. This will also give you practice for when you receive a new case for the attorney. The attorney may have specific ways they want the information, for now do what helps you.

Participation

Student interaction in discussion forum with other students and instructor. Questions include procedural and substantive review of law application in legal system. Online discussion will be of similar subject to faculty prompts and information provided for classroom discussions and lectures.

Example:

In the "Paralegal To Do List" on page 216, the first bullet point for the defense paralegal states that you should check whether defendant was under the influence of drugs or alcohol at the time of the offense. In most states, voluntary intoxication is not a defense and cannot be used as part of the defense strategy at trial because it cannot be used to negate the mens rea requirement for the crime. Review the attached statutes of California and Ohio regarding voluntary intoxication. However in a few states and under common law, voluntary intoxication can be used to negate the mens rea for specific intent crimes only. (We will talk more about specific intent crimes as we progress through the course.)

Notice I said "voluntary" intoxication. If it is involuntary, i.e., someone else drugged you without your knowledge or forced you to drink alcohol or take drugs, that is different. However, you would have to prove your intoxication was involuntary to use it as a defense.

Sadly, I had two different cases where the clients were so intoxicated they truly did not remember what they did. Because they were voluntarily intoxicated - one alcohol, one alcohol and drugs - they were still guilty of the crimes that they committed. One was a horrible accident that seriously injured someone else and that client had to serve a mandatory minimum prison term of five years. Because it was "mandatory" he had to be sentenced to prison for a specific term of years and there was no option for probation. Also the client must serve every day of the mandatory sentence and cannot be released early on parole. The other client did not harm anyone else, but still ended up in serious trouble and was sentenced to many years in prison because he had a serious criminal history.

So with all of that information in mind:

- 1) Do you think voluntary intoxication should be allowed as a defense? (In other words, should it be allowed to negate the mens rea element completely so no charges are allowed or should it act to maybe lower the charges like how the murder statutes are set up where if there is no intent then it is not first degree murder but the lesser included second degree or manslaughter?)
- 2) Do you think that voluntary intoxication should be used as a mitigating factor at sentencing? (Mitigation meaning something the judge would consider to lessen or reduce the sentence, if possible).
- 3) How would someone prove involuntary intoxication as a defense?

You must post your initial response by 11:59p.m. Thursday. You must reply to two of your classmates by 11:59p.m. Sunday.

Final Exam

Midterm and Final exams

Multple Choice exam example:

The standard that law enforcement must show to justify an arrest is

a. reasonable suspicion.

b. reasonable grounds.

c. probable cause.

d. proof beyond a reasonable doubt.

Distance Education Description: how outcomes are evaluated

Assignments for the online course are in line and similar to the assignments that are offered on ground. The SLO's are assessed through rubric and objective assignments such as discussion boards, exams, and homework.

Equipment

No Value

Textbooks

Author

Title

Publisher

Date

ISBN

Bevans, N.. (2015) Criminal Law and Procedure for the Paralegal, 2nd, Delmar Cengage

Other Instructional Materials

No Value

Materials Fee

No

Learning Outcomes and Objectives

Course Objectives

No value

CSLOs

Define the steps necessary to bring a defendant to trial for a criminal activity.

Expected SLO Performance: 70.0

Business Information Technolog
Paralegal Studies AS Degree PLOS

Understand and apply the fundamentals of the legal process to assist the attorney in representation of the client.

Business Information Technolog
Paralegal Studies Certificate of
Achievement

Understand and apply the fundamentals of the legal process to assist the attorney in representation of the client.

Business Information Technolog
Law, Public Policy, and Society for
Transfer

Describe the American legal system, including jurisdictional requirements, state and federal court systems, and roles of those in the legal field.

Differentiate between civil and criminal law and discuss the roles of the participants in the criminal justice system.

Expected SLO Performance: 70.0

Business Information Technolog
Paralegal Studies Certificate of
Achievement

Understand and apply the fundamentals of the legal process to assist the attorney in representation of the client.

Business Information Technolog
Law, Public Policy, and Society for
Transfer

Describe the American legal system, including jurisdictional requirements, state and federal court systems, and roles of those in the legal field.

Identify the elements for the basic crimes against person and property.

Expected SLO Performance: 70.0

Define the legal issues of probable cause, search and seizure, evidence, and bail procedures that are important to a defendant's legal rights under the U. S. Constitution.

Expected SLO Performance: 70.0

Business Information Technolog
Law, Public Policy, and Society for
Transfer

Locate, critically read, and analyze relevant primary and secondary sources.

Apply laws, public policy, and/or societal or ethical theories to develop a solution to a legal issue, a public policy issue, and/or a societal concern.

Business Information Technolog
Paralegal Studies AS Degree PLOS

Conduct ethical legal research and use other investigative functions to gather relevant information.

Business Information Technolog
Paralegal Studies Certificate of
Achievement

Conduct ethical legal research and use other investigative functions to gather relevant information.

Discuss the function of the grand jury, plea bargaining, and the district attorney's recommendations for prosecuting or not prosecuting based on the law and evidence review.

Expected SLO Performance: 70.0

Business Information Technolog
Law, Public Policy, and Society for
Transfer

Describe the American legal system, including jurisdictional requirements, state and federal court systems, and roles of those in the legal field.

Apply laws, public policy, and/or societal or ethical theories to develop a solution to a legal issue, a public policy issue, and/or a societal concern.

Outline

Course Outline

A. Introduction to Criminal Law

1. Participants in the criminal justice system
2. Differences from civil law
3. Common Law

B. Principals; Accessories; and Attempt

1. First and second degree principals
2. Accessories before and after the fact
3. Conspiracy
4. Solicitation
5. Attempt

C. Crimes Against the Person

1. Homicide
2. Classifications of murder
3. Assault and battery
4. Kidnapping

D. Sex-Related Crimes

1. Rape
2. Other sexual offenses
3. Child molestation

E. Crimes Against Property

1. Burglary
2. Arson
3. Theft
4. Robbery
5. Fraud

F. Crimes against the Public Order

1. Prostitution and indecent exposure
2. Drug crimes
3. Driving under the influence
4. Bribery; perjury and obstruction of justice
5. Other public order crimes

G. Arrest; Search and Seizure

1. Arrest procedures
2. Probable cause
3. Search warrants
4. Interrogations
5. Miranda rights
6. Confessions

H. Post Arrest and Grand Jury Proceedings

1. Initial appearance
2. Posting bail
3. Preliminary hearings
4. Grand jury and indictment
5. Functions of the grand jury
6. Prosecutor's Role

J. Evidentiary Issues

1. Admissibility
2. Classifications of evidence
3. Admitting evidence and objections

K. Arraignment and Discovery

1. Arraignment procedures
2. Potential Pleas
3. Plea bargaining
4. Rules and use of and Discovery
5. Pre-trial motions

M. Constitutional Rights of the Defendant associated with trials

1. Right to an attorney
2. Right to trial by jury
3. Presumption of innocence and the right to remain silent
4. Confrontation and the right to be present

N. Trial Procedure

1. Courtroom layout
2. Jury selection
3. Sequestering the jury
4. Jury instructions
5. Motions
6. Opening statements
7. Direct and cross examinations

8. Closing the evidence
9. Closing arguments
10. Jury deliberations
11. Mistrials
12. The verdict

O. Defenses

1. Affirmative defenses
2. Insanity defense
3. Constitutional and statutory defenses

P. Sentencing

1. Constitutional and Statutory Sentencing guidelines
2. Hearings
3. Death Penalty
4. Parole, Probation, and alternative to jail/prison sentences

Q. Appeals

1. Motion for a new trial
2. Notice of appeal
3. The appellate brief
4. Functions of Appellate Courts

Delivery Methods

Delivery Method: Please list all that apply -Face to face -Online (purely online no face-to-face contact) -Online with some required face-to-face meetings ("Hybrid") -Online course with on ground testing -iTV – Interactive video = Face to face course with significant required activities in a distance modality -Other

- Face to face
- Online (purely online no face-to-face contact)
- Online with some required face-to-face meetings ("Hybrid")
- iTV – Interactive video = Face to face course with significant required activities in a distance modality

Rigor Statement: Assignments and evaluations should be of the same rigor as those used in the on-ground course. If they are not the same as those noted in the COR on the Methods of Evaluation and out-of-class assignments pages, indicate what the differences are and why they are being used. For instance, if labs, field trips, or site visits are required in the face to face section of this course, how will these requirements be met with the same rigor in the Distance Education section? Describe the ways in which instructor-student contact and student-student contact will be facilitated in the distance ed environments.

All paper assignments are identical to those in an onsite class except that they are submitted by "submission box" within the Learning Management System (LMS). Weekly class discussions are conducted by means of online weekly discussion forums within the LMS. Quizzes and exams will also be uploaded to the LMS and the student will take the quiz/exam through the LMS platform, however, content will be identical to any on-site courses. The instructor is responsible for providing feedback to the discussion within the discussions each week and also through grading feedback. Some instructors use rubrics, which are also stated in the syllabus, to grade course work and discussion forums but rubrics are not required and the need will vary by assignment. Objective answers would not require a rubric. Outcomes are assessed. See Methods of Evaluation.

Faculty maintains regular and effective contact with students online through participation in discussion board forums, course announcements, annotated feedback comments on graded assignments, office hours, and responding to student inquiries via email, "ask the instructor" forum, phone or Zoom video conferencing.

Students have regular contact with each other through the required weekly discussion boards. The students are required to post an initial response each week and reply to a minimum of two of their classmates. Students can also communicate with each other through email or LMS Inbox.

Good practice requires both asynchronous and synchronous contact for effective contact. List the methods expected of all instructors teaching the course. -Learning Management System -Discussion Forums -Message -Other Contact -Chat/Instant Messaging -E-mail -Face-to-face meeting(s) -Newsgroup/Discussion Board -Proctored Exam -Telephone -iTV - Interactive Video -Other

- Discussion Forums
- Message
- E-mail
- Face-to-face meeting(s)
- Newsgroup/Discussion Board
- Telephone
- iTV - Interactive Video

Software and Equipment: What additional software or hardware, if any, is required for this course purely because of its delivery mode? How is technical support to be provided?

Any needed software can be downloaded for free such as Microsoft office through student account or Adobe Acrobat free version. Students can contact campus IT, instructor or company for assistance. Additional software subscriptions would be included with the textbook.

Accessibility: Section 508 of the Rehabilitation Act requires access to the Federal government's electronic and information technology. The law covers all types of electronic and information technology in the Federal sector and is not limited to assistive technologies

used by people with disabilities. It applies to all Federal agencies when they develop, procure, maintain, or use such technology. Federal agencies must ensure that this technology is accessible to employees and the public to the extent it does not pose an "undue burden". I am using -iTV—Interactive Video only -Learning management system -Publisher course with learning management system interface.

- Learning management system
- Publisher course with learning management system interface.

Class Size: Good practice is that section size should be no greater in distance ed modes than in regular face-to-face versions of the course. Will the recommended section size be lower than in on-ground sections? If so, explain why.

Max 45 students on ground or online per section. Section would be equal for all offerings.