

LAW C115: CRIMINAL LITIGATION

| Item | Value |
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| Curriculum Committee Approval Date | 04/23/2021 |
| Top Code | 140200 - Paralegal |
| Units | 1.5 Total Units |
| Hours | 27 Total Hours (Lecture Hours 27) |
| Total Outside of Class Hours | 0 |
| Course Credit Status | Credit: Degree Applicable (D) |
| Material Fee | No |
| Basic Skills | Not Basic Skills (N) |
| Repeatable | No |
| Grading Policy | Standard Letter (S), • Pass/No Pass (B) |

Course Description

The criminal court system and litigation in criminal cases, constitutional law, criminal law, criminal procedure; including investigation, prosecution, defenses, discovery, motions, trial preparation, and appeal in criminal cases. ADVISORY: LAW C100 and LAW C121. Transfer Credit: CSU.

Course Level Student Learning Outcome(s)

1. Utilize the principles of criminal litigation procedure and basic rights provided by constitutional law in a legal setting given a specific fact scenario.
2. Research and prepare common motions given a specific fact situation.

Course Objectives

- 1. Outline the important steps necessary to bring a defendant to trial for a crime.
- 2. Describe the differences between criminal law and civil law.
- 3. Define the roles of various participants in the criminal justice system, including judges, prosecutors, police, and defense attorneys.
- 4. Define arrest.
- 5. Explain probable cause and its importance to both arrests and searches.
- 6. Explain the importance of the Fourth Amendment and its relationship to police arrests, searches, and seizures.
- 7. Explain what a Terry stop is.
- 8. Describe how and under what circumstances a search warrant may be issued.
- 9. Describe the circumstances when a search warrant is not required.
- 10. Explain the procedure after arrest.
- 11. Describe how bail or bond works.
- 12. Explain the importance of the initial appearance.
- 13. Explain the purpose and function of the preliminary hearing.
- 14. Describe the function and importance of the grand jury.
- 15. Differentiate between indictment and accusation.
- 16. Describe how evidence is used in criminal prosecutions.

- 17. Explain the difference between direct and circumstantial evidence.
- 18. Explain the difference between physical, demonstrative, and documentary evidence.
- 19. Explain the Exclusionary Rule.
- 20. Explain the importance of the Miranda and subsequent Supreme Court decisions.
- 21. Describe when Miranda warnings do and do not have to be read.
- 22. Define what an arraignment is and why it is important.
- 23. Explain the importance of plea bargaining in criminal prosecutions.
- 24. Describe the procedure for a plea of guilty and the subsequent sentencing.
- 25. Describe the various aspects of criminal discovery, including what is and is not typically revealed by the State.
- 26. Explain the significance of the Supreme Court Brady decision.
- 27. Describe how a motion to suppress is raised and the procedure followed.
- 28. Define the difference between a principal and accessory.
- 29. Explain Whartons rule.
- 30. Explain how and when a crime of attempt occurs.
- 31. Define the elements of a conspiracy.
- 32. Explain the various levels of murder.
- 33. Describe the felony-murder rule.
- 34. Define premeditation.
- 35. Describe the differences between assault and battery.
- 36. Define the elements of various crimes against the person.
- 37. Identify the elements of proof for burglary and other property crimes.
- 38. Explain the elements of arson.
- 39. Describe the elements of various theft crimes.
- 40. Identify the elements of crime against public order, health, and morality.
- 41. Explain the impact of the First Amendment on certain crimes.
- 42. Describe the various rights associated with the trial of a criminal defendant.
- 43. Explain the States burden in a criminal prosecution.
- 44. Identify the various defenses available to an accused.
- 45. Discuss the elements of defenses.
- 46. Explain how a defendant is sentenced.
- 47. Describe the process at a sentencing hearing.
- 48. Explain the 8th amendments importance in sentencing.
- 49. Explain the difference between probation and parole.
- 50. Describe how an appeal proceeds through the court system.

Lecture Content

Introduction to Criminal Law Overview (1 Hour) Court Systems (1 Hour) Participants (1 Hour) Ethical Considerations (.5 Hour) Arrest, Search, and Seizure Arrest (1 Hour) Probable Cause (1 Hour) Arrest and Search Warrants (1 Hour) Ethical Considerations (.5 Hour) Post Arrest and Grand Jury Initial Appearance (.5 Hour) Preliminary Hearings (.5 Hour) Prosecutors Office (.5 Hour) Indictment (.5 Hour) Grand Jury (1 Hour) Ethical Considerations (.5 Hour) Evidentiary Issues Classification of Evidence (1 Hour) Other Evidentiary Issues (1 Hour) DNA Fingerprints

Blood Tests Polygraph Voice Admission of Evidence (.5 Hour) Ethical Considerations (.5 Hour) Interrogations, Confessions, and Miranda Miranda Rule (2 Hours) Art of Interrogation (1 Hour) Confessions (.5 Hour) Ethical Considerations (.5 Hour) Arraignment and Discovery Arraignment (.5 Hour) Plea Bargaining (.5 Hour) Discovery (.5 Hour) Pre – Trial Motions (1 Hour) Ethical Considerations (.5 Hour) Crimes Against the Person (1 Hour) Against Property (1 Hour) Against Morality (1 Hour) Defenses (1 Hour) Ethical Considerations (.5 Hour) Constitutional Rights Sixth Amendment (2 Hours) Other Rights (1 Hour) Confrontation Cross-Examination Presence Presumption of Innocence (.5 Hour) Representation (1 Hour) Trial (2 Hours) Preparation Voir Dire Sentencing Ethical Considerations (.5 Hour) Sentencing and Appeals (2 Hours) Sentencing Notice of Appeal Writs

Lab Content

Introduction to Criminal Law (1 Hour) Case Excerpt Practical Application Arrest, Search, and Seizure (1 Hour) Case Excerpt Practical Application Post Arrest and Grand Jury (1 Hour) Case Excerpt Practical Application Evidentiary Issues (1 Hour) Case Excerpt Practical Application Interrogation, Confessions, and Miranda (1 Hour) Case Excerpt Practical Application Arraignment and Discovery (1 Hour) Case Excerpt Practical Application Crimes Against The Person (1 Hour) Case Excerpt Practical Application Crimes Against Property (1 Hour) Case Excerpt Practical Application Crimes Against Public Order (1 Hour) Case Excerpt Practical Application Trial Rights (1 Hour) Case Excerpt Practical Application Defenses (1 Hour) Case Excerpt Practical Application Sentencing and Appeal (1 Hour) Case Excerpt Practical Application

Method(s) of Instruction

- Lecture (02)
- DE Live Online Lecture (02S)
- DE Online Lecture (02X)

Instructional Techniques

Multiple methods of instruction will be used to enhance student understanding of the paralegal profession. Lectures, discussions, forums, interactive activities, and group projects will be utilized to facilitate the learning process. This class requires the use of various methods of audio visuals such as PowerPoint, audio, and video presentations.

Reading Assignments

Students will read from the course textbook as well as any other primary and/or secondary readings assigned by the instructor.

Writing Assignments

Students will be required to complete written homework assignments, prepare a motion, and/or prepare a project paper on a topic as assigned by the instructor.

Out-of-class Assignments

Outside of the classroom, students will complete the required readings; work on assigned papers, reports, and projects; study for tests; conduct research; and communicate with the instructor and/or fellow students through telephone, email, discussion boards, or virtual chat.

Demonstration of Critical Thinking

Critical thinking will be demonstrated through written assignments, essays on exams, papers, and projects.

Required Writing, Problem Solving, Skills Demonstration

Demonstrate application of laws, rules, and procedures, specific to fact situations, and prepare common motions. Each process will include application of legal issues to client factual situations.

Eligible Disciplines

Law: J.D. or LL.B NOTE: Courses in aspects of law for application to a particular discipline may be classified, for minimum qualifications purposes in the discipline of the application. Masters degree required.

Textbooks Resources

1. Required McClure, T. Eimermann, T. Fundamentals of Criminal Law and Procedure for Paralegals, 2 ed. Aspen, 2020 Rationale: -

Other Resources

1. Coastline Library 2. Cases as assigned by the Instructor 3. or similar textbook selected by instructor