

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



MASTER SYLLABUS

CRIMINAL PRACTICE

LEST 221

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**SCHOOL OF BUSINESS AND LIBERAL ARTS
BUSINESS
SPRING 2019**

- A. **TITLE: Criminal Practice**
- B. **COURSE NUMBER: LEST 221**
- C. **CREDIT HOURS: 3**
- D. **WRITING INTENSIVE COURSE: NO**
- E. **GER CATEGORY: NONE**
- F. **SEMESTER(S) OFFERED: FALL**
- G. **COURSE DESCRIPTION:**

This course introduces students to the many aspects of Criminal Law and Criminal Procedure. Students learn the main structure of the criminal justice system, penal statutes, case law, and criminal procedure with a focus on the 4th, 5th, and 6th Amendments to the United States Constitution. There will be a particular focus on Criminal Practice in the State of New York.

H. **PRE-REQUISITES/CO-REQUISITES:**

- a. Pre-requisite(s): LEST 101 and BSAD 201 or permission of the instructor.
- b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

<u>Course Student Learning Outcome [SLO]</u>	<u>PSLO</u>	<u>GER</u>	<u>ISLO</u>
1. Analyze the structure and function of the American criminal legal system and sources of criminal law.	Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of: <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		Industry, Professional, Discipline Specific Knowledge and Skills
2. Understand and explain the different categories of crime.	Understand and articulate the role of common law in the American legal		Industry, Professional, Discipline Specific

	<p>system, including concepts of mandatory (<i>stare decisis</i>) and persuasive authority.</p> <p>Identify the ethical implications inherent in a particular situation, and evaluate the particular course of action to be taken in the face of countervailing pressures.</p>		<p>Knowledge and Skills</p> <p>Social Responsibility <i>Ethical Reasoning [ER]</i></p>
<p>3. Demonstrate familiarity with specific Penal Law crimes.</p>	<p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		<p>Industry, Professional, Discipline Specific Knowledge and Skills.</p>
<p>4. Interpret statutory, common law, and Constitutional principles as they apply to Criminal Law and Criminal Procedure.</p>	<p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law 		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p>

	<ul style="list-style-type: none"> and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
5. Apply criminal statutes to factual situations.	<p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		Industry, Professional, Discipline Specific Knowledge and Skills
6. Understand and apply the rules of search, seizure and interrogation to specific factual scenarios.	<p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Identify the ethical implications inherent in a particular situation, and evaluate the particular course of action to be taken in the face of countervailing pressures.</p>		Industry, Professional, Discipline Specific Knowledge and Skills Social Responsibility <i>Ethical Reasoning [ER]</i>

KEY	<u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u>
ISLO #	ISLO & Subsets
1	Communication Skills Oral [O], Written [W]
2	Critical Thinking <i>Critical Analysis [CA], Inquiry & Analysis [IA], Problem Solving [PS]</i>
3	Foundational Skills <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	Social Responsibility <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	Industry, Professional, Discipline Specific Knowledge and Skills

J. **APPLIED LEARNING COMPONENT:** Yes X No

K. **TEXTS:** Davenport, A. (2018). *Basic Criminal Law: The Constitution, Procedure, and Crimes (5th Edition)*, Pearson Education. ISBN: 9780134559964

L. **REFERENCES:** Articles of current interest and other resources placed on the course online learning site.

M. **EQUIPMENT:** Technology Enhanced Classroom.

N. **GRADING METHOD:** A-F

O. **SUGGESTED MEASUREMENT CRITERIA/METHODS:** Participation, in-class exams, final exam, assignments and research paper.

P. **DETAILED COURSE OUTLINE:**

I. Legal Foundations

- a. Compare Criminal Law to Criminal Procedure
- b. Classification of Crimes
- c. Sources of Criminal Law
- d. Understanding the Adversarial System
- e. Burden of Proof
- f. The Adversarial System
- g. Presumptions
- h. Role of Judge, Prosecutor and Defense Attorney
- i. Understanding the Hierarchy of Courts in the State and Federal Systems

II. Criminal Law

- a. Government's Law Making Authority
- b. Limitations of Criminal Law
- c. Equal Protection of Law

- d. Ex Post Facto Laws
- e. Laws that are Void for Vagueness
- f. Laws that are Void as Overbroad
- g. Cruel and Unusual Punishment
- h. Double Jeopardy

III. Elements of Criminal Liability

- a. Conduct Crimes
- b. Result Crimes
- c. Acts and Omissions
- d. Bases for Criminal Culpability
 - i. Intent
 - ii. Knowledge
 - iii. Negligence
 - iv. Recklessness
 - v. Malice
- e. The Role of Motive
- f. Strict Liability
- g. Legal and Factual Causation
- h. Ignorance or Mistake of Fact or Law

IV. Complicity and Vicarious Liability

- a. Principals, Accomplices, and Accessories
- b. Effect of Acquittal of the Principal
- c. Defenses to Accomplice Liability
 - i. Abandonment
 - ii. Immunity
- d. Corporate Vicarious Liability
- e. Individual Vicarious Liability

V. Inchoate Crimes

- a. Attempt
- b. When does Criminal Thought Change to Criminal Attempt?
- c. Defenses to Attempt
 - i. Impossibility
 - ii. Abandonment
- d. Conspiracy
 - i. The Agreement
 - ii. The Overt Act
- e. Defenses to Conspiracy
 - i. Abandonment

- ii. Withdrawal
- iii. Impossibility
- iv. Wharton's Rule

f. Solicitation

- i. Distinguishing Solicitation from Conspiracy

VI. Crimes Against Persons

a. Homicide

- i. Murder
- ii. Manslaughter
- iii. Criminally Negligent Homicide
- iv. Felony Murder
- v. Mercy Killings
- vi. Corporate Murder

b. Sex Crimes

i. Rape

- 1. Based on Force
- 2. Based on Lack of Consent
 - a. Explain Inability to Consent

- ii. Rape Shield Laws
- iii. Sexual Misconduct
- iv. Sexual Abuse
- v. Criminal Sexual Act
- vi. Course of Conduct Against a Child

c. Robbery

d. Burglary

- i. Crime Against a Person
- ii. Crime Against Property

e. Battery

f. Assault

g. Kidnapping

h. False Imprisonment

i. Domestic Crimes

j. Harassment

k. Stalking

VII. Property Crimes

a. Arson

b. Criminal Mischief

c. Vandalism

d. Trespass

e. Burglary Revisited

- i. Crime Against a Person

- ii. Crime Against Property

- f. Cybercrime

- i. Jurisdiction
- ii. Property “Damage”
- iii. Cyberterrorism

- g. Theft Offenses

- i. Larceny
- ii. Possession of Stolen Property
- iii. Extortion
- iv. Embezzlement
- v. False Pretenses
- vi. Forgery
- vii. Identity theft
- viii. Theft of Intellectual Property

VIII. Crimes Against the State and Public Order

- a. Resisting Arrest
- b. Gang Activity
- c. Unlawful Assembly
- d. Vagrancy and Loitering
- e. Prostitution
- f. Gambling
- g. Pornography and Obscenity
- h. Alcohol Offenses
- i. Drug and Marijuana Offenses
- j. Incest
- k. Indecent Exposure and Voyeurism
- l. Bigamy and Polygamy
- m. Profanity
- n. Terrorism
- o. Treason
- p. Sedition
- q. Sabotage
- r. Espionage

IX. Criminal Defenses and Excuses

- a. Failure of Proof
- b. Justification
- c. Excuse
- d. Necessity
- e. Self-Defense and Defense of Others
- f. Defense of Property
- g. Consent
- h. Right of Law Enforcement to Use Force
- i. Duress
- j. Intoxication

- k. Entrapment
- l. Age
- m. Insanity
- n. Syndrome-based Defenses

X. Introduction to Criminal Procedure

- a. The Exclusionary Rule
- b. Fruit of the Poisonous Tree
- c. Probable Cause
- d. Reasonable Suspicion
- e. Administrative Justification

XI. Search and Seizure

- a. Components of a Warrant
- b. Arrest Warrants
- c. Search Warrants
- d. Warrantless Searches
 - i. Search Incident to Arrest
 - ii. Exigent Circumstances
 - 1. Hot Pursuit
 - 2. Escape and Endangerment of Others Absent Hot Pursuit
 - 3. Evanescent Evidence
 - iii. Automobile Searches
 - iv. Plain View Searches
 - v. Consent Searches
 - 1. Scope Limitations
 - 2. Third Party Consent
- e. Stop and Frisk (Two Separate Acts)
 - i. The Stop
 - ii. The Frisk
- f. Protective Sweeps
- g. Vehicle Inventories
- h. Inspections
- i. Border and Immigration Checkpoints
- j. Sobriety Checkpoints
- k. License and Safety Checkpoints
- l. Crime Investigation Checkpoints
- m. Unconstitutional Checkpoints
- n. School Discipline
- o. Searches of Government Employee Offices
- p. Drug and Alcohol Testing of Employees
- q. Drug and Alcohol Testing of Hospital Patients
- r. Drug and Alcohol Testing of School Students
- s. Probation and Parole Supervision

XII. Interrogation and Identification

- a. Right to Counsel
- b. Voluntariness of Statements
- c. Custody
- d. Interrogation
- e. Adequacy of Miranda Warnings
- f. Waiver of Miranda Rights
- g. Questioning after Assertion of the Right to Remain Silent
- h. Public Safety Exception to Miranda Warnings
- i. Identification Procedures
 - i. Right to Counsel
 - ii. Due Process
 - iii. Self-Incrimination
 - iv. 4th amendment
- j. Identification Techniques
 - i. Lineups
 - ii. Showups
 - iii. Photographic Identification
- k. Double Blind Lineups
- l. Virtual officer Lineups
- m. Exclusionary Rule and Identification
 - i. Tainted identification
 - ii. Identifications Resulting from Illegal Searches and Seizures

XIII. Pretrial procedure

- a. Probable Cause Hearing
- b. Pre-Trial Release Hearing
 - i. Release on Bail
 - ii. Release on Recognizance
 - iii. Release to Probation Supervision
- c. Release Criteria
 - i. Flight Risk
 - ii. Dangerousness
 - iii. Financial status
 - iv. Treatment as Condition of Release
- d. Preliminary hearing
- e. Arraignment
- f. Discovery by Prosecution
- g. Discovery by Defense
- h. Prosecutor's Special Duties of Disclosure
- i. Prosecutor's Duty to Preserve Evidence

XIV. Charging and Pleading

- a. Prosecutorial Discretion
- b. Unfair or Selective Prosecution
- c. Joinder of multiple Charges
- d. Joinder of Multiple Defendants
- e. Role of Grand Jury
- f. Secrecy of Grand Jury
- g. Rights of Witnesses Testifying before the Grand Jury
- h. Investigatory Power of the Grand Jury
- i. Challenging the Grand Jury Decision
- j. Plea Bargaining
- k. Guilty Plea
- l. Contesting a Guilty Plea

XV. Trial and Beyond

- a. Right to a Speedy Trial
- b. Right to a Public trial
- c. Right to an Impartial Judge
- d. Right to a Trial by Jury
- e. Right to Counsel
- f. Right to Confrontation
- g. Right to Compulsory Process
- h. Sentencing
- i. Appeals
- j. Habeas Corpus

Q. **LABORATORY OUTLINE: N/A**