

**CJ 430 MINNESOTA CRIMINAL LAW AND PROCEDURE**

**Syllabus, Spring 2009**

**INSTRUCTOR:** Zenas Baer, J.D., Adjunct Professor of Criminal Justice

**CONTACT #= S:** 2184833372  
**e-mail** zbaer@zbaer.com

**CLASS:** Lommen 0072  
WC 5:30pm--8:50pm

\*\*\*\*\*  
\*\*\*\*\*

**I. COURSE DESCRIPTION & GOALS:**

This course is described in the university catalog as AThe Minnesota criminal statutes as well as the Minnesota rules of criminal procedure are examined. Technical study of police report writing designed to meet the standards of the POST Board licensing examination will be covered. We will study the substantive aspects of criminal law, including traditional elements of crimes, statutory definitions, and judicial interpretations of specific crimes and motor vehicle offenses, as well as inchoate crimes, defenses to legal liability and sentencing procedure. Focus is placed on developing practical skills associated with working in the field of criminal law.

**II. COURSE OBJECTIVES:**

This course should acquaint students with the theory and practice of substantive criminal law and students should be able to demonstrate such knowledge and their critical thinking and problem solving skills relating to such matters. Students should be able to demonstrate knowledge of criminal law (in particular, Minnesota criminal law), appreciate the ethical considerations presented by the interpretation and application of the criminal law, and understand the importance and consequences of cultural diversity and social inequality of U.S. society (e.g., by race, class and gender) as they relate to criminal law. In addition, students who are seeking Minnesota Peace Officer Standards & Training Board (P.O.S.T.) certification should be able to demonstrate familiarity with such certification requirements. This course will satisfy a portion of the learning objectives required for professional peace officer education required by the Minnesota P.O.S.T. board, in particular those related to the Minnesota Criminal and Traffic Enforcement Codes, aspects of juvenile and civil law, diversity, bias motivated crime and victims and victim rights (domestic abuse and assault, child and vulnerable adults abuse matters).

### III. TEXTS AND MATERIALS:

James W. H. McCord and McCord, Sandra L., *Criminal Law and Procedure for the Paralegal: A Systems Approach*, 3<sup>rd</sup> Edition, Albany, NY: Delmar, 2006.

Gerald P. Krause, *Minnesota Criminal Statutes & Study Guide*, 2007 Revised Edition, Minneapolis, MN: St. Croix Publishing LLC, 2008.

The Office of Revisor of Statutes, Minnesota *Motor Vehicle and Traffic Laws*, 2007 Edition, St. Paul, MN: Minnesota Bookstore, 2007.

### IV. INSTRUCTIONAL METHOD:

This course will be open to a variety of methods of instruction such as lectures, discussion and, when appropriate, audiovisual materials and guest lecturers may be used to enhance the students' understanding of course material.

### V. COURSE REQUIREMENTS:

#### General Requirements

#### Projects & Examinations:

- |                               |                   |
|-------------------------------|-------------------|
| a) Take Home Analysis Project | 50 points (apx.)  |
| b) In Class Exam #1           | 80 points (apx.)  |
| c) In Class Exam #2           | 100 points (apx.) |
| d) In Class Exam #3           | 150 points (apx.) |

#### Additional Evaluations:

- |                        |                  |
|------------------------|------------------|
| a) Class Participation | 40 points (apx.) |
| b) Outside Observation | 30 points (apx.) |

Total:	450 points (apx.)	100%
--------	-------------------	------

**The Final Examination will be held on Wednesday, May 6, 2009 during the regular class period..** Dates for other examinations during the semester will be announced in class reasonably well in advance of such examinations. The course material to be covered by examinations will also be announced in class. The points and percentages described above may be adjusted as the semester progresses, but fairly represent the relative values concerning evaluation of student performance for the course.

**NOTE:** Students missing an examination without the instructor's approval will not be permitted to make up the test. In the event the instructor approves an authorized absence, any make-up examination may be given (at the instructor's discretion) during the final week of the semester (or at another time, at the discretion of the instructor) and be the format decided upon by the instructor. **NO MAKE-UP EXAMINATIONS WILL BE GIVEN WITHOUT PRIOR DOCUMENTATION SATISFACTORY TO THE INSTRUCTOR.**

## **Writing Assignments**

There may be class assignments to assist the student in understanding the course material. These assignments will be evaluated as part of the class Participation described above. They will be assigned in class and generally will be due within 1 to 3 class periods thereafter. In most instances these assignments will be expected to incorporate material from this course and perhaps some limited outside sources. In any event, students should avoid the use of lengthy quotations; instead, the better approach is summarizing information and facts with an appropriate reference to the source of such material (e.g., page number and source). The Take Home Analysis Project mentioned elsewhere in this syllabus is a 3-part assignment (which includes an initial exercise and related in-class discussion, a written application exercise, and the final analysis project itself). It is expected that these assignments will collectively require approximately 10-12 hours of statutory analysis and writing over the course of about two weeks during the initial weeks of the semester. All research and work submitted shall be the work of each individual student alone. Submission of a written assignment by a student implicitly carries with it a certification that such work (and research, if applicable) was done by that student and completed specifically and only for this class.

The text portion of assigned papers is to be typed on a word processor or computer, 12 point font, double-spaced (with approximately 23-26 lines of text per assigned page) on standard 8 1/2 x 11 white paper (with 1 1/2 left & 1 right margins and 1 1/4 top & bottom margins). Each assigned paper shall also have a cover page, containing the student name (which shall not appear elsewhere in the paper) and the date the assignment is due.

## **Outside Observations**

Each student is required to participate in a minimum of three (3) hours of observational court visits, which must be of criminal proceedings.

In the event a student has had the opportunity to observe criminal court proceedings as part of another class or because of other experiences, please discuss with the instructor other alternatives to these requirements. Moreover, if such outside observations will create unnecessary hardship upon a student, you must provide the instructor with written notice of this by the beginning of the last scheduled class day of week # 3 (**January 23**). In such event the instructor will waive this requirement and the points otherwise assigned for such observations will be calculated into the Projects & Examinations portion of the course described above for such student (more heavily weighting a student's performance on examinations for purposes of evaluation for the course).

In connection with the submission of any required assignment, make sure that grammar, spelling and punctuation are correct if not, **significant credit will be lost**. Assignments submitted with these sorts of deficiencies are not acceptable. In some instances, the instructor may require students to seek such assistance in connection with their writing assignments.

Course assignments and outside observation submissions will generally be evaluated as follows: a plus for excellent or very good work (A/B range), a check for above average to average work (B/C range), and a minus for below average to inferior work (lower C/D range or below). Students are to maintain a portfolio (a small 3-ringer binder works quite well) of all writing assignments and other materials submitted in connection with this course and the instructor may request examination of the portfolio during, and/or at the conclusion of, the semester.

**NO LATE ASSIGNED PAPERS OR CLASS ASSIGNMENTS WITHOUT PRIOR ARRANGEMENTS WITH THE INSTRUCTOR WILL BE ACCEPTED.** All assignments are due at the beginning of the class period of the assigned due date. Students should NOT without the prior approval of the instructor forward documents by email or other electronic means. If a student is not in class the date such matters are due, it is the responsibility of the individual student to make arrangements for timely delivery of assignments.

## **VI. GRADING:**

Grades for the course are based on the points earned on the matters described in the preceding section. Grades will be computed approximately on the following basis:

A range = 90-100%  
B range = 80-89%  
C range = 70-79%  
D range = 60-69%  
F = 59% & Below

## **VII. ATTENDANCE REQUIREMENTS:**

Attendance will be taken on a regular basis. Students are expected to attend class and to be prepared to analytically discuss the assigned readings and to participate in classroom discussions and exercises. Such attendance, preparation and participation shall be considered in the "Class Participation" of the student's grade.

## **VIII. ACADEMIC HONESTY & OTHER MATTERS**

Students enrolled in this course shall be required to abide by: (a) the academic honesty code, if any, of the Legal Studies Department relating to improperly obtaining or giving of information, plagiarism, misrepresentation and the other provisions of the code and, if applicable, any decision rendered by any academic honesty panel that might be convened; and (b) any applicable university academic policies and/or procedures concerning academic honesty or other conduct.

## **IX. RESERVATION & STUDENT RESPONSIBILITIES:**

The instructor reserves the right to alter or amend any part of this syllabus, as in his opinion, academic interests will be better served. Advance notification of any changes will be given orally in class.

## **X. CLASS INTERACTION:**

There may class projects requiring every class member to be productively involved. Failure to participate will negatively affect a student grade for this course.

## **XI. READING ASSIGNMENTS:**

. We will start with Chapter 1 of the McCord & McCord text and proceed generally through the assigned text in sequential order. See schedule below for greater detail.

## **XII. SPECIAL NEEDS:**

Students who have a disability recognized under Section 504 of the Rehabilitation Act of 1973 are encouraged to contact the instructor for this class as soon as reasonably possible concerning any accommodation-related issues.

### XIII. TENTATIVE ACTIVITIES:

<u>DATE</u>	<u>ACTIVITY</u>
<u>Weekof:</u>	
Jan. 12 <sup>th</sup>	Course Introduction and Syllabus coverage McCord & McCord, <u>Criminal Law and Procedure</u> ( LP : Chapter 1-- <i>Foundations of Criminal Law</i> & 2 <i>Administration of Criminal Justice and the Role of the Paralegal</i> (*Note: Portions of assigned readings in CLP designated as case decisions and preceded with the scales of justice logo [see, e.g., <i>State v. Steenberg Homes, Inc.</i> beginning on page 69] are <u>not</u> required reading, nor are System Folder Assignments, Application Assignments, Internet Exercises, Questions for Study & Review, Key Terms & Endnotes at the conclusion of each chapter, unless specifically mentioned below in the assigned activity or otherwise assigned later during the semester.)
Jan. 19 <sup>th</sup>	CLP: Chapter 3-- <i>Components of a Crime</i>  Krause, <u>Minnesota Criminal Statutes</u> ( CS (first listing is/are statutory reference[s], with ending parenthetical referencing the corresponding chapter[s] & page number[s]):  645.241 (p. 26-16) 609.02(subd. 1 to 4a) (p. 1-01 & 02) 609.025 (p. 1-04) 609.376, .378 & .3785 (p. 8-01 to 03) 626.556(subd. 2 to 3a, 6 & 12), 626.557(subd. 1, 3 & 4), 626.5572, 609.234, 626.561 & 299C.53 (p. 27-01 to 06, 27-07 & 08 & 27-16 to 19 & 31-23 & 24)
Jan. 26 <sup>th</sup>	CLP: Chapter 4 <i>Crimes Against Persons and Crimes Against Habitation</i> (skipping Section II(E)(5), p. 108-13 & Exhibit 4-3, p. 128-30) MCS: 609.02(subd. 6 to 10) (p. 1-02) 609.185 to .215 (p. 4-01 to 08) 609.221 to .26 (p. 5-01 to 10) & 518B.01(subd. 2) (p. 31-9) 609.266 to .268 (skim) (p. 6-01 to 04) 609.293 to .326 (p. 7-01 to 06) 609.281 to .284 (skim) (p. 7-6 & 7) 609.341 to .352 (p. 7-10 to 19) & .349 (p. 7-21) 609.347 (p. 7-22 & 23) 617.23 to .247 (p. 26-13 to 15) 609.377 & .379 (p. 8-01 to 03)
Feb. 2d	Continue prior week activities.

CLP: Chapter 5 *Crimes Against Property, Public Order and Safety, Public Morals, and Justice and Public Administration* (skipping Exhibit 5-7, p. 176-78)

MCS:

609.52 & .521 (p. 11-01 to 06)

Feb. 9<sup>th</sup> **TAKE HOME ANALYSIS PROJECT** (Coverage: All assigned material above since start of semester)

MCS:

609.525, .526, .527, .528, .529, .53 & .535(subd. 1, 2 & 3) (p. 11-08 to 13)

609.546 & .551 (p. 11-16)

609.556 to .605 (p. 12-01 to 11)

609.625, .63 & .631 (p. 13-01 to 04)

609.651 & .652 (p. 13-06 & 07)

609.66 & .67(subd. 1 & 2) (p. 14-01 to 05)

609.665, .675 & .685 (p. 14-11 & 12)

609.415, .42, .425, .43 & .475 (p. 9-01 to 03 & 05)

609.86 (p. 21-01)

609.755, .76 & .763 (p. 16-03 to 05)

609.805 (p. 19-01)

609.825 (p. 20-01)

Feb. 16<sup>th</sup> Continue prior week activities.

Feb. 23<sup>d</sup> **ANTICIPATED IN CLASS EXAM # 1** (Coverage: All assigned material above since start of semester)

MCS:

609.48 to .508 (p. 10-01 to 12)

609.27 (p. 1-03 & 04)

609.33 (p. 7-09)

609.705 to .746 (p. 15-01 to 08)

340A.513 (p. 25-04 & 05)

340A.706 (p. 25-7)

340A.902 (p. 25-09)

340A.502, .801 & .90 (p. 25-05, 07 & 08)

609.748(subd. 1, 2, 4(a), 5 to 8 & 10) & .749 (p. 15-08 to 15)

629.34 to 611A.36 (p. 31-01 to 22)

[Note: Sequence of coverage of above readings from Chapters 15 & 31 is as follows: p. 15-08 to 12, p. 31-09 to 20, p. 31-07 & 08, p. 15-12 to 15, p. 31-01 to 06 & p. 31-20 to 22]

609.78(subd. 2), .79, .795 & .896 (p. 18-02 & 04)

609.851, .855 & .856 (skim) (p. 20-02 to 05)

609.684, 151.01, 151.37(subd. 1), 151.40 & 152.01, .02, .021 to .025, .0275, .136, .137, .028 & .0971 to .0974 (skim) (p. 23-01 to 13, 16-18 & 19-22)

152.097, .0261, 027, .092 to .095 (p. 23-13 to 15, 18 & 19)

624.712 to .732 (skim) (p. 22-01 to 24) (except for greater coverage of

624.714 [subd. 1a, 1b, 9, 17 & 18])

- Mar. 2d CLP: Chapter 6 *inchoate and Organized Crimes* (skipping Section III(E), p. 200, Section VII, p. 210-11 & Exhibits 6-3, 4 & 5, p. 212-13)
- MCS:  
609.17 to .175 (p. 3-01 & 02)  
609.05 (p. 1-06)  
609.901 to .905 (p. 21-09 to 12)
- Mar. 9th Complete prior week activities.  
CLP: Chapter 7  *defenses*(p. 219-27 only)
- MCS:  
609.055 to .09 (p. 1-06 to 09)  
609.379 (p. 8-03)
- Mar. 9<sup>th</sup> **ANTICIPATED IN CLASSEXAM #2** (Coverage: All assigned material subsequent to In Class Exam # 1 above)
- Mar. 16<sup>th</sup> No class Spring Break
- Mar. 23d CLP: Chapter 7  *defenses*(p. 227-50 only, including case decision, *People v. Goetz* p. 229-32 & skipping Exhibit 7-5, p. 250-52)
- MCS:  
253B.02 to .10 (skim) (p. 24-01 to 05)  
611A.51 to .68 (skim) (p.5-11 to 18)
- CLP: Chapter 8 *ntake and Drafting the Complaint*(p. 279-83 only), Chapter 11 *retrial: Initial Appearance to Preliminary Hearing* (skim) & Chapter 12--*Pretrial: Grand Jury to Pretrial Conference*(skim)
- Mar. 30<sup>th</sup> CLP: Chapter 13--*Trial: Rights, Procedure, Tasks*(skim)  
CLP: Chapter 14--*Sentencing, Punishment, and Review*(skim)
- MCS:  
609.13 to .1095 (skim) (p. 2-01 to 8) & related text and chart (p. 2-5, 6 & 9)  
609.106 (skim) (p. 4-01) & 609.3453 (skim) (p. 7-19)
- Apr. 6<sup>th</sup> Selected Portions of Minnesota Motor Vehicle and Traffic Laws ( MVTL (Specific Coverage To Be Announced Later):
- MMVTL Primary Subject Areas:
1. Definitions
  2. Driving Conduct

- Apr. 13<sup>th</sup>      MMVTL Primary Subject Areas:  
3. Elements of Impaired Driving Statutes  
3. Equipment  
4. Commercial Motor Vehicles  
5. Motor Vehicle Registration and Insurance  
6. Driver License Regulations
- Apr. 20<sup>th</sup>      Complete prior week activities.
- Apr. 27<sup>th</sup>      Review for final exam. Complete prior work.
- May 4<sup>th</sup>      **IN CLASS EXAM #3 (FINAL EXAMINATION)** (Coverage: All assigned material subsequent to In Class Exam # 2 above)