CONTACT INFORMATION

Instructor: Timothy James Ting
E-mail: tjting@siu.edu
Class Time: Tuesdays and Thursdays: 6:30 p.m. – 7:45 p.m.
Class Location: Lesar Law Building, Room 204
Office Location: Faner Building, Room 4336 (for specially accommodated meetings)
Office Hours: Available on Mondays beginning at 5:00 p.m. – 6:00 p.m. in Faner Building, Room 1028. Additional office hours may be requested by students, if necessary.

COURSE DESCRIPTION

The purpose of this course is to acquaint the student with the fundamentals of criminal procedure after the arrest of a defendant and the initiation of criminal charges. To that end, this course proceeds chronologically through the span of a criminal case – covering the right to counsel, pretrial incarceration release, the decision to prosecute, criminal pleadings, preliminary hearings and grand juries, discovery, joinder and severance, speedy trial, guilty pleas, jury procedure, double jeopardy, sentencing, post-trial proceedings, and collateral remedies. This course focuses significant attention on the expanding development of policy pursuant to judicial interpretations of the United States Constitution pertaining to pre-trial, trial, and post-trial procedure in criminal cases.

COURSE OBJECTIVE

Consistent with the course objective, students will be provided with opportunities to test and expand their comprehension of criminal proceedings through a variety of facets, including: lecture and notetaking, responding to hypotheticals in class, quiz examination, and a final examination. Students will translate their conceptual understanding of criminal procedure into practical competencies by participating in a hypothetical Preliminary Hearing as well as Sentencing Hearing. Accordingly, by the end of the course, each student should exhibit the following practical skills:

1. The analytical ability to respond nuanced hypothetical criminal procedure questions by understanding the significance of public policy and its interplay in criminal proceedings.
2. The analytical ability and comprehension to conduct a Preliminary Hearing.
3. The analytical ability and comprehension to conduct a Sentencing Hearing.
4. The written and oral ability to advocate for either a prosecution or defense position.
5. The intellectual ability to specifically outline the chronology of criminal proceedings and the reasoning behind each stage of a case.
WORKLOAD EXPECTATIONS

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to the American Bar Association Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) “not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3 credit hour class. In-class instruction time will total 150 minutes per week (comprised of two respective 75 minute class periods on Tuesdays and Thursdays [please note: the ABA allows for the interpretation that 50 minute sections qualify as an “hour” of classroom instruction]). The amount of assigned reading and out of class preparation should take a student approximately 6 hours per week. Accordingly, applying the ABA standard to the number of credits offered for this class, students should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

COURSE TEXTBOOK


RECOMMENDED MATERIALS


COURSE REQUIREMENTS AND METHOD OF EVALUATION

Students are expected to produce the following work product for the purposes of evaluation:

- **Class Attendance, Participation, and Professionalism (10% of grade total)** – Students should be able to clearly articulate the information that was assigned for each class. Students should be able to respond to any hypothetical within the assigned reading with clear preparation and use of integrating the knowledge gained from the reading assignments. Students should be able to respond to any question in any class they attend. Students should be prepared to participate in any practical exercise within class (such as the Preliminary Hearing). Lastly, students should exhibit professional courtesy to both the professor of the course as well as other students.
- **Quizzes (ungraded but completion is necessary to take the Comprehensive Final Examination)** – Students are required to complete numerous quizzes at the end of each assigned chapter’s reading on casebookplus.com. Students are allowed (and encouraged) to take a quiz multiple times in order to attain a clear understanding of the learning objectives of the assigned reading.
- **Comprehensive Final Examination (90% of grade total)** – Students should be able to apply the knowledge of the concepts taught throughout the course of the semester in a variety of different multiple choice and hypothetical situations.
COURSE POLICIES

ATTENDANCE
Attendance is mandatory and will be taken each class period at the beginning of the class (or at such time is reasonable for the logical flow of classroom instruction). Attendance will be taken in class and the records will be preserved for one year. Although an occasional absence may be unavoidable, it, in no way, excuses the student from meeting all requirements of the course and being responsible for all learning experiences. A student who misses all or part of a class will have his/her absence counted as a full absence. Class attendance is calculated from the first scheduled class meeting through the last scheduled class meeting. Students cannot miss more than 9 classes without becoming subject to penalties governed by Article III, Subsection 5 of the Southern Illinois University School of Law Code of Conduct or as the Instructor, Dean, or Associate Dean deems otherwise.

LAPTOPS AND OTHER ELECTRONIC DEVICES
Laptop computers and other similar devices may be used throughout this course. If any student is found to have used such an electronic device inappropriately (i.e. any use other than classroom utilization), that student will be marked absent for the day and banned from bringing any electronic device in class for the rest of the semester (absent mitigating circumstances as determined by the professor).

STUDENT CONDUCT
Students shall comply with all the listed provisions of the governing regulations of Southern Illinois University School of Law pertaining to student conduct (or the University-wide equivalent, if no such policy exists within the School of Law regulations for specific instances). Incidents of plagiarism or other forms of academic dishonesty may result in any disciplinary action pursuant to the governing regulations of Southern Illinois University School of Law (or the University-wide equivalent, if no such policy exists within the School of Law regulations for specific instances).

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 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.

DISABILITY POLICY
Disability Support Services 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. http://disabilityservices.siu.edu/. 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.
**SALUKI CARES**
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, 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://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

**NOTICE OF RECORDING POLICIES**
Classes will normally not be recorded by the IT Department for this course. Additionally, students are prohibited from the audio and video recording of classes taught within this course. Special arrangements for recording may be made with the professor and IT department in advance under exceptional circumstances.

**CLASS SCHEDULE**

<table>
<thead>
<tr>
<th>WEEK</th>
<th>TOPICS OF DISCUSSION</th>
<th>ASSIGNMENTS TO BE PREPARED BEFOR THE NEXT CLASS</th>
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</thead>
</table>
| Before Class 1 | N/A | ✓ Listen to the oral argument for *People v. Recklein* posted on D2L and take notes  
✓ Listen to the Alton Logan video on YouTube and take notes |
| 1/16 | Introduction to course  
✓ Review Syllabus  
Introduction to the Adversary System  
✓ Costs and Benefits  
✓ The reality of the system at work  
✓ Discussion of the *Recklein* and *Logan* cases | ✓ Read Chapter 9 of the textbook (assigned before Class 1), pages 873-909  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading  
✓ Take Chapter 9 quiz on Casebookplus.com |
| 1/18 | Introduction to the Adversary System (continued)  
✓ Defense Counsel’s Role  
✓ Prosecutor’s Role  
✓ Judge’s Role | ✓ Read Chapter 3 of the textbook, pages 41-86  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading |
| 1/23 | The Right to Counsel  
✓ Origin for indigent defense counsel  
✓ Wavier of right to counsel | ✓ Read Chapter 3 of the textbook, pages 86-131  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading |
| 1/25 | The Right to Counsel (continued)  
✓ Ineffective Assistance of Counsel | ✓ Read Chapter 3 of the textbook, pages 131-152  
✓ Read Chapter 10 of the textbook, pages 911-945  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading  
✓ Take Chapter 3 quiz on casebookplus.com  
✓ Take Chapter 10 quiz on casebookplus.com |
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<tr>
<th>Date</th>
<th>Class</th>
<th>Topic</th>
<th>Reading</th>
<th>Assignment</th>
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| 1/30 | 5     | The Right to Counsel (continued) | ✓ Conflicts of Interest  
✓ Initial Appearance and Pretrial Release  
✓ Assignment of counsel at initial appearances  
✓ Pretrial detention and release | ✓ Read Chapter 11 of the textbook, pages 947-987  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading  
✓ Take Chapter 11 quiz on casebookplus.com |
| 2/1  | 6     | Prosecutorial Discretion | ✓ The decision to charge  
✓ The role of plea negotiations  
✓ Selective prosecution compared to vindictive prosecution | ✓ Read Chapter 12 of the textbook, pages 989-994  
✓ Review Class Hypothetical on D2L – students will be assigned to roles in class for the prosecution, defense counsel, and witnesses  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading |
| 2/6  | 7     | Preliminary Hearings | ✓ Screening cases  
✓ Waivers  
✓ Perpetuation and preservation of testimony for future litigation | ✓ Continue to review Class Hypothetical on D2L  
✓ Students in Roles must be prepared to act accordingly to their role prompt  
✓ Students who do not have roles must be prepared to respond to discussion questions after the preliminary hearing  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading |
| 2/8  | 8     | Preliminary Hearings (continued) | ✓ Students will be engaged in conducting a Preliminary Hearing based on the Class Hypothetical from D2L | ✓ Read Chapter 12 of the textbook, pages 995-1034  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading  
✓ Take Chapter 12 quiz on casebookplus.com |
| 2/13 | 9     | Grand Juries | ✓ The secrecy and procedure of a grand jury  
✓ The Fifth Amendment effect on a grand jury | ✓ Read Chapter 13 of the textbook, pages 1035-1068  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading  
✓ Take Chapter 13 quiz on casebookplus.com |
| 2/15 | 10    | Discovery and Disclosure | ✓ Exculpatory evidence  
✓ Preservation of evidence  
✓ Regulation of discovery | ✓ Read Chapter 14 of the textbook, pages 1069-1080  
✓ Read Chapter 15 of the textbook, pages 1081-1088  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading  
✓ Take Chapter 14 quiz on casebookplus.com |
| 2/20 | 11    | Joinder and Severance | ✓ Joinder and Severance of Offenses  
✓ Joinder and Severance of Defendants  
✓ Speedy Trial  
✓ Delay in the bringing the charge | ✓ Read Chapter 15 of the textbook, pages 1088-1110  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading  
✓ Take Chapter 15 quiz on casebookplus.com |
| 2/22 | 12    | Speedy Trial (continued) | ✓ Delay in bringing the case to trial  
✓ Waiver of Speedy Trial | ✓ Read Chapter 16 of the textbook, pages 1111-1135  
✓ Be prepared to respond to all hypothetical questions posed within the assigned reading |
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<tr>
<th>Date</th>
<th>Class</th>
<th>Topic</th>
<th>Instructions</th>
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<tbody>
<tr>
<td>2/27</td>
<td>Class 13</td>
<td>Guilty Pleas</td>
<td>✓ Read Chapter 16 of the textbook, pages 1135-1143</td>
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<td>✓ Policy concerns</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<td>✓ Legal requirements</td>
<td>✓ Take Chapter 16 quiz on casebookplus.com</td>
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<tr>
<td>3/1</td>
<td>Class 14</td>
<td>Guilty Pleas (continued)</td>
<td>✓ Read Chapter 17 of the textbook, pages 1145-1161</td>
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<td>✓ Plea negotiation roles</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<td>✓ Withdrawing guilty pleas</td>
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<td>3/6</td>
<td>Class 15</td>
<td>Jury Trials</td>
<td>✓ Read Chapter 17 of the textbook, pages 1161-1187</td>
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<td>✓ Right to a jury trial</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<td>✓ Jury size and Unanimity</td>
<td>✓ Take Chapter 17 quiz on casebookplus.com</td>
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<td>3/8</td>
<td>Class 16</td>
<td>Jury Trials (continued)</td>
<td>✓ Read articles on fitness to stand trial on D2L</td>
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<td>✓ Selecting prospective jurors</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<td>✓ Constitutional limits to peremptory challenges</td>
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<tr>
<td>3/13 &amp; 3/15</td>
<td></td>
<td><strong>S P R I N G  B R E A K</strong> Classes not in session</td>
<td>N/A</td>
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<tr>
<td>3/20</td>
<td>Class 17</td>
<td>Jury Trials (continued)</td>
<td>✓ Prepare questions for the upcoming symposium based on the topics covered in class</td>
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<td>✓ Fitness to stand trial</td>
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<td>✓ Not Guilty by Reason of Insanity</td>
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<tr>
<td>3/22</td>
<td>Class 18</td>
<td>Symposium</td>
<td>✓ Read Chapter 18 of the textbook, pages 1189-1217</td>
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<td>✓ Local prosecutors and defense attorneys discuss the previously covered class topics</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<tr>
<td>3/27</td>
<td>Class 19</td>
<td>The Confrontation Clause</td>
<td>✓ Read Chapter 18 of the textbook, pages 1217-1242</td>
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<td>✓ Distinguishing testimonial statements</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<td>✓ Take Chapter 18 quiz on casebookplus.com</td>
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<td>3/29</td>
<td>Class 20</td>
<td>The Confrontation Clause (continued)</td>
<td>✓ Read Chapter 19 of the textbook, pages 1243-1270</td>
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<td>✓ Expert reports and confrontation</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<td>✓ Confrontation in sexual assault cases</td>
<td>✓ Take Chapter 19 quiz on casebookplus.com</td>
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<tr>
<td>4/3</td>
<td>Class 21</td>
<td>Freedom of the Press and Fair Trials</td>
<td>✓ Read Chapter 19 of the textbook, pages 1270-1290</td>
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<td>✓ Failing to control the press</td>
<td>✓ Be prepared to respond to all hypothetical questions posed within the assigned reading</td>
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<td>✓ The influence of the press on pretrial publicity</td>
<td>✓ Take Chapter 19 quiz on casebookplus.com</td>
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<tr>
<td>4/5</td>
<td>Class 22</td>
<td>Freedom of the Press and Fair Trials (continued)</td>
<td>✓ Read Chapter 20 of the textbook, pages 1291-1323</td>
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<td>✓ Gagging the press</td>
<td>✓ Review Class Hypothetical on D2L – students will be assigned to roles in class for the prosecution, defense counsel, and witnesses</td>
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<td>✓ Press access to judicial proceedings</td>
<td>✓ Review 730 ILCS 5/5-5-3.1 and 730 ILCS 5/5-5-3.2 and be prepared to discuss how both aggravating and mitigating factors would apply to the hypothetical</td>
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<td>Date</td>
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| 4/10  | Class 23 | **Sentencing**                            | - Continue to review Class Hypothetical on D2L – students will be assigned to roles in class for the prosecution, defense counsel, and witnesses  
- Take Chapter 20 quiz on casebookplus.com  
- Review 730 ILCS 5/5-5-3.1 and 730 ILCS 5/5-5-3.2 and be prepared to discuss how both aggravating and mitigating factors would apply to the hypothetical |
| 4/12  | Class 24 | **Sentencing (continued)**                 | - Read Chapter 21 of the textbook, pages 1325-1363  
- Be prepared to respond to all hypothetical questions posed within the assigned reading  
- Take Chapter 21 quiz on casebookplus.com |
| 4/17  | Class 25 | **Double Jeopardy**                         | - Read Chapter 22 of the textbook, pages 1365-1387  
- Take Chapter 22 quiz on casebookplus.com  
- Be prepared to respond to all hypothetical questions posed within the assigned reading |
| 4/19  | Class 26 | **Post Trial Motions and Direct Appeals**  | - Read Chapter 23 of the textbook, pages 1389-1441  
- Take Chapter 23 quiz on casebookplus.com |
| 4/24  | Class 27 | **Collateral Remedies**                    | - Prepare for the Final Exam |
| 4/26  | Class 28 | **Final Exam Review**                      | - Prepare for the Final Exam |
| 5/8   | Class 29 | **FINAL EXAM**                             | 1:15 p.m.  
N/A |

Announcements made in class, by email, or through D2L will prevail over information contained in the Syllabus. It is the student’s obligation to practice due diligence in keeping abreast of all current developments within the course.