



Western Technical College

## 10110168 Criminal Procedures

### Course Outcome Summary

#### Course Information

<b>Description</b>	This course focuses on the theory and practical application of criminal law and procedure. Students will acquire knowledge that will enable them to assist attorneys practicing in the field of criminal law either as prosecutors or defense attorneys.
<b>Career Cluster</b>	Law, Public Safety, Corrections and Security
<b>Instructional Level</b>	Associate Degree Courses
<b>Total Credits</b>	3
<b>Total Hours</b>	54

#### Textbooks

*Criminal Law and Procedure for Paralegal*. 4th Edition. Copyright 2012. McCord, James W. H., Sandra L. McCord, and Suzanne C. Bailey. Publisher: Cengage Learning. **ISBN-13**:978-1-4354-4016-6. Required.

#### Program Outcomes

1. Apply ethical principles in a legal environment.
2. Process legal documents.
3. Perform legal research.
4. Apply critical thinking skills to address legal issues.

#### Course Competencies

##### 1. Articulate basic principles of American Criminal Law.

###### Assessment Strategies

- 1.1. Written Objective Test

###### Learning Objectives

- 1.a. Explain the purpose of criminal law.
- 1.b. Distinguish between criminal law and criminal procedure.
- 1.c. Identify the parties involved in the criminal process.

- 1.d. Distinguish between the theories of punishment in American Criminal Procedure.
- 1.e. Explain the theory of legality as it relates to criminal law.
- 1.f. Identify sources of criminal law.
- 1.g. Explain the role of common law in the American criminal law system.

## **2. Apply the Wisconsin Criminal Code to criminal behavior.**

### **Assessment Strategies**

- 2.1. Written Objective Test

### **Criteria**

*You will know you are successful when*

- 2.1. you analyze factual situations to determine if all elements of a crime are present
- 2.2. you research elements of crimes using Wisconsin jury instructions

### **Learning Objectives**

- 2.a. Acquire a basic knowledge of fundamental legal principles involving criminal law in Wisconsin.
- 2.b. Distinguish between a felony and a misdemeanor.
- 2.c. Explain the criminal liability of parties to a crime in Wisconsin.
- 2.d. Identify and analyze all inchoate crimes recognized in Wisconsin.
- 2.e. Explain the rationale behind breaking a crime into its elements.
- 2.f. Utilize Wisconsin jury instructions to identify elements of specific crimes.
- 2.g. Explain the concept of mens rea in criminal law.
- 2.h. Identify how the requisite mens rea for a crime is determined.
- 2.i. Explain the concept of actus rea in criminal law.
- 2.j. Identify how the requisite actus rea is determined.

## **3. Acquire knowledge of the Wisconsin Criminal Code as it relates to crimes against persons.**

### **Assessment Strategies**

- 3.1. Written Objective Test

### **Criteria**

*You will know you are successful when*

- 3.1. you select appropriate charges to be filed given hypothetical fact situations

### **Learning Objectives**

- 3.a. Identify and distinguish the various crimes of criminal homicide in Wisconsin.
- 3.b. Identify and distinguish the various crimes involving battery in Wisconsin.
- 3.c. Identify and distinguish the various crimes involving sexual assault in Wisconsin.
- 3.d. List the elements of the various crimes against the person under the Wisconsin Criminal Code.
- 3.e. Select appropriate criminal charges to be filed based upon hypothetical factual situations.
- 3.f. Explain potential affirmative defenses to criminal charges involving crimes against the person.
- 3.g. Identify the penalties for the various crimes against the person in Wisconsin.

## **4. Acquire knowledge of the Wisconsin Criminal Code as it relates to crimes against property.**

### **Assessment Strategies**

- 4.1. Written Objective Test

### **Criteria**

*You will know you are successful when*

- 4.1. you take a hypothetical factual situation involving crimes against property and determine appropriate charges to be filed based upon those facts

### **Learning Objectives**

- 4.a. Explain the Wisconsin statute as it relates to theft crimes.
- 4.b. List the elements of specific crimes involving theft.
- 4.c. Identify penalties for crimes involving theft.
- 4.d. Define criminal damage to property as per the Wisconsin statutes.
- 4.e. Identify various penalties for criminal damage to property in Wisconsin.
- 4.f. List the various crimes involving trespass in Wisconsin.
- 4.g. Distinguish between the various crimes involving trespass in Wisconsin.

- 4.h. Identify various penalties for trespass related offenses in Wisconsin.
- 4.i. Identify potential affirmative defenses to crimes against property in Wisconsin.

**5. Explain constitutional limitations on police activity prior to formal initiation of criminal process.**

**Assessment Strategies**

- 5.1. Written Objective Test

**Criteria**

*You will know you are successful when*

- 5.1. you brief a case involving search and seizure law
- 5.2. you list potential constitutional violations by law enforcement based upon a hypothetical set of facts

**Learning Objectives**

- 5.a. Identify fourth amendment constraints on search and seizure.
- 5.b. Explain how the fifth amendment restricts police investigation of alleged crimes.
- 5.c. Identify the limitations on police investigation based upon sixth amendment concerns.
- 5.d. Explain the Miranda decision and identify constitutional implications of Miranda.
- 5.e. Draft a search warrant application.
- 5.f. Explain the application of the exclusionary rule.
- 5.g. Explain the concept of the "fruit of the poisonous tree" doctrine.
- 5.h. Explain limitations on pretrial identification procedures.

**6. Analyze the pretrial process involved in criminal procedure.**

**Assessment Strategies**

- 6.1. Written Objective Test

**Criteria**

*You will know you are successful when*

- 6.1. you draft questions for an intake interview of a criminal defendant and explain the significance of the questions
- 6.2. you prepare a chart listing all important timelines for pretrial criminal procedure in Wisconsin

**Learning Objectives**

- 6.a. Explain what transpires at an initial appearance.
- 6.b. Draft questions for an intake interview of a criminal defendant.
- 6.c. Explain the preliminary hearing.
- 6.d. Articulate concerns that must be addressed prior to the arraignment.
- 6.e. Distinguish between the various pleas available to a criminal defendant at the arraignment.
- 6.f. Identify common motions filed after arraignment.
- 6.g. Explain discovery methods available in a criminal case.
- 6.h. Draft a pretrial motion.
- 6.i. Explain the process of filing and obtaining a hearing on a pretrial motion.
- 6.j. List important timelines that both the prosecution and defense must be concerned with in a criminal case.
- 6.k. Identify the role of a paralegal in the pretrial portion of a criminal case.

**7. Explain the role of the paralegal in a criminal trial.**

**Assessment Strategies**

- 7.1. Written Objective Test

**Criteria**

*You will know you are successful when*

- 7.1. you draft a subpoena and explain what is necessary for its proper service

**Learning Objectives**

- 7.a. Explain the general procedure involved in a criminal trial.
- 7.b. Draft subpoenas for witnesses and documents.
- 7.c. Explain the rules for service of subpoenas.
- 7.d. Prepare witnesses for testimony during trial.
- 7.e. Assemble evidence and prepare documentary evidence for use at trial.

- 7.f. Brief testimony of witnesses given at trial.
- 7.g. Coordinate appearance of witnesses at trial.

**8. Explain the role of the paralegal in post trial proceedings.**

**Assessment Strategies**

- 8.1. Written Objective Test

**Criteria**

*You will know you are successful when*

- 8.1. you draft a motion for post conviction relief

**Learning Objectives**

- 8.a. Draft common post-trial motions.
- 8.b. List important dates for the filing of post-trial motions.
- 8.c. Identify the considerations involved in sentencing under Wisconsin law.
- 8.d. Articulate the procedures involved in a sentencing hearing.
- 8.e. Explain the role of the paralegal preparatory to and at sentencing.
- 8.f. Draft a notice of intent to pursue post conviction relief.