

CRIMINAL LAW

CORE INSTRUCTION SYLLABUS

BLOCK #2

Department Graduate Course Manager:

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Purpose

To produce mid-level military justice supervisors (chiefs of justice, senior defense counsel, and deputy staff judge advocates) who can effectively advise convening authorities, manage military justice operations, and conduct complex case analysis.

Educational Objectives

Graduates will be able to -

- Conduct sophisticated analysis of a complex case.
- Provide oversight of the post-trial process including review and quality control of post-trial documents to include a Staff Judge Advocate's Recommendation/Addendum and Action.
- Advise a convening authority on initial action in a complex case.
- Implement and sustain office management systems.

Required Resources

Practicing Military Justice Deskbook (2013).
Manual for Courts-Martial (2012).
Post-Trial Handbook (2012).

Grading

There will be three individual graded assessments. Grades will be based on two written exercises and one briefing exercise. The written submissions will include a Staff Judge Advocate's Recommendation/Addendum and an Action exercise. The briefing exercise will evaluate your ability to analyze a complex case and advise a convening authority on taking initial action. The evaluations in this block will be 50% of your overall final grade for Criminal Law.

The faculty will use the following scale to grade each individual assessment:

- 1 = exceeded standards
- 2 = met standards
- 3 = marginally met standards
- 4 = failed to meet standards

A "1" is reserved for truly exceptional work. The vast majority of students will receive a "2" for most graded exercises. If you receive a "3" or a "4" on a graded event, a faculty member will discuss your performance with you, and you may be required to remediate the event. For the purpose of determining academic awards, honors, and failures, the 1-4 scale translates as follows:

- 1 = 100
- 2 = 95
- 3 = 75
- 4 = 65

Late or Incomplete Written Assignments:

For all written assignments, submissions are due via Blackboard on the date and time indicated on the syllabus. All assignments received by that time will be graded on the scale above. If a student fails to submit anything by the due date and time, they will receive "No Credit," which translates to 0 points for that assignment, unless:

- Prior coordination and/or notice is given to the Criminal Law Graduate Course Manager or Criminal Law Department Chair, or
- An exception to this policy is granted by the Criminal Law Department Chair.

Attendance

Attendance at all classes is mandatory. If you need to miss a class, please ask for an excusal in accordance with the Dean's Office policy.

Class Participation

While participation is not graded, it is expected that students will interact with the professors, lecturers, and fellow students in a manner that enhances the learning experience. Please participate in whatever ways help you learn, provided that it is in a respectful manner. Participating in discussion does not necessarily mean talking a lot or showing everyone else what you know. Good discussion participation involves people trying to build on and synthesize comments from others and on showing appreciation for others' contributions. It also involves inviting others to say more about what they are thinking.

Key to Completing Student Assignments

For each class in the syllabus, standard terms will be used **IN ALL CAPITAL LETTERS** to guide you as to your requirement with that part of the assignment. These terms are:

- **READ:** The student is expected to read and study the material listed in detail. You should be prepared to use that material in detail in class.
- **STUDY:** The student is expected to focus on this particular portion of the assignment and also reflect on the material and how it might be used to solve real-world problems in the JAGC. You should expect to use this material to think through and analyze problems / scenarios during class.
- **FAMILIARIZE:** The student should read the material for an overall understanding of the point of the material listed. You should be prepared to use overall concepts from the material in class, but you will not need detailed information from the material.
- **COMPLETE:** For exercises, study questions, and similar material that should be finished prior to class. You are expected to complete all portions of this work prior to class.
- **BE PREPARED:** You are expected to prepare as necessary for requirements that will be performed during class. The scope and method of preparation is up to you, so long as you meet the requirement during the class session.

Course Topics, Schedule, & Assignments

Date	Time	Topic / Professor	Detailed Description	Assignment
6 Jan 14	Combined Session: A & B: 1010 - 1100	U.S. v. Archie: Case Update & Post-Trial Intro MAJ Wakefield	<ul style="list-style-type: none"> • Provide an update in the case of United States v. Archie since class last recessed. • Provide students with the findings/sentence in preparation of post-trial block of instruction. • Provide guidance for post-trial presentation to the GCMCA. 	<p>READ:</p> <ul style="list-style-type: none"> • (RE-READ) Archie fact pattern.
6 Jan 14	Combined Session: A & B: 1110 - 1200	Article 120 Overview MAJ Bateman	<ul style="list-style-type: none"> • Analysis and discussion of Article 120, UCMJ, as it applies to offenses committed on or after 28 June 2012. 	<p>READ:</p> <ul style="list-style-type: none"> • (RE-READ) Article 120, UCMJ (2012). • Military Judges' Benchbook Instructions 3-45, 3-45-13 through 3-45-16. • Benchbook Approved Interim Update 13-07 and 13-08. <p>FAMILIARIZE:</p> <ul style="list-style-type: none"> • Federal Register, Vol. 77, No. 205, pages 64857 to 64862 ("Paragraph 45, Article 120—Rape and sexual assault generally...").
6 Jan 14	Combined Session: A & B: 1330 - 1420	Sentencing MAJ Wakefield	<ul style="list-style-type: none"> • Discussion of sentencing proceedings in court-martial. • Discussion of possible sentences and their effects/collateral consequences. 	<p>READ:</p> <ul style="list-style-type: none"> • RCM 1001-1011. • Articles 57, 58(a), and 58(b), UCMJ.

Date	Time	Topic / Professor	Detailed Description	Assignment
6 Jan 14	Combined Session: A & B: 1430 - 1520	Corrections Mr. Steven Andraschko	<ul style="list-style-type: none"> Discussion of the clemency and parole opportunities for service-members and the opportunities and methods of victim input to those clemency and parole decisions. 	FAMILIARIZE: <ul style="list-style-type: none"> Confinement Facilities slide show.
7 Jan 14	A: 1010 - 1200	Adjourning of a Court-Martial to Authentication MAJ Wakefield	<ul style="list-style-type: none"> Discussion of all of the steps in the post-trial process triggered by the announcement of the sentence, until the record is authenticated, including: Reports of Result of Trial, and Deferral Requests/Action. Conduct practical exercises. 	READ: <ul style="list-style-type: none"> RCM 1101-1104. Article 57, 58(a), and 58(b), UCMJ. STUDY: <ul style="list-style-type: none"> Ungraded quiz available until 2359, 7 January, to help you assess your learning.
	B: 1330 - 1520			
9 Jan 14	A: 1010 - 1200	RCM 1105-1106 to Action, Part 1 MAJ Wakefield	<ul style="list-style-type: none"> Discussion of the steps in the post-trial process triggered by the authentication of the record of trial and ending with the Convening Authority's Action, including: SJAR, 1105/1106 matters, and Addendum. Conduct practical exercises. 	READ: <ul style="list-style-type: none"> RCM 1105-1107. Article 60, UCMJ. STUDY: <ul style="list-style-type: none"> Ungraded quiz available until 2359, 9 January, to help you assess your learning.
	B: 1330 - 1520			
10 Jan 14	A: 1010 - 1200	RCM 1105-1106 to Action, Part 2 MAJ Wakefield	Continuation of above	COMPLETE - NLT 0800, 13 Jan 14: <ul style="list-style-type: none"> Addendum for U.S. v. Archie Action for U.S. v. Archie
	B: 1330 - 1520			

Date	Time	Topic / Professor	Detailed Description	Assignment
13 Jan 14	A: 1010 - 1100	PR Considerations, Post-trial	<ul style="list-style-type: none"> Students will recognize their role as leaders in supporting, and ethical practice in, the post-trial court-martial practice. 	None.
	B: 1330 - 1420	LTC Grimes		
13 Jan 14	A: 1110 - 1200	SVC Update	<ul style="list-style-type: none"> Update on the current state of the SVC program and trends. 	READ: <ul style="list-style-type: none"> (RE-READ) L.R.M. v. Kastenberg (CAAF). SVC Handbook. 14 Aug 2013 Memo: "Sexual Assault Prevention and Response."
	B: 1430 - 1520	LTC Calarco		
14 Jan 14	A: 1010 - 1130	Post-Action to Mailing	<ul style="list-style-type: none"> Discussion of Post-Action processes and mailing of records to the Service Court. Conduct practical exercise. 	READ: <ul style="list-style-type: none"> RCM 1111-1114.
	B: 1330 - 1450	MAJ Wakefield		
14 Jan 14	A: 1140 - 1200	Brief the GCMCA Pre-brief	<ul style="list-style-type: none"> Briefing on the administration of the Brief the GCMCA Exercise. Faculty will answer questions regarding the administration and conduct of the exercise. 	BE PREPARED: To ask questions and clarify any concerns about the graded exercise on 15 Jan 14.
	B: 1500 - 1520	MAJ Stephens		
15 Jan 14	A and B: See "Room Assignments for GCMCA Brief"	Post-Trial Brief to the GCMCA	<ul style="list-style-type: none"> Students will meet with GCMCA's to discuss initial action in U.S. v. Archie. 	FAMILIARIZE: <ul style="list-style-type: none"> Review the SGT Archie case file thoroughly. BE PREPARED: <ul style="list-style-type: none"> Brief a GCMCA on initial action in the SGT Archie case.
16 Jan 14	A: 1010 - 1200	Appellate Issues	<ul style="list-style-type: none"> Discussion of the basics of the appellate system. Discussion of interlocutory appeals. 	READ: <ul style="list-style-type: none"> RCM 1201-1210. Articles 62, 66, and 67, UCMJ.
	B: 1330 - 1520	MAJ Wakefield MAJ Stephens		

Date	Time	Topic / Professor	Detailed Description	Assignment
17 Jan 14	Combined Session: A & B: 1010 - 1200	GCMCA/SJA Presentation ADC Faculty	<ul style="list-style-type: none"> SJAs and their GCMCAs will discuss their unique relationship and practice of military justice. 	BE PREPARED: <ul style="list-style-type: none"> To ask questions of the panel.