

CRIMINAL LAW
CORE INSTRUCTION SYLLABUS

BLOCK #1

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 pretrial process including review and quality control of pretrial documents such as pleadings, court-martial convening orders, panel selection documents, and pretrial advice documents.
- Advise a convening authority on referral in a complex case.
- Implement and sustain office management systems.

Required Resources

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

Grading

Grades will be based on two written exercises and one briefing exercise. The written submissions will evaluate your understanding of pleadings and crimes under the UCMJ and court-martial convening orders. The briefing exercise will evaluate your ability to analyze a complex case and advise a convening authority on taking pretrial action. The evaluations in this block will be 50% of your overall final grade for Criminal Law.

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
5 Sep 13	A: 0800 - 0850	Introduction to "The Invisible War" LTC Calarco, LtCol Winklosky	<ul style="list-style-type: none"> Set the stage for ADC's graduate course plenary instruction. Watch "Lost Honor" (DSO video). Watch address by Australian Chief of Army Lieutenant General David Morrison. Provide context for viewing The Invisible War Highlight extent and emphasize impact of this subject matter to the DoD and Military Justice System. 	<p>READ:</p> <ul style="list-style-type: none"> Extracts from DoD Annual Report on Sexual Assault in the Military (FY10, FY11, and FY12). Taranto WSJ Editorial. "Pending UCMJ Legislation" Table. <p>FAMILIARIZE:</p> <ul style="list-style-type: none"> Denver Post Investigative Report, "Betrayal in the Ranks."
	B: 1330 - 1420			
5 Sep 13	A: 0900 - 1100	Movie: "The Invisible War"	<ul style="list-style-type: none"> Set the stage for a rigorous and balanced academic discussion of sexual assault in the military. 	None.
	B: 1430 - 1620	LTC Calarco, LtCol Winklosky		
5 Sep 13	A: 1110 - 1200	Panel: Current Issues and Updates	<ul style="list-style-type: none"> Frame issue of sexual assault in the military. Distinguish between law, policy, and politics and discuss current and future changes in these areas. Assist with evaluating potential personal bias on this topic. 	<p>READ:</p> <ul style="list-style-type: none"> SecDef Hagel Memo on Military Justice. Rodman: "The Pentagon's Bad Math on Sexual Assault." L.R.M. v. Kastenberg (CAAF). <p>WATCH:</p> <ul style="list-style-type: none"> PBS Newshour, 1 Aug 2013.
	B: 1630 - 1720	LTC Calarco, LtCol Winklosky, MAJ Sykes		
6 Sep 13	A: 0800 - 0950	Expert Lecture: Victim Behavior	<ul style="list-style-type: none"> Dr. Valliere's presentation will give students insight into the behaviors of victims of sexual assault and how those behaviors affect our cases 	<p>READ:</p> <ul style="list-style-type: none"> Schafran, "Barriers to Credibility." U.S. v. Lucas (NMCCA).
	B: 1330 - 1520	Dr. Veronique N. Valliere, Psy.D.		
6 Sep 13	A: 1010 - 1200	Expert Lecture: Offender Behavior	<ul style="list-style-type: none"> Dr. Salter will discuss commonalities in behavior of those who commit sexual assault and the role of those behaviors in our cases. 	None.
	B: 1530 - 1720	Dr. Anna Salter, Ph.D.		
9 Sep 13	COMBINED SESSION	Expert Lecture: Toxicology	<ul style="list-style-type: none"> Understanding the role toxicology plays in criminal cases generally and specifically sexual assault cases. 	None.
	<u>A/B: 1010 - 1200</u>	Dr. William Rushton, M.D.; Dr. Lewis Hardison, D.O.		

Date	Time	Topic / Professor	Detailed Description	Assignment
10 Sep 13	A: 1010 - 1100	Legislative Theories of Sexual Assault	<ul style="list-style-type: none"> Analyze and discuss legislative approaches to sexual assault crimes Apply the analysis to the evolution of Article 120 	<p>READ:</p> <ul style="list-style-type: none"> Article 120 – all three versions. 18 U.S.C. 2241. DC Code 3001 et seq. MTS Case (New Jersey). <p>FAMILIARIZE: With the posted articles, by the following authors:</p> <ul style="list-style-type: none"> Kahan Caughlin Braman Estrich Buchhandler-Raphael
	B: 1330 - 1420	LTC Calarco, LtCol Winklosky, MAJ Bateman		
10 Sep 13	A: 1110 - 1200	SEMINAR: U.S. v. Archie, Pre-trial	<ul style="list-style-type: none"> Apply the previous lectures and reading assignments to the fact pattern, U.S. v. Archie 	<p>READ: U.S. v. Archie case file.</p> <p>BE PREPARED: To participate in a discussion about U.S. v. Archie.</p>
	B: 1430 - 1520	ADC Professors		
11 Sep 13	A: 1010 - 1100	PR Considerations, Pretrial	<ul style="list-style-type: none"> Students will recognize their role as leaders in supporting ethical practice in the pre-trial preparation of courts-martial. 	<p>BE PREPARED: To discuss what PR issues might arise in pre-trial situations or what PR issues they have seen/dealt with in pre-trial situations.</p>
	B: 1330 - 1420	LTC Grimes		
11 Sep 13	A: 1110 - 1200	Pleadings Methodology	<ul style="list-style-type: none"> Analyze and discuss issues surrounding charging decisions in complex cases. Critically evaluate various factors in charging decisions. Develop a personal pleadings methodology. 	<p>BE PREPARED: To discuss the factors that you believe are most important in preparing a charging document for a complex case.</p>
	B: 1430 - 1520	MAJ Bateman		
12 Sep 13	A: 1010 - 1200	Pleadings SPS	<ul style="list-style-type: none"> Apply your pleadings methodology to sample fact patterns. 	<p>None (for class).</p> <p>COMPLETE - NLT 0800, 16 Sep 13: "Pleadings Exercise."</p>
	B: 1530 - 1720	MAJ Bateman		
16 Sep 13	A: 1010 - 1100	Panel Selection	<ul style="list-style-type: none"> Students will understand the legal underpinnings of the panel selection process as well as how to execute/manage panel selection in the field. 	<p>READ:</p> <ul style="list-style-type: none"> Article 25, UCMJ. RCM 503-505.
	B: 1330 - 1420	LTC Grimes		
16 Sep 13	A: 1110 - 1200	CMCOs	<ul style="list-style-type: none"> Students will understand how to manage the establishment of a court-martial and how to manage panel member changes. 	<p>READ: Article 25, UCMJ and RCM 503-505</p> <p>COMPLETE – NLT 1700, 17 Sep 13: "CMCO Exercise"</p>
	B: 1430 - 1520	LTC Grimes		
17 Sep 13	A: 1010 - 1100	Pleas & PTAs	<ul style="list-style-type: none"> Students will understand the negotiation and plea process. 	<p>FAMILIARIZE: PMJ Chapter 20 and 26.</p> <p>BE PREPARED TO discuss personal experiences with pre-trial negotiations.</p>
	B: 1330 - 1430	LTC Grimes		

Date	Time	Topic / Professor	Detailed Description	Assignment
17 Sep 13	A: 1110 - 1200	Article 34	<ul style="list-style-type: none"> Students will understand Article 34, UCMJ, and how to manage the referral of courts-martial. 	READ RCM 601.
	B: 1430 - 1520	LTC Grimes		
18 Sep 13	A and B: See "Room Assignments for GCMCA Brief"	Pretrial Brief to the GCMCA	<ul style="list-style-type: none"> Students will meet with GCMCA's to discuss the SGT Archie case and possible GCM referral. 	FAMILIARIZE: students need to review the SGT Archie casefile thoroughly BE PREPARED: students will brief a GCMCA on referral of the SGT Archie case.
19 Sep 13	A: 0800 - 0850	Seminar: MJO/System (Service Specific)	<ul style="list-style-type: none"> Familiarization with MJO or other service-specific office management systems. 	None.
	B: 1330 - 1420	ADC Faculty		
19 Sep 13	A: 0900 - 0950	Seminar: Pretrial Issues (Service Specific)	<ul style="list-style-type: none"> Critically evaluate personal performance in advising your convening authority on the referral action in U.S. v. Archie. 	BE PREPARED: To discuss the GMCA exercise.
	B: 1430 - 1520	ADC Faculty		
19 Sep 13	COMBINED SESSION	Panel: SJAs	<ul style="list-style-type: none"> Students will hear insights from JAGC leaders on meetings with GCMCA-level commanders. 	BE PREPARED: To ask questions of the SJA panel.
	<u>A/B: 1010 - 1200</u>			