

Oglala Lakota College
Humanities and Social Science Department
Course Syllabus

Spring 2018

Rebuilding the Lakota Nation through Education
Wounspe Ihuniyan Hci Lakota Oyate Kin Akta Ic'icakagapi Kte lo



Course Number and Name: LLaw 403 Criminal Law and Procedures

Credit Hours: 3

Class Section: 23

Class Location: Pine Ridge College Center

Day/Time of Class: Monday 5:00 – 8:00

Instructor: Liliias Jarding

Phone(s): 605-787-2872

**Office Hours: 4:30 – 5:00 on Mondays and
by appointment**

E-mail: ljarding@olc.edu

Required Text(s) and Materials:

**Scheb, John M., & Scheb, John M. II. (2014). *Criminal Law and Procedure* (8th ed.).
Belmont, CA.: Wadsworth/Cengage Learning.**

Oglala Sioux Tribe Criminal Code.

Prerequisites: Core Requirements

Lakota Studies Department Vision Statement: To protect and promote traditional Lakota cultural knowledge and practices

Lakota Studies Department Mission Statement:

The Lakota Studies Department provides a safe learning environment stimulating students to reach their highest potential through a relevant teaching model reflecting diverse Lakota ideology in language, values, kinship, worldview, and sovereignty for a better understanding of wolakolkiciyapi as an ongoing dynamic process.

Course Description: This course will focus on the criminal code of the Oglala Sioux Tribe and other criminal laws of other jurisdictions. Students will learn the elements of offenses, the role of the tribal prosecutor and defense strategies. Students will study the criminal process from arrest through arraignment, pretrial and post-trial procedures. Tribal, federal, and state criminal jurisdiction issues will be covered.

Course Goal: The goal of this course is to provide OLC students with basic information on criminal laws and procedures.

Course Rationale: This course exists to provide students with a solid background in criminal laws and procedures, allowing them to use this information in their future endeavors.

Lakota Studies Learning Outcomes (PLOs): Students who coursework in Lakota Studies will:

1. Have a clear understanding of the Lakota worldview and philosophy.
2. Gain an understanding of him/herself.
3. Gain knowledge of and communicate effectively in speaking and writing the Lakota language.
4. Have an understanding of tribal history and implications of sovereignty.
5. Gain an understanding of Lakota arts, music, dance, literature, and traditional healing.

General Education Outcomes: Upon completion of a degree program, the student should be able to:

1. Apply cultural values in a learning atmosphere.
2. Communicate effectively in writing using both Lakota and English.
3. Demonstrate oral communication skills in both Lakota and English.
4. Apply quantitative analytical skills.
5. Examine concepts and theories across multiple contexts and disciplines.
6. Critically review resource material.
7. Develop ideas to address contemporary issues.
8. Critically examine sovereignty.
9. Demonstrate proficiency in the use of standard computer technologies.
10. Examine the importance of diversity.
11. Examine the contexts of Lakota social organizations, communities and global networks.

During this course:

Course Student Learning Outcomes:	PLOs	General Education Outcomes
Students will familiarize themselves with legal terminology applicable to criminal law.	4	5
Students will define elements of criminal substantive law and procedure.	4	5
Students will relate the tribal procedures to State and Federal Criminal Laws.	1, 4	1, 6
Students will know and understand state, federal, and tribal criminal procedures from arrest, arraignment, pretrial motions, trial and post-trial issues.	4	5
Students will be familiar with criminal jurisdictional issues existing among Indian tribes, states and the federal government.	1, 4	1, 5, 6

Instructional Methodology: This course will include discussions, presentations, lectures, guest speakers, and written assignments.

Lakota Perspective: Tribal Criminal Laws and Criminal Procedures found in the OST Law and Order Code will be used for a Lakota Perspective.

Expectations of Students: Because OLC offers classes in three-hour blocks once per week, (for everyone’s travel convenience), if you are absent from one OLC class session, it’s like missing three classes at another college.

- Graded in-class exercises may be given; content can include any course material assigned, up to and including the current session.
- Your homework assignments must be turned in on the dates due to get full credit.
- You are expected to participate in class discussion. This provides evidence of your interest in and preparation for the class. It also helps gauge the effectiveness of the instruction and everyone’s level of comprehension of the material presented. Most importantly, fellow class members benefit from your opinions and insights. The questions you ask may be about the same topic with which other students are having difficulty, so by helping yourself you also help them.

Homework: Each student should plan to spend two to three hours out of class on reading and homework assignments each week for every hour of class time (each credit hour), in order to perform satisfactorily. Therefore, if a class is three credit hours, you should spend approximately six to nine hours outside of the classroom on required readings and homework. However, every student differs in their individual skills, educational background, experience, and personal goals, so the amount of time you must dedicate to out-of-class work can vary.

Reading and Writing Expectations: This course has a heavy reading load, and students should plan to spend substantial time reading, working toward understanding, and preparing for class. The midterm and the final will be written essay tests. Students will also brief three cases related to course topics.

Assignments: Written assignments are due at the beginning of the class in which the topic of the assignment is discussed. Late written assignments will not be accepted.

Evaluation and Grading:

<p><i>In-Class Participation</i> Class participation is critical to this course. Students will be graded both on how often they participate in in-class activities and the quality of their participation. Merely being present does not equal participation. Students will receive four participation grades during the semester, with a written explanation. Each participation grade is worth a possible 25 points.</p> <p>Course learning objectives 2, 3, 4, and 5.</p>	<p>100 points (25% of grade)</p>
<p><i>Legal Briefs</i> Students will complete three legal briefs using the format shown on page 16 of the textbook.</p> <p>The first brief is due by Week Six (cases for Weeks Four through Six). The second brief is due by Week Ten (cases for Weeks Eight through Ten). The third brief is due by Week Thirteen (cases for Weeks Eleven through Thirteen). Each student may choose any case covered in the course during the weeks covered for their brief. Each brief is due at the beginning of the class during which the topic of the brief is discussed and will not be accepted after that time. Students will share their briefs in class.</p>	<p>75 points (19%)</p>

Remember that legal briefs should be brief.	
Course learning objectives 1 - 5.	
<i>Midterm and Final Examinations</i> The Midterm will measure students' understanding of the basic concepts presented in the first half of the course. It will be completed during class in Week Seven and will consist of essay questions.	100 points (25%)
The Final will measure students' understanding of the basic concepts of Criminal Law and Procedures. It will be completed during the last class period and will consist of essay questions. The Final exam will cover the entire course, with an emphasis on the last part of the course. No make-ups can be scheduled for the Final examination.	125 points (31%)
Course learning objectives 1 - 5.	
TOTAL	400 points (100%)

Grading Scale:

90% - 100% = A

80% - 89% = B

70% - 79% = C

60% - 69% = D

0% - 59% = F

A = Superior Quality Work: Mastery of course content at the highest level of attainment. The grade A indicates a student shows comprehensive knowledge and understanding of the subject matter. The student has demonstrated outstanding promise in discipline under study by scoring 90% or higher on course assignments.

B = Good Quality Work: Strong performance at a high level of attainment. The grade B indicates a student shows moderately broad knowledge and solid understanding of the subject matter. The student has demonstrated promise in the discipline under study by scoring 80-89% on course assignments.

C = Satisfactory Quality Work: Adequate, but not solid, level of attainment of course content. The grade C indicates a student shows reasonable knowledge and understanding of subject matter. By scoring 70-79% on course assignments, the student may continue to study in the discipline with reasonable hope of continued progress.

D = Marginal Quality Work: Minimal level of attainment of course content. The grade D indicates a student shows minimal knowledge and understanding of subject matter. By scoring 60-69% on course assignments, the student has not demonstrated prospective growth in the discipline.

F = Unacceptable: Almost no attainment of course content. The grade F indicates a student shows an unacceptable low level of knowledge and understanding of subject matter. By scoring 59% or below, the student has not demonstrated the growth necessary for further study in the discipline.

Graded Assignments:

Keep all graded assignments until after final grades have been entered. This allows you to show that your work was completed, even if computer software crashes or mistakes are made in grade entry.

Oglala Lakota College Policies:

http://www.olc.edu/local_links/registrar/docs/student_handbook.pdf

All policies regarding students are fully disclosed in the Oglala Lakota College Student Handbook which may be accessed at the above link. Some of the most relevant policies regarding this course are summarized below, but it is recommended that students review the full policies in the Handbook.

Disability Policy (85-600)

Oglala Lakota College recognizes physical and mental disabilities that include mobility, sensory, health, psychological, and learning disabilities, and provides reasonable accommodations and/or referrals once the disability is adequately documented. While OLC's legal obligations only extend to disabilities of a substantial and long-term nature, it is also the College's practice to honor reasonable requests for accommodations and/or referrals for temporary disabilities such as physical injury, illness, or complicated pregnancy. The purpose of the provided accommodations is to ensure students with disabilities equal access to education.

Student's Responsibility: It is the responsibility of the student to make his or her disability and needs known in a timely fashion by submitting an application for service to the Coordinator of Student Affairs and to provide appropriate documentation and evaluations to support the accommodations the student requests. The student should also notify instructors at the beginning of the semester.

Please contact the Coordinator of Student Affairs at 455-6083 if you have any questions regarding the application for service process including what documentation is needed and contact information for evaluation services.

Academic Freedom (76-100)

Academic freedom is the absence of restrictions placed upon the spirit of investigation, free inquiry and open discussion. In this spirit, the instructor exercises a professional judgment to select and interpret ideas, and the student has the right to challenge ideas and interpretations.

Academic Dishonesty (76-300)

Academic dishonesty is the taking of an examination or the preparation of papers for credit wherein the student knowingly represents the work of another as his/her own; and/or knowingly breaks stated examination rules. A student may be expelled and barred from further classes upon proof in a hearing set up by the Vice President for Instruction.

Dropping / Adding Courses (81-300)

If a student discontinues a subject and fails to allow the prescribed procedure for dropping a course, it may be recorded on his/her permanent record as an "F." It is the student's responsibility to verify that their online schedule shows that the course is officially dropped.

If a class is dropped after the second week, the student will be liable for the total cost of the tuition.

Attendance Policy (81-350)

If a student wishes to be excused from a class, it is the student's responsibility to clear the absence with the instructor. At that time the student must arrange for a make-up assignment. However, an excused absence is the same as an absence until the student has completed work equivalent to being in class within one week of the absence. Once the make-up assignment is completed, the instructor may change the absent to present depending on the circumstance and quality of work. This will only apply to no more than two absences.

A student will be dropped from a course after three consecutive absences or after five total absences by the Registrar.

Tardiness Policy (81-370)

A student shall be considered tardy for class, if he/she arrives late for class, but during the first hour of the class. A student arriving later than this may be marked absent.

If an instructor is late for a class, students must wait for one-half hour. After this time, the class will be considered cancelled for that week and must be made up.

Standards of Conduct (86-300)

OLC students will abide by the standards of conduct while on college premises. Every student has the right to a safe learning environment. To ensure this safety, acts of misconduct are subject to disciplinary action. Acts of misconduct include a) any actual or threatened physical violence; b) gross disorderly conduct; c) verbal abuse or harassment; d) vandalism of OLC premises; e) attending classes under the influence of alcohol or drugs; f) failure to properly supervise children on college premises; g) any other student conduct that causes a disruption in classes or business transactions on college premises; and h) failure to abide by the College's Gun-Free/Weapon-free Policy.

Computer Account and Network Policy (93-500)

Oglala Lakota College network access may be used to improve learning and teaching consistent with the educational mission of OLC. OLC expects legal, ethical and efficient use of the network. All OLC network account usage is subject to examination or investigation as needed without prior notification or consent of the user. The use of the information system is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges.

Forgery of e-mail messages, reading, deleting, copying, or modifying the e-mail of other users, and sending unsolicited junk e-mail or e-mail chain letters are prohibited.

Instructor Specific Policies:

Online Materials: Course materials are available online in Dr. Jarding's webfolder. The webfolder address is www.olc.edu/~ljarding/webfolder/. To access a document in the webfolder, go to the url and click on the name of your course. Then click on the name of the document you wish to view. Use a left click to view and read the document online. To print the reading, you must download the reading to your own computer or flash drive -- **right**-click the file name and choose the "Save As" option.

Needed Supplies: Students will need to use a notebook for class notes and assignments. **All assignments are to be typed**, except those completed during class. Please use a black or blue pen for in-class assignments. Bring the reading materials that are being covered to class each week.

Expectations:

Being respectful in this class includes:

- Students and instructor arrive on time and stay through the whole class period.
- If students or instructor cannot come to class, they let each other know in advance
- Students pay attention when another student or the instructor is talking (including **no cell phones, texting, side conversations**, etc.). Cell phones must be left in the car or turned to silent and placed in a bag or pocket, in line with College Center and instructor policies.
- Laptops may be used only when expressly permitted by the instructor. At other times, they should be closed and turned off.
- The instructor will value the students' contributions
- The instructor will incorporate a Lakota perspective as much as possible

- Students and the instructor will **be prepared for each class session**, so that class time can be used as productively as possible
- Students and the instructor will respect all opinions.

Communication:

Students will use OLC e-mail for this class and are expected to check their e-mail **at least twice a week**. You are responsible for all information the instructor sends to you via e-mail. You may also need to download some course materials through the course webfolder (see above). If class is cancelled for any reason, the instructor will call the college center, and an e-mail or text will be sent to all students, if at all possible.

Attendance and Make-Up Policy:

Students who miss more than an hour of class -- who arrive more than an hour late, or leave more than an hour before class ends, or miss an hour total -- will be counted as absent.

The instructor reserves the right to count a student who has been tardy three times as having an absence.

A student has one week to turn in documentation for an absence. Documentation is required if a student misses a test or other in-class assignment and wants to take it at a later date. See your instructor for information on what type of documentation is required. No make-ups can be scheduled for the final examination. The final examination will only be given on the date listed on the syllabus.

Midterm Grades:

All work turned in by the time midterm grades are issued through Jenzabar will be counted toward a student's midterm grade. Students who are earning a D or an F in the course at that time will be considered "failing" for purposes of midterm grades.

Grade Change and Incomplete Policies:

No work is accepted after the grades are submitted, and **grades will not be changed after they are submitted**. This instructor does not give any incompletes.

Academic Integrity:

Students are expected to avoid both the act and the appearance of plagiarism, cheating, and academic dishonesty. Exams and assignments must be your own work. Proper APA or legal form citation must be used for **any information or concepts** that are taken from another author. The instructor will return work to the student without grading it, if proper citation is not provided in both the body of the paper (in-text citation) and the Reference List.

Unintentional plagiarism is just as unacceptable as intentional plagiarism. It is **never okay** to cut and paste text from another source into your paper without proper citation. Students need to cite authors not only when they use another author's exact words, but also when they paraphrase or just refer to someone else's ideas.

Course Outline and Assignments:

Date	Session Topics/Outcomes	Readings/Assignments
Oko Wanji January 22, 2018	Review syllabus and course requirements	
Oko Nunpa January 29, 2018	Review course expectations Fundamentals of Criminal Law and Procedure: Meet objectives 1 through 10 on page 2 of your textbook. Topics include: <ul style="list-style-type: none"> • What is a Crime? • Origins of Criminal Law • The Criminal Process 	Read Chapter 1 in textbook before class.
Oko Yamni February 5, 2018	Organization of the Criminal Justice System: Meet objectives 1 through 10 on page 24 of your textbook. Topics include: <ul style="list-style-type: none"> • Legislatures • Law Enforcement Agencies • Prosecutorial Agencies • Counsel for the Defense • Juries • Juvenile System • Corrections System 	Read Chapter 2 in textbook before class
Oko Topa February 12, 2018	Constitutional Limitations on the Prohibition of Criminal Conduct: Meet objectives 1 through 12 on pages 56 – 57 of your textbook. Topics include: <ul style="list-style-type: none"> • Power to Enact Criminal Laws • Protections Under the Bill of Rights • State Constitutions Elements of Crimes and Parties to Crimes: Meet objectives 1 through 9 on page 94 of your textbook. Topics include: <ul style="list-style-type: none"> • The Act Requirement • The Criminal Intent Requirement • The Causation Requirement 	Read Chapters 3 and 4 before class
Oko Zaptan February 19, 2018	Inchoate Offenses: Meet objectives 1 through 10 on page 117 of your textbook. Topics include: <ul style="list-style-type: none"> • Attempt • Solicitation • Conspiracy OST Criminal Code:	Read Chapter 5 before class Read OST Criminal Code before class

	Show an understanding of the OST Criminal Code	
Okó Sakpe February 26, 2018	<p>Homicidal Offenses: Meet objectives 1 through 10 on page 138 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Murder and Manslaughter • Vehicular Homicide • Prosecutorial Burdens • Suicide and Assisted Suicide • Abortion <p>Other Offenses Against Persons: Meet objectives 1 through 10 on page 165 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Assault • Stalking • Abuse • Kidnapping • Civil Rights Offenses 	First Legal Brief Due by this Date by the Beginning of Class Read Chapters 6 and 7 before class
Okó Sakowin March 5, 2018	Show mastery of material from the first half of the course	Take Midterm Examination in class
March 12, 2018 SPRING BREAK	No Class	No Assignment
Okó Saglogan March 19, 2018	<p>Property Crimes: Meet objectives 1 through 9 on page 204 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Theft • Extortion • Forgery • Burglary • Arson <p>White-Collar and Organized Crime: Meet objectives 1 through 10 on pages 233 – 234 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Antitrust Violations • Computer Crimes • Identity Theft • Intellectual Property Offenses • Fraud • Racketeering 	Read Chapters 8 and 9 before class
Okó Napciunka March 26, 2018	<p>Vice Crimes: Meet objectives 1 through 10 on page 271 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Criminal Violations of Sexual Conduct • Indecent Exposure and Voyeurism 	Read Chapter 10 before class

	<ul style="list-style-type: none"> • Obscenity and Pornography • Gambling • Animal Cruelty • Alcohol-Related and Drug Offenses 	
<p>Oko Wikcemna</p> <p>April 2, 2018</p>	<p>Offenses Against Public Health and the Environment: Meet objectives 1 through 9 on page 318 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Public Health • Environmental Statutes • Antismoking Legislation • Wildlife Protection Laws <p>Offenses Against Public Order, Safety, and National Security: Meet objectives 1 through 9 on page 351 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Breach of the Peace • Vagrancy and Loitering • Motor Vehicle Violations • Weapons Offenses • Offenses Against National Security • Terrorism and Weapons of Mass Destruction 	<p>Second Legal Brief Due by this Date by the Beginning of Class Read Chapters 11 and 12 before class</p>
<p>Oko Ake Wanji</p> <p>April 9, 2018</p> <p>THIS CLASS WILL BE RESCHEDULED</p>	<p>Offenses Against Justice and Public Administration: Meet objectives 1 through 8 on page 387 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Bribery • Perjury • Obstruction of Justice • Escape • Contempt <p>Criminal Responsibility and Defenses: Meet objectives 1 through 10 on page 415 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Negative and Affirmative Defenses • Defenses Justifying the Use of Force • Defenses Based on Constitutional and Statutory Authority • Defenses Based on Improper Government Conduct 	<p>Read Chapters 13 and 14 before class</p>
<p>Oko Ake Nunpa</p> <p>April 16, 2018</p>	<p>Search and Seizure: Meet objectives 1 through 10 on page 464 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Fourth Amendment 	<p>Read Chapter 15 before class</p>

	<ul style="list-style-type: none"> • Warrant Requirement • Probable Cause Requirement • Electronic Surveillance • Exclusionary Rule 	
Okon Ake Yamni April 23, 2018	<p>Arrest, Interrogation, and Identification Procedures: Meet objectives 1 through 10 on page 517 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Arrest • Investigatory Detention • Roadblocks and Sobriety Checkpoints • Interrogation and Confessions • Identification Procedures 	<p>Third Legal Brief Due by this Date by the Beginning of Class Read Chapter 16 before class</p>
Okon Ake Topa April 30, 2018	<p>The Criminal Trial: Meet objectives 1 through 10 on page 598 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Right to Counsel • Pretrial • The Grand Jury • Plea Bargaining <p>Sentencing and Punishment: Meet objectives 1 through 10 on page 650 of your textbook. Topics include:</p> <ul style="list-style-type: none"> • Forms of Criminal Punishment • The Death Penalty • Sentencing • Probation • Incarceration • The Rights of Prisoners • The Rights of Crime Victims 	<p>Read Chapters 18 and 19 before class</p>
Okon Ake Zaptan May 7, 2018	<p>Show mastery of course content</p> <p>Final Exam Must be Taken on This Date</p>	<p>Take Final Examination in class</p>

Early Alert System: The Enrollment Management Program of Oglala Lakota College has an Early Alert System in place to provide support for students. This system will be utilized by the instructor to report concerns regarding attendance, missing assignments, or any other matters that may impact the student's ability to successfully complete the course.

Disclaimer: Information contained in this syllabus was, to the best knowledge of the instructor, considered correct and complete when distributed for use at the beginning of the semester. However, this syllabus should not be considered a contract between Oglala Lakota College and any student. The instructor reserves the right to make changes in course content or instructional techniques without notice or obligation. Students will be informed of any such changes. Additional student rights and responsibilities are outlined in the Student Handbook.