I. General Information

This is a three credit hour course examining the theory, statutory and case law, and practical experience of criminal sentencing in the United States. There will be some lectures and classroom discussions, but also significant experiential and simulation components. Accordingly, this is one of the courses that satisfy the capstone requirement for the Criminal Justice Concentration.

Among the activities we will engage in outside of class will be a visit to a state prison and (perhaps) attendance at one or more state or federal sentencing proceedings.

Substantively, the class is divided roughly into thirds. The first segment addresses punishment theory, American methods of punishment, including incarceration, fines, and various forms of community supervision. The second segment concerns the sentencing laws and practices of the State of Missouri. The third segment considers federal sentencing law and practice.

We will hold one “sentencing roundtable” meeting with state judges and practitioners to discuss the sentencing of a set of actual cases. During the course, you will be asked to negotiate pleas, prepare sentencing pleadings and memoranda, and argue sentencing proceedings before state and federal judges. You may also be asked to write policy memoranda.

Your grade will be determined on the following basis: (1) 20% on the quality of your class preparation and participation; (2) 30% on the quality of your preparation for and participation in the roundtable and sentencing proceedings; and (3) 50% on the quality of the written product produced for the sentencing roundtable, plea exercises, sentencing proceedings and other written assignments.

There will be no final exam in this course.
II. REQUIRED BOOKS

There is no required book for this course. We will rely on other materials, either on the internet or posted on the course site on LexisNexis Blackboard.

III. Reading Assignments

Generally, I will give out reading assignments by posting them on Blackboard on the last day of class each week for the following week. I ordinarily do not give assignments earlier than that because I find some students, in an excess of zeal, will read far ahead and consider themselves “prepared” for class. When the time comes to discuss the material, the reading happened so long ago that the student doesn’t remember much about it.

However, in the case of participatory or writing assignments, I will, of course, provide you with much greater notice. You will receive a rough schedule of the participatory components of the course soon after the class begins.

FIRST READING

Why and How Should We “Sentence”? A Refresher on the Philosophy of Crime and Punishment

READING: JOSHUA DRESSLER & STEPHEN P. GARVEY, CASES & MATERIALS ON CRIMINAL LAW, 7th Ed., pp. 31-50, 73-75

[This is NOT the required text for this course, but is the book you used in first year Criminal Law. If you still have it, use it for this reading. If not, the relevant excerpts from the previous edition are posted on Blackboard under “Course Materials / First Reading”]

CLASSROOM EXERCISE: Read the descriptive material on the California state court case posted on Blackboard under “Course Materials / Front End Sentencing Choices: Introductory Exercises.” Decide what you think the proper sentence for the defendant should be, and why. Be prepared to discuss your conclusions and your reasoning using the justifications for punishment discussed in the reading.

1) People v. Du (Cal. 1992)
NOTE: Remember that we are visiting the state prison in Jefferson City on Monday, January 22. We will be leaving the law school about 12:30 pm, and returning around 4:00 pm. Please try to arrange your schedule accordingly.

III. Blackboard

Throughout the semester, I will use the Blackboard system on LexisNexis to provide you with announcements, weekly reading assignments, supplemental materials, and so forth. (This NOT the Blackboard system used by the undergraduate university.) You must self-enroll in the course on LexisNexis Blackboard to access the material. If you are not familiar with Blackboard, please follow the following instructions to get yourself enrolled:

You will need your LexisNexis password to enroll in the course, and to access materials in the course.

Enrollment Instructions for LexisNexis Webcourses

2. Sign On using your Custom ID and Password.
3. You will arrive at a page with FAQs and manuals to help you use webcourses. Click on the Launch Web Courses button.
4. You will arrive at your personalized Web Courses Home Page. Click on the red Courses tab at the top of the page.
5. Click on the text link Browse Course Catalog
6. Click on Missouri, University of - Columbia
7. Locate the course you want to enroll in, and click on the enroll button out to the right-hand side of the course name

Technical Questions or Problems?

Please contact the UMC Law Help Desk at umclawhelpdesk@missouri.edu, or at 573-884-7800.
IV. Attendance

This is a course that relies heavily on student participation, both in ordinary classroom interactions and in the periodic simulation exercises. Accordingly, attendance is expected and required. If you anticipate missing a class, please advise Professor Bowman as far in advance as possible. Excessive unexcused absences may result in penalties in the form of loss of participation credit or reduction of the final course grade.

V. Academic Honesty

Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including reduction in grade or failing the course, for any violation, as well disciplinary sanctions ranging from probation to expulsion meted out in accordance with the Law School’s Honor Code system. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, consult the course instructor.

VI. Americans With Disabilities Act

If you need accommodations because of a disability, if you have emergency medical information to share with me, or if you need special arrangements in case the building must be evacuated, please contact Denise Boessen in Room 203 or Assoc. Dean David Mitchell.

To request academic accommodations (for example, a notetaker), students must also register with the Office of Disability Services, (http://disabilityservices.missouri.edu), S5 Memorial Union, 882-4696. It is the campus office responsible for reviewing documentation provided by students requesting academic accommodations, and for accommodations planning in
cooperation with students and instructors, as needed and consistent with course requirements. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

**VII. Policy on recording classroom or other course activity**

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.