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Criminal Law and Procedure: An Overview, 3rd Edition

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CRIMINAL LAW AND PROCEDURE

AN OVERVIEW, THIRD EDITION

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THE GOAL OF THIS BOOK is to provide an introduction to both the practice and the theory of criminal law. Thus, it may be used in a number of diverse educational programs such as undergraduate criminal law classes, associate-degree criminal justice programs, or paralegal courses. Depending on the needs of the students, sections of the book addressing either theory or practice can be emphasized, ignored, or given cursory coverage. For example, in a course emphasizing theoretical aspects of the criminal justice system, the contractual relationship between counsel and client (Chapter 8) can be deleted in favor of focusing on the coverage of the fundamental conflict between individual privacy and the government's use of electronic surveillance (Chapter 11). In contrast, a course stressing the pragmatic aspects of criminal practice might cover the contractual nature of the attorney-client relationship, while omitting coverage of electronic surveillance, which is used in only a small number of actual cases. The first half of the book covers substantive criminal law, while the second half discusses both the constitutional dimensions of criminal procedure and practical aspects of the criminal justice process.

Because this text covers both substantive criminal law and criminal procedure, it is suitable for a single course designed to provide an overview of the entire criminal justice system, or it can be used in separate courses focusing on either substantive or procedural law. If this book is used in separate courses covering substantive and procedural law, the text can be augmented with materials or lecture references to the laws of a specific jurisdiction. Chapters 1 through 7 define criminal responsibility and address the major felonies recognized in most if not all jurisdictions. Although these chapters provide a textual foundation for a course on substantive criminal law, they can be tailored to a particular jurisdiction by supplementing the text with statutory and case law from a specific locality. For example, Chapter 6 acquaints students with the elements of common law burglary, but students preparing for careers as paralegals will need to become familiar with specific forms of statutory burglary in their own states.

In a course limited to the procedural aspects of criminal law, Chapters 8 through 16 contain enough material to support a semester-long course. Because a great deal of criminal procedure is of constitutional dimension, these chapters have universal application. There remains, however, ample opportunity to supplement constitutional procedure with the rules of a particular locality. For example, Chapter 14 notes that each jurisdiction has rules governing the timing and content of motions for pretrial discovery.

Whatever the nature of the course in which this book is used, the text material constitutes a narrative account of the law. Abundant case summaries are interwoven with the text to bring the “real world” into the classroom. The use of these case excerpts can be varied to suit individual tastes. The cases enhance the textual discussion of law, but for the most part, any case may be eliminated without depriving the student of exposure to the relevant law.

NEW TO THE THIRD EDITION

• Many new cases have been included in this third edition to illustrate key concepts. Some of these cases include Mohammad v. Commonwealth (the D.C. Sniper case) in Chapter 3, Atkins v. Virginia in Chapter 16, and Lawrence v. Texas in Chapter 7.
• New information on terrorism and the D.C. Sniper case in Chapter 3.
• Added information on the "federalization" of criminal procedure in Chapter 8.
• New information on electronic video surveillance and the Patriot Act in Chapter 9.
• New information on the triggerman concept, applicable in capital cases, in Chapter 3.
• New information on the right to die and assisted suicide in Chapter 5.
• Added information on the Model Penal Code throughout the chapters covering substantive criminal law.

CHAPTER FORMAT

• Chapter outlines open each chapter to focus attention on the main elements students will encounter.
• Key terms are set in boldface type and defined in the margin where they first appear within the chapter.
• Exhibits, such as jury instructions, sample documents, and forms, illustrate how theories discussed in the chapter appear in the "real world."
• A chapter summary provides a brief review of the main points covered.
• Concept summary charts at the end of many chapters depict and contrast the key points covered.
• Discussion questions and practice exercises are designed to stimulate deliberation and practical application of the chapter material.
• At the end of each chapter is a list of helpful Web sites that are germane to chapter materials.

SUPPORT MATERIAL

This book is accompanied by a support package that will assist students in learning and aid instructors in teaching. The following supplements accompany this text:

• An instructor's manual and test bank is available online and includes suggestions on classroom coverage, descriptions of hypothetical situations to stimulate classroom discussion, suggested "answers" or approaches to the discussion questions, and a brief summary of the facts and holding of each case cited within the chapter. A comprehensive test bank provides objective test questions and answers.
• An online companion at www.paralegal.delmar.cengage.com contains chapter outlines, Web links, exhibit downloads, and quizzes.

Come visit us at www.paralegal.delmar.cengage.com, where you will find valuable information specific to this book such as hot links and sample materials to download as well as other Delmar, Cengage Learning products.

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