



**CJ 430.001  
Courts and Criminal Procedure  
Fall 2013  
TR 12:30 –1:45p.m.  
(Web-enhanced))**

**Syllabus**

**Professor: Elvira White-Lewis, JD/Ph.D.**

**Office Location:** Ferguson Social Science 231

**Office Hours:** TR, 11-12:00 noon and 1:45-2:45pm and by appointment

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**University Email Address:** [elvira.white-lewis@tamuc.edu](mailto:elvira.white-lewis@tamuc.edu)

**Class Location:** Ferguson Social Sciences Room 312

**Class time:** TR 12:30-1:45pm

**COURSE INFORMATION**

**Materials – Textbooks, Readings, Supplementary Readings:**

**Textbook Required:** *America's courts and the criminal justice system*. David Newbauer and Henry R. Fradella. Wadsworth-Cengage Learning. ISBN: 978-0-495-80990-6  
Books should be available in the University bookstore or you may choose to purchase online to save money.

**Course Description:**

This course is designed to assist you in obtaining a basic understanding of the process of criminal procedure. Criminal Procedure is the “how” of the criminal justice system. It is the body of rules that guide the conduct of criminal justice officials from the point of contact between a police officer and a suspect to the time at which a convicted offender is sentenced by a judge or jury. The course will include a discussion of the constitutional rules and case law as they apply to the rights of suspects and defendants.

**Upon successful completion of this course, you will:**

Upon the successful completion of this course the student will be able to:

1. Identify the major actors in the U.S. criminal court system and differentiate their roles and responsibilities
2. Describe the structure of the U.S. criminal court system and its foundation in criminal law
3. Discuss the key issues relating to the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendment as they apply to criminal procedure.
4. Identify the impact of criminal law and procedure on U.S. criminal court practices
5. Evaluate racial disparity issues in the U.S. criminal court system.

## COURSE REQUIREMENTS

### **Instructional / Methods / Activities Assessments**

**CLASS FORMAT:** Every effort will be made to provide the best possible learning experience for students by blending lectures, discussions, and appropriate reading assignments. We will be discussing many current, interesting, and often controversial subjects. Thus, a mature attitude is assumed of all students. **Do NOTHING that will interfere with anyone else's opportunity to learn in this class. Disruptive Behavior of any kind will not be tolerated.**

**EXPECTATION:** This is a 400 level course and I expect senior-level work from you. If you feel you are not yet ready to tackle this level of coursework, then I advise you to enroll for this class at a later date. There will be writing assignments due throughout the semester. I expect clear writing with adequate style, correct grammar, and (when applicable) proper use of scholarly references. **All** submitted written assignments must be typed in 12 point, Times New Roman font, double spaced, on standard paper with one inch margins. All assignments are to be submitted via drop-box in the e-college system or via e-College discussion board as assigned.

**EXAMINATIONS:** There will be two major examinations worth 100 points each and two quizzes worth 50 pts. The exams will include multiple choice, true/false and short answer questions. The exams are scheduled in the course outline. Adjust your schedule now--do not make plans that conflict with exam dates! If you miss one of the exams for an **excused** reason, you will take the make-up exam immediately following the final exam on the same date.

**All exams will be taken via e-college or in class.  
Exam grades will be posted on e-college.**

### **Course project: Mock Trial**

Each student will participate in the investigation, research and preparation of a case for trial. Groups will be randomly selected by the professor and each group will be given a hypothetical case to litigate. This class will also collaborate with the Criminal Investigations class to prepare your respective cases for trial. Details will be discussed throughout the course. (100 points).

## ***Academic Honesty***

Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including (but not limited to) receiving a failing grade on the assignment, the possibility of failure in the course and dismissal from the University. Since dishonesty harms the individual, all students, and the integrity of the University, policies on scholastic dishonesty will be strictly enforced. In **ALL** instances, incidents of academic dishonesty will be reported to the Department Head. Please be aware that academic dishonesty includes (but is not limited to) cheating, plagiarism, and collusion.

*Cheating* is defined as:

- Copying another's test or assignment
- Communication with another during an exam or assignment (i.e. written, oral or otherwise)
- Giving or seeking aid from another when not permitted by the instructor
- Possessing or using unauthorized materials during the test
- Buying, using, stealing, transporting, or soliciting a test, draft of a test, or answer key

*Plagiarism* is defined as:

- Using someone else's work in your assignment without appropriate acknowledgement
- Making slight variations in the language and then failing to give credit to the source

*Collusion* is defined as:

- Collaborating with another, without authorization, when preparing an assignment  
If you have any questions regarding academic dishonesty, ask. Otherwise, I will assume that you have full knowledge of the academic dishonesty policy and agree to the conditions as set forth in this syllabus.

Students should also reference the following link for more detailed information.

<http://web.tamuc.edu/academics/colleges/artsSciences/departments/sociologyCriminalJustice/frequentlyAskedQuestions/academicHonesty/default.aspx>

## **APA Citation Format Policy**

It is very important that you learn how to cite properly. In some ways, citations are more important than the actual text of your paper. Therefore, you should take this task seriously and devote some time to understanding how to cite properly. If you take the time to understand this process up front, it will save you a significant amount of time in the long run (not to mention significant deductions in points).

In the social and behavioral sciences (including Criminal Justice), we use APA (American Psychological Association) format. As a rule of thumb, one cites whenever

they are paraphrasing other people's words or when they quote other's words directly. You may choose to access the following websites:

[www.apastyle.org](http://www.apastyle.org)

<http://owl.english.purdue.edu/owl/resource/560/02/>

[www.library.cornell.edu/resrch/citmanage/apa](http://www.library.cornell.edu/resrch/citmanage/apa)

**ATTENDANCE/PARTICIPATION**: It is essential to attend all classes to do well in this course. Lectures and discussions are designed to supplement the book, not repeat it. Many items will be discussed in class that is not in the book. While students can copy someone's lecture notes, and complete reading assignments, there is no way to gain the information lost by missing class discussions. **Study guides are not provided** for any exams. Your study guides are your notes from your reading and class discussions. Attendance will be taken each class period and you can receive up to 3 point per for each day you attend and participate or up to 100 points. If you miss more than one week's worth of classes (2 class sessions or more) you may want to consider dropping the course. There will be an automatic **dropping of one letter grade** for absences in excess of four (4) without an official documented excuse.

**TARDINESS**: Being on time is almost as important as being present. Class will begin **promptly** at the scheduled time. If you are not present when attendance is taken you will be counted absent. Tardiness is extremely rude and disruptive, and reflects a "don't care attitude" on your part. If for some reason beyond your control you must be late, enter the room as quickly and quietly as possible to minimize disruption. Repeated tardiness absolutely will not be tolerated. **If you cannot make it to class on time, please drop the course.**

**GRADES**: Final grades will be based on the two exams (100 points ea. =200 pts.); two quizzes (50 points each = 100); Mock Trial Project (100 pts.); and attendance/participation (100). The following grading scale will be used to calculate final grades:

Assignment Type	# of Assignments	Point Value	Total Points
Examinations	2	100	200
Mock trial exercise	1	100	100
Attendance/participation	45	2-3 per class	100
Quizzes	2	50	100
		<b>TOTAL</b>	<b>500</b>

Grades earned on each assignment will be added together and will be divided by the total number of points possible in the course. Below is the overall point scale for the course.

**Total points possible for the semester = 500**

A = 90% - 100% (500-450 pts)
B = 80% - 89% (449-400 pts)
C = 70% - 79% (399-350 pts)
D = 60% - 69% (349-300 pts)
F = Below 60% (<299 pts)

You will find your course grades in the grade book located in eCollege. This gradebook will keep a 'real-time' accounting of the points you earn on assignments for this class. In this way, you may track your progress in this course throughout the course of the semester.

### Grades will be posted on e-college

**EXTRA CREDIT:** Do not ask, there will not be any. Two types of students usually want to do extra credit work: those who would like to make an even "higher" A; and those who are failing the course. In either case, extra credit makes no sense. Put in the time, energy, and effort on the "regular" work and you will not need any "extra" credit. (See syllabus tool for content suggestions)

## TECHNOLOGY REQUIREMENTS

This course is taught as a face-to-face class but is web-enhanced. Students need access to a computer (there are computer labs all over campus) in order to check e-mails and to check grades and take examinations on e-college.

- Students need to have ready access to a broadband connection to the internet such as Cable, DSL, or the TAMU-C campus network. (Dial-up, satellite, or other non-broadband internet connections will not function sufficiently with eCollege.)
- A computer with a 2.0Ghz or better processor and 1 GB of RAM. MAC computers with similar configurations will also work.
- Windows XP, Vista, or 7 operating system. MAC with the OS 9 or X operating system.
- Microsoft Office or similar package with a word processor, Power Point type presentation application, and a spreadsheet application. (OpenOffice is a free, open source application that is very similar to the Microsoft Office applications and is available for download at [www.openoffice.org](http://www.openoffice.org) ).

## ACCESS AND NAVIGATION

This course will be using eCollege, (for certain aspects) the Learning Management System used by Texas A&M University-Commerce. To log in to the course, go to: <https://leo.tamuc.edu/login.aspx>.

You will need your CWID and password to log in to the course. If you do not know your CWID or have forgotten your password, contact Technology Services at 903.468.6000 or [helpdesk@tamuc.edu](mailto:helpdesk@tamuc.edu).

Students should familiarize themselves with ECollege **PRIOR** to beginning their first course in the program. This will reduce the number of headaches and concerns that you will have throughout the course. Access to the ECollege tutorial is available through MyLeo.

## COMMUNICATION AND SUPPORT

### Interaction with Instructor Statement:

The most effective way to communicate with the professor will be to come to class. The professor will be in her office during posted office hours and by appointment. The best way to make an appointment is to communicate directly with the professor immediately prior to or after class. Appointments can also be made via e-mail.

The professor will periodically communicate with the entire class or selected individual students by using the student's MyLeo e-mail address. Students should check their MyLeo account regularly for e-mails from the university and/or the professor.

If you encounter any technological difficulties with e-college contact the e-college help desk immediately.

## COURSE AND UNIVERSITY PROCEDURES/POLICIES

### Course Specific Procedures:

**Assigned readings should be completed BEFORE coming to class. Students will be called upon in class to discuss/explain material from the reading assignments. This is not intended to be punishment or to single anyone out in front of the rest of the class, but could prove to be embarrassing if you are unprepared.**

***Note: Class time needs to be focused on the academics. Please do not bring food into the classroom. Eat your snacks and meals before or after class. You may not leave your cell phones on when you enter the classroom absent an emergency which you should inform me about in advance. Any student caught texting while class is in session will have two (2) points deducted from the final grade for each documented infraction.***

### University Specific Procedures:

### **ADA Statement**

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring an accommodation, please contact:

**Office of Student Disability Resources and Services**  
**Texas A&M University-Commerce**  
**Gege Library 132**  
**Phone (903) 886-5150 or (903) 886-5835**  
**Fax (903) 468-8148**  
[StudentDisabilityServices@tamuc.edu](mailto:StudentDisabilityServices@tamuc.edu)

### **Student Conduct**

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See *Code of Student Conduct from Student Guide Handbook*).

**POLICIES ON ENROLLMENT, "X's", AND WITHDRAWAL:** All policies regarding last day for enrollment, withdrawal from class, and the use of "X" will be rigidly adhered to in this course. Students should check the student handbook, current semester schedule, and the appropriate bulletin boards, which indicate the specific deadlines for withdrawing from courses without penalty. Seeing that all university procedures are followed is the students' responsibility.

### **Schedule:**

This schedule is tentative and I reserve the right to modify it, with notice, as needed during the semester. Please be advised that we will cover several chapters every week in the order they appear in your text. In the case of weeks where multiple chapters are covered much of the material represents materials included in other courses such as Introduction to Criminal Justice and thus this will be a review, clarification and emphasis on certain key concepts. All alterations to the schedule will be announced in class and posted as an announcement in e-college and it is your responsibility to be aware of these changes.

Important dates are listed below: **Note that class is two (2) days per week.**

COURSE OUTLINE / CALENDAR		
Week	Topic	Assignment
1 August 27th	Course Review Syllabus <i>Courts, Crime, Controversy</i>	Read Chapter 1 Class Discussion
2 September 3rd	Law and Crime	Read Chapter 2
3 September 10th	Federal Courts & State Courts	Read Chapters 3 & 4
4 September 17th	The Dynamics of Courthouse Justice	Read Chapters 5 & 6 <b>Quiz # 1 (Sept 19<sup>th</sup>)</b>
5 September 24th	Judges/Defense Attorneys	Read Chapters 7 & 8
6 October 1st	Defendants & Victims	Read Chapter 9
7 October 8th	Trial objections/review	
8 October 12th	<b>Midterm Exam cumulative</b>	
9 October 22nd	Arrest to Arraignment	Read Chapter 10
10 October 29th	Bail and Disclosing/Suppressing Evidence	Read Chapters 11 & 12
11 November 5th	Negotiated Justice/Guilty Pleas	Read Chapters 13 & 14 <b>Quiz # 2 11/7</b>
12 November 12th	<b>Mock Trial #</b>	Read Chapters 14 & 15
13 November 19th	Sentencing options/Review	Review all chapters after midterm
14 November 26th	<b>Mock Trial # 2 11/26</b>	<b>Thanksgiving Holiday 11/28</b>
15 December 3rd	<b>Mock Trial # 3 12/3</b>	Read Chapters 17/18/19
16 December 5th	<b>Mock Trial # 4 12/5</b>	<b>Last Class Day!!!</b>
December 10 <sup>th</sup> -12th	Final Examination week	

**\*\*\*Final Exam:**

**Cumulative**

Make-up exams immediately following final exam via e-college

**Note: Instructor intends to follow syllabus but reserves the right to make revisions as deemed necessary and appropriate and will notify students in writing**