



CJ 531.01W
Seminar in Courts and Procedure
November 18, 2013- December 22, 2013
Online

COURSE SYLLABUS

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COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary Readings:

Textbook Required: Samaha, Joel. *Criminal Procedure*, 8th ed. Cengage Learning
ISBN-13: 9780495913351

NOTE: The publisher is selling supplementary study guides or “Barcharts” to go along with this text. I do not recommend purchasing one of these study guides, as it is not an accurate summary of what we will cover in this course.

Books should be available in the University bookstore.

Court Cases

Duncan v. Louisiana, 391 U.S. 145 (1968).
Gideon v. Wainwright, 372 U.S. 335 (1963).
Mapp v. Ohio, 367 U.S. 643 (1961).
Safford Unified School District v. Redding, 557 U.S. (2009)
Terry v. Ohio, 392 U.S. 1 (1968).

Journal Articles

Gould, J.B & Mastrofski, S.D. (2004). Suspect searches: Assessing police behavior under the U.S. Constitution. *Criminology & Public Policy*, 3(3), 315-361.
Thibaut, J. & Walker, L. (1978). A theory of procedure. *California Law Review*, 66, 541-566.

Course Overview and Goals

This course is designed to help you obtain a basic understanding of the process of criminal law and criminal procedure. Criminal law is the “what” while procedure is the “how” of the criminal

justice system; that is, 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. We will discuss the constitutional rules and case law as they apply to the rights of suspects and defendants. We will also cover some of the tough questions about these rules, such as does upholding the rights of the criminally accused reduce the effectiveness of the criminal justice system? Do police, prosecutors, and judges actually comply with the laws of criminal procedure? Has the establishment of these rules led to a more equitable distribution of justice, or do problems like racial bias still plague the system? Throughout the course, you are encouraged to keep an open mind and to think critically about the topics we cover.

Student Learning Objectives

Upon successful completion of this course:

1. You will be able to discuss key issues relating to the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments as they apply to criminal procedure.
2. You will be able to explain the relationship between liberty and order and the reason why it is vital to strike a balance between the two.
3. You will understand basic laws surrounding searches and seizures in the policing context and the laws governing custodial interrogations of criminal suspects.
4. You will know how a criminal case traverses through the pretrial process.
5. You will understand the rationale underlying the right to counsel and the stages of the criminal process at which this right attaches.
6. You will know the history of the right to a trial by jury and you will understand the plea bargaining process.
7. Finally, you will be able to explain the implications of homeland security and related legislation (particularly the USA PATRIOT Act) for the laws of criminal procedure.

Expectations

This is a 500-level course and I expect Master's 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. From all students, I expect clear writing with adequate style, correct grammar, and (when applicable) proper use of scholarly references. You should be ready to think critically about the topics we cover and to participate in virtual class discussions. I expect you to read all assigned materials and be prepared to actively learn and participate.

Required Readings

One textbook, five court cases, and two social science journal articles are assigned for this course. The textbook for this course can be purchased from the university bookstore or other retailers. Please make certain that you use reputable sources such as the online library venue to read the cases and journal articles.

COURSE REQUIREMENTS

Assignments

Grading for this course is based on five case briefs, two exams, and five class discussions. You can check your grade for each assignment in the gradebook. Students will also be required to take a pre- and post-test and to post an introductory welcome post to the class.

Case Briefs

You will be assigned five case briefs: **see above**. Briefs are synopses of court cases that contain just the most essential details of the case. Each case brief is worth 50 points. The proper way to write a brief including detailed directions for briefing cases are located in **Appendix A** of this syllabus. You should understand how to brief a case by the time the first one is due. **A brief is to be one (1) page in length only which does not include your APA formatted title page.** This requires that you carefully read the entire case.

Exams

There are two exams in this course. The exams will test your knowledge of the course material, the extent to which you read and understood all assigned readings, and your ability to think critically, to analyze sometimes-ambiguous situations, and to put forth an argument using supporting evidence. Each exam is worth 50 points and grades are not curved. Exam make-ups will be given only in the event of documented, bona fide emergencies; all other absences on the days of the exams will result in a zero for that exam. Everything covered in class is fair game for exams. Everything in your reading is also, though I will rely more heavily on the things we cover in class relative to the concepts that appear in the book but that are not part of the lectures. In addition, there will be some questions out of the readings, so you must read your book and the applicable cases and articles. The exams will consist of multiple choice, and true/false items. You will have 1 hour to take the exam and no extra time will be given unless you have a documented disability. If you need a substantial amount of extra time due to a documented disability or if you need some form of audio or visual assistance, you must coordinate this with me and with **Office of Student Disability Resources and Services** ahead of time.

GRADING

Grade Totals and Grading Scheme

The tables below present the grading breakdown for the course, including the total course points. At any point in the course, you can check your grade by going into your grade book in the course shell. At no point in the semester should you be unsure of how you are doing in the class. If you feel your grade is not where it should be, contact me immediately. Do not approach me at the end of the semester and only then tell me you don't understand your grade—there is nothing I can or will do at that time.

<i>Assignment</i>	<i>Points</i>	<i>Total</i>
Case Briefs (x 5)	250 (50 each)	
Exams (x 2)	100 (50 each)	
Class Discussions(5)	250 (50 each)	

Grade	Percentages
A	90 – 100%
B	80--89%
C	70--79%
D	60--69%
F	59% and lower

Syllabus Amendments

This syllabus represents an agreement between you, as the student, and me, as the professor for this course so that you know exactly what is expected of you. The syllabus will be altered only in the event of circumstances (e.g., acts of nature), other reasons as may not be known at this time that necessitate a change. In such situations, I will notify you in writing.

Make-Up Work, Late Work, and Extra Credit

NO MAKE-UP EXAMS will be given except where the student can provide official documentation of a true emergency. Should such an emergency take place, a make-up exam will be scheduled. Failure to complete the make-up exam will result in a zero on the exam.

THERE WILL BE NO EXTRA CREDIT ASSIGNMENTS. It is your responsibility to track your grade throughout the semester and to contact me immediately if you feel that your grade is slipping. I will still not offer extra credit, but we can work together to solve whatever problem you are having. Note that I will not give incompletes for failing grades; incompletes are to be used only when emergency circumstances prevent students from being able to concentrate on schoolwork at the present time. If you are failing, do not ask me for an incomplete, for a make-up paper to boost your grade, etc. because I will deny your request.

The key to ensuring that life circumstances do not interfere with your ability to succeed in this course is talking to me. If you have a disability that affects your schoolwork, let me know. If a significant life event occurs, let me know. The earlier you approach me with a workable problem, the better the solution will be for both of us.

TECHNOLOGY REQUIREMENTS

1. You will need regular access to a computer with a broadband Internet connection. The minimum computer requirements for the Epic Web Client are:

- Any current Flash-compliant browser (eg. Internet Explorer 7 or Firefox 3.0)
- 512 MB of RAM, 1 GB or more preferred
- Broadband connection required – courses are heavily video intensive
- Video display capable of high-color 16-bit display – 1024 x 768 or higher resolution
- A sound card and speakers or headphones

Current anti-virus software must be installed and kept up to date

Some classes may have specific class requirements for additional software. These requirements will be listed on the course offerings page. Most home computers purchased within the last 3-4 years meet or surpass these requirements.

2. You will need some additional free software for enhanced web browsing. Ensure that you download the free versions of the following software:

Adobe Reader

Adobe Flash Player

3. At a minimum, you must have Microsoft Office 2003, XP, 2007 or OpenOffice. Microsoft Office is the standard office productivity software utilized by faculty, students, and staff. Microsoft Word is the standard word processing software, Microsoft Excel is the standard spreadsheet software, and Microsoft PowerPoint is the standard presentation software. Copying and pasting, along with attaching/uploading documents for assignment submission, will also be required. If you do not have Microsoft Office, you can check with the bookstore to see if they have any student copies.

ACCESS AND NAVIGATION

This course will be facilitated using eCollege, 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. Once you log in to eCollege, click on My Courses and select CJ 531—Seminar in Courts and Procedure.

Please note that this is an online course and as such, all aspects of the course (including assignments/discussions/comments/exams) will be submitted/completed through eCollege. Your grades will also be available in eCollege. This class will run on a 7-day, Monday-Sunday schedule. After logging in to the course, students will notice that the weekly/unit content area is located on the left navigation bar. These weekly/unit content areas are identified as Week 1, Week 2, etc. (this corresponds to the course schedule located in the syllabus.)

Students should access course materials by clicking on the proper weekly/unit content area. Students should read the weekly overview that contains information about what is to be covered in class, along with a series of weekly tasks (these tasks correspond to the links available and each weekly unit and to what appears in the syllabus). Students should then click on the lecture link and take the time to read the material I have posted. The lecture is an attempt to integrate information from the course readings and includes information from the text/readings as well as other information that I consider important to your understanding of the subject matter. Students will complete discussions by clicking on the **Discussion** link that will be visible if a discussion forum is scheduled for that week (students will know if discussions are required based on information contained in Weekly Tasks and in the syllabus). At that time, students will be able to read the discussion question and post accordingly (keep in mind that all discussion forums are open and available for posting on May 20, 2013—the first day of class). Students

should pay particular attention to the requirements for discussion posts as outlined in the syllabus.

Students will complete and submit assignments by clicking on the **Assignments** link that will be visible if an assignment is scheduled for that week. Students should be sure to submit all assignments as attachments (**do not cut and paste your assignment**) and to submit the assignment into the properly named/numbered dropbox. Students will complete assigned exams by clicking on the **Exam** link that will be visible if an exam is scheduled for that week. Students should click on the **Exam** link in Week 5 in order to access the Final Exam.

COMMUNICATION AND SUPPORT

Interaction with Instructor Statement:

My primary form of communication with the class will be through Email. Any changes to the syllabus or other important information critical to the class will be disseminated to students in this way via your official University Email address available to me through MyLeo and in Announcements. It will be your responsibility to check your University Email regularly. Students who Email me outside of regular office hours can expect a reply within 24 hours M-F. Students who Email me during holidays or over the weekend should expect a reply by the end of the next regularly scheduled business day.

myLeo Support:

Your myLeo email address is required to send and receive all student correspondence. Please email helpdesk@tamuc.edu or call us at 903-468-6000 with any questions about setting up your myLeo email account. You may also access information at <https://leo.tamuc.edu>.

Internet Access:

An Internet connection is necessary to participate in discussions and assignments, access readings, transfer course work, and receive feedback from your professor. View the requirements as outlined in Technology Requirements above for more information.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Academic Integrity and Honesty:

I take plagiarism and other forms of cheating very seriously. *All the work you do in this course is to be your own.* I encourage you to study and discuss with classmates, but be sure that everything you turn in is your own, original work. Regarding references, anytime you use someone else's work and do not accompany it with a proper citation to the author, you have committed plagiarism regardless of whether or not you intended to do so. It is also inappropriate to use your own work for multiple classes and any such actions will be treated just like plagiarism. Do not copy anything off the internet, out of books/articles, from friends, or from any other source or person. This includes direct cutting-and-pasting, summarizing or quoting without citing, and changing the original wording just enough so that you think you can pass it off as your own. **If I find that you have engaged in plagiarism, you will receive an F in the entire course and I reserve the right to take further disciplinary action(s) at the university level. Do Not Do It!**

Students with Disabilities:

I am committed to assisting students with documented disabilities to succeed in this course. 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:

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Office of Student Disability Resources and Services
Texas A&M University-Commerce
Gee Library
Room 132
Phone (903) 886-5150 or (903) 886-5835
Fax (903) 468-8148
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*). Students should also consult the Rules of Netiquette for more information regarding how to interact with students in an online forum:

<http://www.albion.com/netiquette/corerules.html>.

COURSE OUTLINE / CALENDAR

Every effort will be made to adhere to the course schedule as noted below. However, unforeseen circumstances may require changes to the schedule. In that case, changes will be announced via University Email and in Announcements. The professor reserves the right to change the schedule if necessary and depending on the progress of the class. I highly recommend that you follow the schedule outlined below **VERY CAREFULLY** so that you are sure to complete readings as assigned and submit your assignments on time.

Please note that all discussions/comments/case briefs are due by 11:00PM CST in e-College on the day they are due as outlined in the syllabus. Please note that this course runs on a Monday-Sunday schedule.

Schedule

<i>Week order</i>	<i>Topics and Readings</i>	<i>Assignment Due on Friday unless otherwise noted.</i>
<u>Week 1</u>	Course introduction and overview. Intro to the study of criminal procedure and overview of police and courts systems.	

Criminal Procedure: Why we Have it and Why we Need it
Samaha Chapter 1
Thibaut and Walker (1978)

Discussion One Due
Case Brief Due Safford
Unified School District v.
Redding, 557 U.S. ___
(2009) (docket no. 08-
479)

Criminal Procedure and the Constitution: Definitions and Concepts

Samaha Chapter 2

The Fourth Amendment: Searches and Seizures, Defined

Samaha Chapter 3

The Fourth Amendment: Stops and Frisks

Samaha Chapter 4

Gould and Mastrofski (2004)

Introduction Due

Pre-test Due

Discussion Two Due

Case Brief Due Terry v.
Ohio, 392 U.S. 1 (1968)

The Fourth Amendment: Arrests

Samaha Chapter 5

The Fourth Amendment: Searches

Samaha Chapter 6

Week 2

Week order

Topics and Readings

Assignment Due on
Friday *unless otherwise*
noted.

Week 3

The Fifth Amendment: Self-Incrimination

Samaha Chapter 8

Focus on *Miranda v. Arizona* (1966)

Identification Procedures

Samaha Chapter 9

Remedying Unlawful Police Actions: The Exclusionary Rule

Samaha Chapter 10

Remedying Unlawful Police Actions: The Exclusionary Rule, continued

Finish Fourth and Fifth Amendments

The Sixth Amendment: The Right to Counsel

Samaha Chapter 12, pp. 417 – 424

The Sixth Amendment: The Right to Counsel

Exam on Wednesday!!!

Discussion Three Due

Case Brief Due Mapp v.
Ohio, 367 U.S. 643
(1961)

Week 4

The Sixth Amendment: Right to Trial by Jury

Samaha Chapter 13

Samaha Chapter 13 pp. 461 – 467

After Conviction: Sentencing and Appeals

Samaha Chapter 14

Discussion four Due

Case Brief Due *Gideon*
v. Wainwright, 372 U.S.
335 (1963)

Special Topics: Homeland Security, the “War on Terror” and the USA PATRIOT Act

Samaha Chapter 14 pp. 248 – 249

Samaha Chapter 15

Special Topics: Homeland Security, the “War on Terror” and the USA PATRIOT Act, continued

<i>Week order</i>	<i>Topics and Readings</i>	<i>Assignment Due on Friday unless otherwise noted.</i>
<u>Week 5</u>	<i>The Fourteenth Amendment</i> Book: The Adoption of the Fourteenth Amendment (available in EPIC)	Exam on Wednesday!! Discussion Five Due Case Brief Due <i>Duncan v. Louisiana</i>, 391 U.S. 145 (1968). Post-test Due

APPENDIX A

One (1) page maximum

Directions for Briefing Court Cases

Your case briefs should mirror the format and content described below:

Case Name, Year, and Citation

Facts

This is a brief description of the history of the case. Approximately one-paragraph description of the crime, the conduct of the criminal justice official(s) that is in question and why that conduct is in question, what happened during the trial or plea, the punishment the defendant received, and the appeals process that brought the case to its present hearing.

Issue

This is a one-sentence interrogative (i.e., question) statement of the precise legal issue that is being debated in the case. Might be more than one sentence if the case is complex and/or multiple issues are being presented. If there are multiple issues, number each one.

Holding

The statement of law handed down in the case; that is, the principle of law that is established and the precedent that is set by this case. This is a one-sentence answer to the question posed in the issue section above. If the issue had more than one sentence, the holding may also be a little longer. If you identified and numbered different issues, you will probably also need to number your different holdings.

Opinion and Joining Judges

The heading should contain the names of the judges/justices who joined in the majority opinion. The opinion section of the brief should be about one paragraph long and should contain all relevant (and no irrelevant) reasoning that the judges used to reach their decision in the case (i.e., the holding). In other words, *why* did the judges decide the case the way they did? What was their logic or rationale? Did they rely heavily on any particular precedent(s) to inform their decision? Keep this section succinct but thorough.

Concurring Opinion and Joining Judges

Some cases may have one or more concurring opinions and you need to make a separate section for each one regardless of how short they may be. This section of your case brief should be fairly short and should generally be much shorter than the main “Opinion” section above. State the reason why this particular judge or set of judges felt the need to write a separate opinion; that is, did this judge disagree with something the majority said, did this judge wish to add something to the majority’s opinion, does this judge have reservations about the holding? And so on.

Dissenting Opinion and Joining Judges

Some cases will have one or more dissenting opinion and each dissent gets its own section on the case brief. The length of the “Dissent” section on the case brief depends on the length/complexity of the dissenting opinion in the case. This section should not be any longer than a paragraph. Summarize the reason why this judge or set of judges disagreed with the majority’s decision. This section is essentially the same thing as the “Opinion” section above, except you are summarizing the opinion of the judge who disagreed with the way the case turned out.