



Course Syllabus

CJ531: Issues in Criminal Law and Courts

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COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary Readings

Textbook(s) Required:

Samaha, Joel (2015). *Criminal Procedure* (9th ed): Cengage Learning

ISBN-13: 978-1-285-45787-1 or ISBN-10:1-285-45787-0

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.

Court Cases and Journals

The court cases can be downloaded from Lexus and Find Law or other sources for legal cases.

Journal articles can be downloaded via the University’s online library cite.

- *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.

Optional

Other materials/readings as assigned and posted online

Course Description

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.

Prerequisites

There are no prerequisites for this course.

Student Learning Outcomes

At the end of the course the student will be able to:

1. Discuss key issues relating to the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments as they apply to criminal procedure
2. Explain the relationship between liberty and order and the reason why it is vital to strike a balance between the two.
3. Understand basic laws surrounding searches and seizures in the policing context and the laws governing custodial interrogations of criminal suspects.
4. Know how a criminal case traverses through the pretrial process
5. Understand the rationale underlying the right to counsel and the stages of the criminal process at which this right attaches.
6. Know the history of the right to a trial by jury and you will understand the plea bargaining process.

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.

COURSE REQUIREMENTS

Instructional Methods/Activities/Assessments

This course will provide a variety of activities and assessments to assist you in achieving the outcomes/objectives for the course. Each week, you will work toward achieving these outcomes through discussions/comments, readings, and papers. Below is an explanation of each course requirement including due date, assignment instructions, and other requirements.

Introduction: (1 Introduction post—not graded)

Students are asked to introduce themselves to each other. This introduction may include any information that you would like to share with others in the course, but must minimally include a statement that you have read and agree to abide by the syllabus and follow the rules of academic integrity and netiquette. You will not be allowed to continue in the course without providing this statement. This post is due by **11:00PM CST on Tuesday of Week #1** of the course.

Discussion Posts

The Discussions are directly related to the assigned readings in both textbooks. Please **DO NOT** use Wikipedia in this course as a primary source for any assignments including discussions.

Upon completion of the assigned readings, you are expected to engage in an ongoing discussion/debate on various topics related to terrorism with your classmates. Your contributions to the discussion forums will be graded for quality and a detailed analysis linking the material to a critical appraisal of theory, policy, and practice. In all cases, students must cite and provide a full bibliography/works cited at the end of their post for all citations mentioned in the post (follow guidelines for utilizing APA citation format).

Each of these posts should be the equivalent of 1 page in length or a minimum of 250 words and should include one outside source (i.e., a source outside the regular readings assigned for the week/course). The specific discussion assignment is located in each weekly unit at the Homepage at eCollege.

Posts are due by **11:00PM CST on Friday** of each week of the course.

Assessment Method: Discussion posts (50 points in all) will be graded using the Discussion Post Grading Rubric.

Course Pre/Post-test (not graded)

Pre and post-tests allow the professor to assess your baseline (foundation) knowledge of a particular subject at the time that you enter a course and the degree of increase in knowledge at the end of the course. This pre/post-test is comprised of a list of questions that will assess course outcomes. You will be asked to complete the pre-test by Friday of Week #1 and the post-test by Friday of Week #5. These tests will not be graded (they are used for assessment purposes only).

Case Briefs

You will be assigned the following 5 case briefs:

- *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).

Briefs are synopses of court cases that contain just the bare 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 **DocSharing**. You should understand how to brief a case by the time the first one is due. Please make sure that you have an APA formatted title page attached to your brief.

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, too, 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. Still, 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

Assignments for this course will be scored using a points system. Below is an explanation of how each assignment type will be scored.

Assignment Type	# of Assignments	Point Value	Total Points
Case Briefs	5	50	250
Exams	2	50	100
Discussion Posts (Comments) min. 2/week	5	20	100
Main Discussion Posts	5	30	150

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/grading schema for the course. Total points possible for the term = 600.

600-540 = A
539-480 = B
479-420 = C
419-360 = D
359 and below = F

Grades will be available in the grade book so that students can track their progress in the course on an ongoing basis.

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) that necessitate a change. In such situations, I will notify you.

TECHNOLOGY REQUIREMENTS

- You will need regular access to a computer with a broadband Internet connection. The minimum computer requirements for the Epic Web Client (Epic not applicable to this course) are:
 - Any current Flash-compliant browser (e.g., 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.
- 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
- At a minimum, you must have Microsoft Office 2003, XP, 2007 or Open Office. 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

eCollege Access and Log in Information

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 the following link:

<http://www.tamuc.edu/myleo.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 go to the following link: helpdesk@tamuc.edu.

It is strongly recommended that you perform a “Browser Test” prior to the start of your course. To launch a browser test, login to ECollege, click on the ‘myCourses’ tab, and then select the “Browser Test” link under Support Services.

Course Navigation

All aspects of this course, including presentations, assignments, readings, and exams will be completed / turned in through eCollege. Your grades will also be available in eCollege.

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 in each weekly unit and to what appears in the syllabus).

Students should then click on the weekly content items links and take the time to read/view any material/presentations/assignments that are posted. The lecture/presentation is an attempt to integrate information from the course readings and includes information from the text/readings as well as other information that are considered important to your understanding of the subject.

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 e-mail as I plan to send you important messages regularly.

Students who e-mail me outside of regular office hours can expect a reply within 24 hours. Students who Email me during holidays or over the weekend should expect a reply by the end of the next regularly scheduled business day.

Virtual Office

Welcome to my office. This space is set aside for students to ask course related questions. Place any questions or concerns about the course here and they will answered within 24 hours on weekdays. (It is possible that I will answer all threads during my office hours as posted on the syllabus.)

Please feel free to answer one another's questions. I will check answers (as well as questions) for correctness, but do not hesitate to respond to a posting if you feel you can answer the question thoroughly and directly.

eCollege Student Technical Support

Texas A&M University-Commerce provides students technical support in the use of eCollege. The student help desk may be reached by the following means 24 hours a day, seven days a week.

- **Chat Support:** Click on '*Live Support*' on the tool bar within your course to chat with an eCollege Representative.
- **Phone:** 1-866-656-5511 (Toll Free) to speak with eCollege Technical Support Representative.
- **Email:** helpdesk@online.tamuc.org to initiate a support request with eCollege Technical Support Representative.

Help: Click on the '*Help*' button on the toolbar for information regarding working with eCollege (i.e. how to submit to dropbox and how to post to discussions, etc.)

For assistance with the library: To access the Library databases and tutorials click on the Library link under Course Home or minimize your eCollege session and open another browser window going to the Library's web site directly, at the following link: <http://www.tamuc.edu/library> not from within eCollege.

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 the following link <https://leo.tamuc.edu>

Policy for Reporting Problems with eCollege

Should students encounter eCollege-based problems while submitting assignments/discussions/comments/exams, the following procedure **MUST** be followed?

1. Students must report the problem to the help desk. You may reach the helpdesk at
2. helpdesk@online.tamuc.org or 1-866-656-5511
3. Students **MUST** file their problem with the helpdesk and obtain a helpdesk ticket number
4. Once a helpdesk ticket number is in your possession, students should Email me to advise me of the problem and to provide me with the helpdesk ticket number
5. At that time, I will call the helpdesk to confirm your problem and follow up with you

PLEASE NOTE: Your personal computer/access problems are not a legitimate excuse for filing a ticket with the help desk. You are strongly encouraged to check for compatibility of your browser **BEFORE** the course begins and to take the eCollege tutorial offered for students who may require some extra assistance in navigating the eCollege platform. **ONLY** eCollege-based problems are legitimate.

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.

Learner Support

Go to the following link [One Stop Shop](#)- created to serve you by attempting to provide as many resources as possible in one location.

Go to the following link [Academic Success Center](#)- focused on providing academic resources to help you achieve academic success.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Course Specific Procedures

Academic 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 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 [Criminal Justice web site](#) for more information.

Attendance Policy

While this is an online course, students are expected to 'attend class' and actively participate. Student participation/activity will be monitored by the professor. Students should plan to

dedicate approximately 15-20 hours/week of time to this course, of which approximately 1 hour/week should be spent in the discussion board (reading posts and comments and conversing with others).

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/assignment. 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 learn to cite from a variety of different sources including the APA Tutorial and the sources listed below. Go to the following links below:

[APA Style](#)

It is the student's responsibility to understand how to cite properly. If you have questions, feel free to ask.

Late Work

In principle, I do not accept late work and do not believe in allowing students to turn in work after the due date. My position is that everyone knows the rules of engagement at the beginning of the term and that it is the student's responsibility to ensure that they plan accordingly to submit their assignments in a timely manner.

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.

Drop Course Policy

Students should take responsibility for dropping themselves from the course according to University policy should this become necessary.

University Specific Procedures

ADA Statement-Students with Disabilities

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- Room 132

Phone (903) 886-5150 or (903) 886-5835

Fax (903) 468-8148

Email: Rebecca.Tuerk@tamuc.edu

Website: [Office of Student Disability Resources and Services](http://www.tamuc.edu/campusLife/campusServices/studentDisabilityResourcesAndServices/)

<http://www.tamuc.edu/campusLife/campusServices/studentDisabilityResourcesAndServices/>

Nondiscrimination Notice

Texas A&M University-Commerce will comply in the classroom, and in online courses, with all federal and state laws prohibiting discrimination and related retaliation on the basis of race, color, religion, sex, national origin, disability, age, genetic information or veteran status.

Further, an environment free from discrimination on the basis of sexual orientation, gender identity, or gender expression will be maintained.

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 e-mail and in Announcements. I reserve 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 turn your assignments in on time.

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

Week #1

Monday	Read 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) Criminal Procedure and the Constitution: Definitions and Concepts Samaha Chapter 2 The Definition of Searches and Seizures Samaha Chapter 3
Tuesday	Introduction Due
Friday	Discussion One Due Case Brief Due: <i>Safford Unified School District v. Redding</i>, 557 U.S. ___ (2009) (docket no. 08-479) Pre-test Due

WEEK #2

Monday	Read Stop and Frisk Samaha Chapter 4 Gould and Mastrofski (2004) Seizure of Persons: Arrest Samaha Chapter 5 Searches for Evidence Samaha Chapter 6
Friday	Discussion Two Due

	Case Brief Due <i>Terry v. Ohio</i> , 392 U.S. 1 (1968)
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WEEK #3

Monday	<p>Read</p> <p>The Fifth Amendment: Self-Incrimination</p> <p>Samaha Chapter 8</p> <p>Focus on <i>Miranda v. Arizona</i> (1966)</p> <p>Identification Procedures</p> <p>Samaha Chapter 9</p> <p>Remedying Unlawful Police Actions: The Exclusionary Rule</p> <p>Samaha Chapter 10</p> <p>Remedies for Constitutional Violations I : The Exclusionary Rule</p> <p>Finish Fourth and Fifth Amendments</p>
Wednesday	Exam on Wednesday!!!
Friday	<p>Discussion Three Due</p> <p>Case Brief Due <i>Mapp v. Ohio</i>, 367 U.S. 643 (1961)</p>

WEEK #4

Monday	<p>Read</p> <p>Constitutional Violations II: Other Remedies against Official Misconduct</p> <p>Samaha Chapter 11</p> <p>Court Proceedings I: Before Trial</p> <p>Samaha Chapter 12, pp. 450 – 466 and 466-478</p> <p>The Sixth Amendment: The Right to Counsel 466-478</p> <p>The Sixth Amendment: Right to Trial by Jury</p> <p>Court Proceedings I : Before Trial</p> <p>Samaha Chapter 13</p>
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	<p>Court Proceedings II: Trial and Conviction</p> <p>Samaha Chapter 14</p> <p>After Conviction: Sentencing, Appeals, and Habeas Corpus</p> <p>Samaha Chapter 15</p> <p>Criminal Procedure in Times of Crisis</p>
Friday	<p>Discussion four Due</p> <p>Case Brief Due <i>Gideon v. Wainwright</i>, 372 U.S. 335 (1963)</p> <p>Post-test Due</p>

WEEK #5

Monday	<p>Read</p> <p>The Fourteenth Amendment</p> <p>Book: The Adoption of the Fourteenth Amendment (available in EPIC or the library)</p>
Wednesday	<p>Exam on Wednesday!!!</p>
Friday	<p>Discussion Five Due</p> <p>Case Brief Due <i>Duncan v. Louisiana</i>, 391 U.S. 145 (1968).</p>

APPENDIX A

Directions for Briefing Court Cases

Your case briefs should mirror the format and content described below. **One (1)** page maximum with attached APA formatted title page. NO reference page.

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.

