



**CJ 430.71W
Courts and Criminal Procedure
Fall 2018
Online**

Syllabus

Professor: Jana Miller

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Office Hours: by appointment

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Class Location: online

Class time: online

COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary Readings:

Textbook Required: *America's courts and the criminal justice system*. Newbauer, David and Fradella, Henry R. 12th ed. Wadsworth-Cengage Learning. 2017
ISBN-10: 1-305-26105-4
ISBN-13: 978-1-305-26105-1

Books should be available in the University bookstore or you may choose to purchase/rent 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:

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/PowerPoints, 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.

Introduction/Discussion Posts: 14 discussion posts @ 20 points each = 280 course points, (10 for original comment, 5 points for each of 2 replies to classmates)

The Introduction (Week 1) is a chance for you to 'meet' your colleagues (although most of you likely know each other by now) in the class and an opportunity to introduce yourself to your professor. You will also be required to answer a course-related question, weekly. Specific instructions on what to post are available when you click on "Introduction" in each week. The Introductory post is ALWAYS due on the Wednesday of each Week and always due by 11:59 PM.

The Discussions are directly related to the assigned readings. Upon completion of the assigned readings, you are expected to engage in an ongoing discussion/debate 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. The introduction of outside materials is not mandatory (unless otherwise noted in the discussion topic assignment), but is highly recommended. In all cases, students must cite in-text and provide a full bibliography/works cited at the end of their post for all citations mentioned in the post.

The “original” or first post should be the equivalent of about 1 page in length or a minimum of 250 words. The specific discussion assignment is located in each unit Week by clicking on the Discussion link. Posts are due by 11:59 PM CST on Wednesday. **No Late posts are accepted.**

Comment Posts: (comments are 5 points each/ out of the 20 points given for DB)

Comment posts are responses you make to the discussion posts that you and your classmates post each week. You are **required** to make **a minimum of two comments** each week. I would strongly encourage you to engage your colleagues well past the two-comment minimum in order to maximize your opportunity for meaningful discussion and learning.

Comment posts should be meaningful. Merely agreeing or disagreeing with a classmate will not be looked upon favorably and **will result in a loss of points**. A meaningful post is one which moves the discussion forward in some substantive way through providing one’s perspective, additional information through research, or reframing the discussion in some new way. You are expected to engage in an ongoing discussion/debate with your classmates. Your comments will be graded for quality, and relevance. Your comments will also be graded based on your ability to engage in critical thinking. Students must provide one outside source for at least one comment that they make.

NO LATE COMMENTS ARE ACCEPTED. All comment posts are due by 11:59PM CST on Sundays.

EXAMINATIONS: There will be 4 examinations worth 100 points each. The exams will include multiple choice, true/false and short answer questions. There may be essay questions as well. These questions require a minimum of 3 paragraphs for full credit. The exams are scheduled in the course outline. Adjust your schedule now--do not make plans which 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 exam within 24 hours of the missed exam.

All exams will be taken via e-college.

Exam grades will be posted on e-college.

Course project:

The student will also conduct one well thought out Power Point presentation. The student will need to present arguments during a criminal trial from the position of the prosecution or defense: Each student will need to provide items in bold-see below. Students who have a last name that begins with the letters A-L will present arguments from the prosecution perspective. Students who have the last name that begins with the letters M-Z will present arguments from the defense perspective. The following is the case for this project. This project is worth 200 points. Please be creative. You may use humor, pictures, colors, whatever you think will ADD to your power point. Please watch your spelling and grammar. This will be graded just like a research paper, so make sure you use correct grammar and spelling.

Case to be reviewed:

Two men in Philadelphia are still on the run after driving a stolen SUV into a family selling fruit for their church, killing three young children.

The AP reports that the men carjacked a women at gunpoint and forced her into the back seat of her Toyota 4Runner. They spun out of control only a mile away, crashing into a family selling fruit at a stand on a street corner.

Philadelphia Homicide Captain John Clark confirmed that the slain children were 7, 10, and 15 years old. Police commissioner Charles Ramsey issued a statement, saying:

"There are no words to describe how I feel right now, but we do need to find these two guys."

Fox reports that the 34-year-old mother of the children is in critical condition, as is the 45-year-old carjacking victim.

As police continue their search, over \$100,000 in rewards are being offered for the capture of the two men.

■ A criminal trial has several phases:

■ **Jury selection** - A pool of potential jurors is gathered, and asked a number of questions. The prosecution and defense each can choose to exclude a certain number of people from the jury.

- Prosecutor- Who is the "ideal" juror to help you solidify your case against the defendants? Why?
 - Who do you try to avoid having on your jury? Why?

- Defense- Who is the “ideal” juror to help your client “beat the charges?” Why?

■**Opening statements** - Each side presents an overview of the case, from their perspective. The prosecution goes first, followed by the defense.

- Prosecutor- Your responsibility is to provide evidence beyond a reasonable doubt that the 2 defendants are guilty of murder.
- Defense- Your responsibility is to provide evidence your clients are not guilty of murder.

■**Witness testimony** - Each side can call witnesses and ask them questions about the case and/or the defendant. First, the prosecution calls their witnesses, who can then be cross examined by the defense. Then, the defense calls their witnesses, who can be cross examined by the prosecution.

- Prosecutor- What questions would you ask the witnesses? Why (rationale for the question)?
- Defense- Would you call any witnesses? If so, who and why?
 - Do you allow your clients to testify on their behalf? Why, why not? If so, what questions would you ask them?
- Both- What questions would you ask during cross examination?

■**Closing arguments** - The prosecution, and then the defense, make a brief statement summarizing their side of the case.

- Prosecutor- Closing argument.
- Defense- Closing argument.

■**Jury Instruction** - The judge addresses the jurors, explaining to them the crime the defendant was charged with, and the legal standard they must apply when deciding whether the defendant is guilty or not guilty of committing that crime.

■**Verdict** - The jury weighs the evidence presented, applies the proper legal standard, and decides whether the defendant is guilty or not guilty.

The power point needs to be at least 10 slides not to include any introductory slide or the works cited slide. Be creative, but be sure to answer all of the questions thoroughly. I love humor so please, have fun with this. Just make sure you get all the above bold items included. Please add to whatever information is not included.

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.tamu-commerce.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://owl.english.purdue.edu/owl/resource/560/02/>

www.library.cornell.edu/resrch/citmanage/apa

PARTICIPATION: It is essential to actively participate in all discussion boards as this is our “class room”. Projects and Discussions are designed to supplement the book, not repeat it. Many items will be discussed in the discussion boards which are not in the book. **Study guides are not provided** for any exams.

GRADES: Final grades will be based on the grid below:

Assignment Type	# of Assignments	Point Value	Total Points
Exams	4	100	400
Criminal Trial Power Point	1	200	200
Discussion	14	20	280
		TOTAL	880

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 = 880

A = 90% - 100% (880-792 pts)
B = 80% - 89% (791-704pts)
C = 70% - 79% (703-616 pts)
D = 60% - 69% (615-528pts)
F = Below 60% (>614 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 as quickly as possible. If you believe you are missing a grade please email, call or text.

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. If you are having trouble, please email, text or call. If you do, you will not need extra credit.

TECHNOLOGY REQUIREMENTS

This course is taught as an online course. 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 2.0 GHz 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).

ACCESS AND NAVIGATION

This course will use 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.

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:

My primary form of communication with the class will be through Email and Announcements. 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. Students who Email me 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. You may also email me at janamiller85@gmail.com . This email is accessed by me multiple times a day, so you may receive an answer immediately in most cases. I have also provided you with my cell phone number. You may call or text if you need help with anything. I try to be as accessible to my students as possible. I am here for you.

eCollege Student Technical Support:

It is reassuring to know that technical support is available to make your online learning experience convenient. All you have to do is call or email and a knowledgeable representative will help you solve your technical issues. This will never be an excuse used for missing an assignment.

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

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

Campus Concealed Carry

Texas Senate Bill - 11 (Government Code 411.2031, et al.) authorizes the carrying of a concealed handgun in Texas A&M University-Commerce buildings only by persons who have been issued and are in possession of a Texas License to Carry a Handgun. Qualified law enforcement officers or those who are otherwise authorized to carry a concealed handgun in the State of Texas are also permitted to do so. Pursuant to Penal Code (PC) 46.035 and A&M-Commerce Rule 34.06.02.R1, license holders may not carry a concealed handgun in restricted locations. For a list of locations, please refer to (<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>) and/or consult your event organizer). Pursuant to PC 46.035, the open carrying of handguns is prohibited on all A&M-Commerce campuses. Report violations to the University Police Department at 903-886-5868 or 9-1-1.

Please be aware of the new campus carry policy issued by Navarro College effective August 1, 2017. You are responsible for reading and knowing this information. Please see link below:

<http://navarrocollege.edu/boardpolicies/section-gj-1/>

Approved statement for inclusion in university publications (i.e. Syllabi, Faculty Handbook, Undergraduate and Graduate Catalog, Student Guidebook ...)

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.

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 turn your assignments in on time.

Please note that all discussions/comments/assignments are due by 11:59PM 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. Please follow the calendar at the end of this syllabus for due dates.**

Important dates are listed below:

COURSE OUTLINE / CALENDAR		
Week	Topic	Assignment
1	Course Review Syllabus <i>Courts, Crime, Controversy</i>	Read Chapter 1 Introduction Due Discussion Board
2	Law and Crime	Read Chapter 2 Discussion Board

3	Federal Courts & State Courts	Read Chapters 3 & 4 Discussion Board
4	The Dynamics of Courthouse Justice Exam- Chp 1-4	Read Chapters 5 & 6 Discussion Board
5	Judges/Defense Attorneys	Read Chapters 7 & 8 Discussion Board
6	Defendants & Victims	Read Chapter 9 Discussion Board
7	Trial Objections Discussion Board	Discussion Board
8	Study For Exam Work on Power Point	Discussion Board
9	Arrest to Arraignment Exam Chp 5-9	Read Chapter 10
10	Bail and Disclosing/Suppressing Evidence /Negotiated Justice and the Plea of Guilty	Read Chapters 11 & 12 Discussion Board
11	Trials and Juries	Read Chapter 13 Discussion Board
12	Sentencing Options	Read Chapter 14 Discussion Board
13	Sentencing Decisions Exam Chp 10-14	Read Chapter 15 Discussion Board
14	Appellate and Corpus Review	Read Chapter 16 Discussion Board
15	Power Points Due	Discussion Board
16	EXAM Chp 15-17	

If you have **ANY** questions at all throughout the course, please do not hesitate to email or text at the above emails and cell number. It is my intent for you to walk away from this course with the knowledge of criminal proceedings and a great learning experience.

Jana Miller

Certified Juvenile Probation Officer

Bachelor of Science, Criminal Justice - Texas A&M –Commerce

Masters of Education – Texas A&M University

Masters of Criminal Justice- Tarleton State University