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**Courts and Criminal Procedures
Fall 2020**

CJ 1306.71W

INSTRUCTOR INFORMATION

Instructor: Jana Miller, Adjunct Instructor

Office Location: Online

Office Hours: As needed

Office Phone: 903-257-8765 (cell)

Office Fax: As Needed

University Email Address: Jana.Miller@tamuc.edu or jmiller@navarrocounty.org

Preferred Form of Communication: Email, Text or phone call

Communication Response Time: Within 24 hours

COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary Readings

Textbook(s) 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

The syllabus/schedule are subject to change.

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.

Student Learning Outcomes

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

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.**

Student Responsibilities or Tips for Success in the Course

The syllabus/schedule are subject to change.

GRADING

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 |

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 gradebook located in D2L. 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.

Manual Grades will be posted in your gradebook as quickly as possible. If you believe you are missing a grade please email, call or text immediately.

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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 course is meant to give you an overview of our court systems. There will be some difficult topics. They are not meant to make you feel uncomfortable, they are meant to give you a real world look at things. I expect clear writing with adequate style, correct grammar, and (when applicable) proper use of scholarly references. **All** written assignments (including your discussion boards) must be typed in 12 point, spell checked and grammar checked. All assignments are to be submitted on the discussion board as assigned. You will be graded on your spelling and grammar as much as the information you give.

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

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 (Discussion Board). 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 11:30 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. If you can add current news which relates to the post, that would be beneficial.

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 11:30 PM CST on Wednesday. **No Late posts are accepted. Original posts are worth 10 points.**

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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. All posts will be graded for spelling and grammar as well.

NO LATE COMMENTS ARE ACCEPTED. All comment posts to your colleagues are due by 11:30 PM 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 online via D2L.

Exam grades will be posted on your gradebook on D2L. Due to the fact your exams will be essay format, the grades will be posted once I manually grade them. I should be able to get them all graded within one week. Depending on how many students are in the course.

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

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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. I love humor FYI. Please watch your spelling and grammar. This will be graded just like a research paper, so make sure you use correct grammar and spelling. Your Power Points should be emailed to my college email. Have some fun with them. You may turn them in at any time throughout the semester. This will be your FINAL.

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 two men carjacked a woman 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, and the 45-year-old carjacking victim is in guarded condition.

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

After months of searching, the two suspects are located. (You may choose the rest of the information for your power point)

The mother of the children will never walk again due to injuries she sustained. The 45 year old victim died several months after the incident due to her injuries.

******You must charge the two suspects based on what occurred in the above paragraph and depending on the first letter of your last name you will either defend your clients from these charges or prosecute them for the charges you have chosen. ******

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■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 those 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.

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The power point needs to be at least 15 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 your own information to whatever information is not included.

TECHNOLOGY REQUIREMENTS

Browser support

D2L is committed to performing key application testing when new browser versions are released. New and updated functionality is also tested against the latest version of supported browsers. However, due to the frequency of some browser releases, D2L cannot guarantee that each browser version will perform as expected. If you encounter any issues with any of the browser versions listed in the tables below, contact D2L Support, who will determine the best course of action for resolution. Reported issues are prioritized by supported browsers and then maintenance browsers.

Supported browsers are the latest or most recent browser versions that are tested against new versions of D2L products. Customers can report problems and receive support for issues. For an optimal experience, D2L recommends using supported browsers with D2L products.

Maintenance browsers are older browser versions that are not tested extensively against new versions of D2L products. Customers can still report problems and receive support for critical issues; however, D2L does not guarantee all issues will be addressed. A maintenance browser becomes officially unsupported after one year.

Note the following:

- Ensure that your browser has JavaScript and Cookies enabled.
- For desktop systems, you must have Adobe Flash Player 10.1 or greater.
- The Brightspace Support features are now optimized for production environments when using the Google Chrome browser, Apple Safari browser, Microsoft Edge browser, Microsoft Internet Explorer browser, and Mozilla Firefox browsers.

Desktop Support

| Browser | Supported Browser Version(s) | Maintenance Browser Version(s) |
|-------------------------------------|-------------------------------------|---------------------------------------|
| Microsoft® Edge | Latest | N/A |
| Microsoft® Internet Explorer® | N/A | 11 |

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| Browser | Supported Browser Version(s) | Maintenance Browser Version(s) |
|----------------------|------------------------------|--------------------------------|
| Mozilla® Firefox® | Latest, ESR | N/A |
| Google® Chrome™ | Latest | N/A |
| Apple® Safari® | Latest | N/A |

Tablet and Mobile Support

| Device | Operating System | Browser | Supported Browser Version(s) |
|----------|------------------|-----------------------------|---|
| Android™ | Android 4.4+ | Chrome | Latest |
| Apple | iOS® | Safari, Chrome | The current major version of iOS (the latest minor or point release of that major version) and the previous major version of iOS (the latest minor or point release of that major version). For example, as of June 7, 2017, D2L supports iOS 10.3.2 and iOS 9.3.5, but not iOS 10.2.1, 9.0.2, or any other version. Chrome: Latest version for the iOS browser. |
| Windows | Windows 10 | Edge, Chrome, Firefox | Latest of all browsers, and Firefox ESR. |

- You will need regular access to a computer with a broadband Internet connection. The minimum computer requirements are:
 - 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
- You must have a:

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- Sound card, which is usually integrated into your desktop or laptop computer
 - Speakers or headphones.
 - *For courses utilizing video-conferencing tools and/or an online proctoring solution, a webcam and microphone are required.
- Both versions of Java (32 bit and 64 bit) must be installed and up to date on your machine. At a minimum Java 7, update 51, is required to support the learning management system. The most current version of Java can be downloaded at: [JAVA web site http://www.java.com/en/download/manual.jsp](http://www.java.com/en/download/manual.jsp)
 - Current anti-virus software must be installed and kept up to date.

Running the browser check will ensure your internet browser is supported.

Pop-ups are allowed.

JavaScript is enabled.

Cookies are enabled.

- You will need some additional free software (plug-ins) for enhanced web browsing. Ensure that you download the free versions of the following software:
 - [Adobe Reader https://get.adobe.com/reader/](https://get.adobe.com/reader/)
 - [Adobe Flash Player \(version 17 or later\) https://get.adobe.com/flashplayer/](https://get.adobe.com/flashplayer/)
 - [Adobe Shockwave Player https://get.adobe.com/shockwave/](https://get.adobe.com/shockwave/)
 - [Apple Quick Time http://www.apple.com/quicktime/download/](http://www.apple.com/quicktime/download/)
- At a minimum, you must have Microsoft Office 2013, 2010, 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

You will need your campus-wide ID (CWID) and password to log into the course. If you do not know your CWID or have forgotten your password, contact the Center for IT Excellence (CITE) at 903.468.6000 or helpdesk@tamuc.edu.

Note: Personal computer and internet connection problems do not excuse the requirement to complete all course work in a timely and satisfactory manner. Each student needs to have a backup method to deal with these inevitable problems. These methods might include the availability of a backup PC at home or work, the temporary

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use of a computer at a friend's home, the local library, office service companies, Starbucks, a TAMUC campus open computer lab, etc.

COMMUNICATION AND SUPPORT

Brightspace Support

Need Help?

Student Support

If you have any questions or are having difficulties with the course material, please contact your Instructor.

Technical Support

If you are having technical difficulty with any part of Brightspace, please contact Brightspace Technical Support at 1-877-325-7778 or click on the **Live Chat** or click on the words “[click here](#)” to submit an issue via email.



System Maintenance

Please note that on the 4th Sunday of each month there will be System Maintenance which means the system will not be available 12 pm-6 am CST.

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 D2L 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.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Syllabus Change Policy

The syllabus is a guide. Circumstances and events, such as student progress, may make it necessary for the instructor to modify the syllabus during the semester. Any

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changes made to the syllabus will be announced in advance. Or things like the most recent COVID-19 Pandemic.

University Specific Procedures

Student Conduct

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. The Code of Student Conduct is described in detail in the [Student Guidebook](http://www.tamuc.edu/Admissions/oneStopShop/undergraduateAdmissions/studentGuidebook.aspx).
<http://www.tamuc.edu/Admissions/oneStopShop/undergraduateAdmissions/studentGuidebook.aspx>

Students should also consult the Rules of Netiquette for more information regarding how to interact with students in an online forum: [Netiquette](http://www.albion.com/netiquette/corerules.html)
<http://www.albion.com/netiquette/corerules.html>

TAMUC Attendance

For more information about the attendance policy please visit the [Attendance](#) webpage and [Procedure 13.99.99.R0.01](#).

<http://www.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx>

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/academic/13.99.99.R0.01.pdf>

Academic Integrity

Students at Texas A&M University-Commerce are expected to maintain high standards of integrity and honesty in all of their scholastic work. For more details and the definition of academic dishonesty see the following procedures:

[Undergraduate Academic Dishonesty 13.99.99.R0.03](#)

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/undergraduates/13.99.99.R0.03UndergraduateAcademicDishonesty.pdf>

[Graduate Student Academic Dishonesty 13.99.99.R0.10](#)

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/13students/graduate/13.99.99.R0.10GraduateStudentAcademicDishonesty.pdf>

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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

Gee Library- Room 162

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

Fax (903) 468-8148

Email: studentdisabilityservices@tamuc.edu

Website: [Office of Student Disability Resources and Services](#)

<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.

Campus Concealed Carry Statement

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 the [Carrying Concealed Handguns On Campus](#) document and/or consult your event organizer.

Web url:

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/34SafetyOfEmployeesAndStudents/34.06.02.R1.pdf>

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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.

COURSE OUTLINE / CALENDAR

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 11:30PM 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 08/24/2020~08/30/2020 | Course Review Syllabus <i>Courts, Crime, Controversy</i> | Read Chapter 1 Introduction Due Discussion Board |
| 2 08/31/2020~09/06/2020 | Law and Crime | Read Chapter 2 Discussion Board |
| 3 09/08/2020~09/13/2020 HOLIDAY 09/07/2020 | Federal Courts & State Courts | Read Chapters 3 & 4 Discussion Board |
| 4 09/14/2020~09/20/2020 | The Dynamics of Courthouse Justice Exam- Chp 1-4 | Read Chapters 5 & 6 Discussion Board |

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|----|--|---|--|
| 5 | 09/21/2020~09/27/2020 | Judges/Defense Attorneys | Read Chapters 7 & 8 Discussion Board |
| 6 | 09/28/2020~10/04/2020 | Defendants & Victims | Read Chapter 9 Discussion Board |
| 7 | 10/05/2020~10/11/2020 | Trial Objections Discussion Board | Discussion Board |
| 8 | 10/12/2020~12/18/2020 | Study For Exam Work on Power Point | Discussion Board |
| 9 | 10/19/2020~10/25/2020 | Arrest to Arraignment Exam Chp 5-9 | Read Chapter 10 |
| 10 | 10/26/2020~11/01/2020 | Bail and Disclosing/Suppressing Evidence /Negotiated Justice and the Plea of Guilty | Read Chapters 11 & 12 Discussion Board |
| 11 | 11/02/2020~11/08/2020 | Trials and Juries | Read Chapter 13 Discussion Board |
| 12 | 11/09/2020~11/15/2020 | Sentencing Options | Read Chapter 14 Discussion Board |
| 13 | 11/16/2020~11/22/2020 | Sentencing Decisions Exam Chp 10-14 | Read Chapter 15 Discussion Board |
| 14 | 11/23/2020~11/29/2020 HOLIDAY 11/26-11/27 | Appellate and Corpus Review | Read Chapter 16 Discussion Board |
| 15 | 11/30/2020~12/06/2020 | Power Points Due | Discussion Board |
| 16 | 12/07/2020-12/10/2020 | EXAM Chp 15-17 | |
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If you have **ANY** questions at all throughout the course, please do not hesitate to email or text at the above cell number. I am here to help you learn the material. If there is something I can do to help you with the process, please do not hesitate. Be sure and identify yourself when you text and tell me which course you are in. 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, Deputy Chief
Bachelor of Science, Criminal Justice –

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Texas A&M –Commerce
Masters of Education – Texas A&M University
Masters of Criminal Justice- Tarleton State University

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