



CJ 531.01W Issues in Criminal Law and Courts

COURSE SYLLABUS: Spring 2023

February 27 – March 31

INSTRUCTOR INFORMATION

Instructor: Elvira White-Lewis, JD/PhD, Associate Professor Emeritus

Office Location: Virtual

Office Hours: Virtually MTWT 10-11 am and appointments

University Email Address: elvira.white-lewis@tamuc.edu

Preferred Form of Communication: Email

Communication Response Time: Emails are answered within 24 hours M-F during business hours (9-5) Monday-Friday

Class Location: Virtually

COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary

Readings Textbook(s) Required:

Samaha, Joel (2018). *Criminal Procedure* (10th ed): Cengage

Learning. ISBN: 978-1-305-96900-1

Flack, H. E. (1908). *The adoption of the Fourteenth*

Amendment. The Johns Hopkins Press.

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.

- *Duncan v. Louisiana*, 391 U.S. 145 (1968).

The syllabus/schedule are subject to change.

- *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 can be downloaded via the University's online library cite.

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 Content

Other materials/readings as assigned and posted online.

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 whether 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

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 attach.
6. Know the history of the right to a trial by jury and you will understand the plea- bargaining process.

COURSE REQUIREMENTS

Minimal Technical Skills Needed

Instructional Methods

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 D2L/Brightspace.

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 and if used in this class, 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 **as an addendum to this syllabus**. You should understand how to brief a case by the time the first one is due.

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 and timed essay questions.

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 the **Office of Student Disability Resources and Services** ahead of time and share with me.

Student Responsibilities or Tips for Success in the Course

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 class discussions. I expect you to read all assigned materials and be prepared to actively learn and participate.

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). You will be notified on day 1.

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

GRADING

Final grades in this course will be based on the following scale:

A = 90%-100%

B = 80%-89%

C = 70%-79%

D = 60%-69%

F = 59% or Below

Total points corresponding to the final letter grades

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

The syllabus/schedule are subject to change.

Assignment Type	# Of Assignments	Point Value	Total Points
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.

TECHNOLOGY REQUIREMENTS

LMS

All course sections offered by Texas A&M University-Commerce have a corresponding course shell in the myLeo Online Learning Management System (LMS). Below are technical requirements

LMS Requirements:

<https://community.brightspace.com/s/article/Brightspace-Platform-Requirements>

LMS Browser Support:

https://documentation.brightspace.com/EN/brightspace/requirements/all/browser_support.htm

Zoom Virtual Classroom Requirements:

<https://support.zoom.us/hc/en-us/articles/201362023-Zoom-system-requirements-Windows-macOS-Linux>

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.

The syllabus/schedule are subject to change.

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 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

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. Other support options can be found here:

<https://community.brightspace.com/support/s/contactsupport>

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 course 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 (Monday-Friday, 8-5pm) 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 be 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.

COURSE AND UNIVERSITY PROCEDURES/POLICIES

Course Specific Procedures/Policies

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.

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.

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 changes made to the syllabus will be announced in advance.

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>

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>

TAMUC Attendance

For more information about the attendance policy please visit [Attendance](#).

<https://inside.tamuc.edu/admissions/registrar/generalInformation/attendance.aspx>

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 Students Academic Integrity Policy and Form

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

<https://inside.tamuc.edu/aboutus/policiesProceduresStandardsStatements/rulesProcedures/13students/undergraduates/13.99.99.R0.03UndergraduateAcademicDishonesty.pdf>

[Undergraduate Student Academic Dishonesty Form](#)

<https://inside.tamuc.edu/aboutus/policiesProceduresStandardsStatements/rulesProcedures/documents/13.99.99.R0.03UndergraduateStudentAcademicDishonestyForm.pdf>

Graduate Students Academic Integrity Policy and Form

[Graduate Student Academic Dishonesty](#)

<https://inside.tamuc.edu/aboutus/policiesProceduresStandardsStatements/rulesProcedures/13students/graduate/13.99.99.R0.10.pdf>

[Graduate Student Academic Dishonesty Form](#)

<http://www.tamuc.edu/academics/graduateschool/faculty/GraduateStudentAcademicDishonestyFormold.pdf>

The syllabus/schedule are subject to change.

Students with Disabilities-- 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

Velma K. Waters Library Rm 162

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

Fax (903) 468-8148

Email: studentdisabilityservices@tamuc.edu

Website: <https://www.tamuc.edu/student-disability-services/>

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>

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.

Counseling Center Services

The Counseling Center at A&M-Commerce, located in the Halladay Building, Room 203, offers counseling services, educational programming, and connection to community

The syllabus/schedule are subject to change.

resources for students. Students have 24/7 access to the Counseling Center's crisis assessment services by calling 903-886-5145. For more information regarding Counseling Center events and confidential services, please visit www.tamuc.edu/counsel

COURSE OUTLINE / CALENDAR

Please note that all discussions/comments/case briefs are due by 11:00PM CST in D2L/Brightspace on the day they are due as outlined in the syllabus.

Please note that this course runs on a Monday-Saturday schedule.

Week #1

Day of the Week	Assignment
Monday	Read Course introduction and overview. Intro to the study of criminal procedure and overview of police and courts systems. Criminal Procedure and the Constitution Samaha Chapter 2 Thibaut and Walker (1978) The History and Purpose of the Fourth Amendment Samaha Chapter 3
Tuesday	Introduction Discussion Due
Friday	Discussion One Due Case Brief Due Safford Unified School District v. Redding, 557 U.S. ____ (2009) (docket no. 08-479)

WEEK #2

Day of the Week	Assignment
Monday	Read Stops 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 Terry v. Ohio, 392 U.S. 1 (1968)

WEEK #3

Day of the Week	Assignment
Monday	Read Self-Incrimination Samaha Chapter 8 Focus on <i>Miranda v. Arizona</i> (1966) Identification Procedures Samaha Chapter 9 Remedies for Constitutional Violations I: The Exclusionary Rule Samaha Chapter 10 Constitutional Violations II: Other remedies against official misconduct Samaha Chapter 11 Finish Fourth and Fifth Amendments
Wednesday	Exam on Wednesday!!!
Friday	Discussion Three Due
	Case Brief Due Mapp v. Ohio, 367 U.S. 643 (1961)

WEEK #4

Day of the Week	Assignment
Monday	Read Court Proceedings I: Before Trial Samaha Chapter 12 Court Proceedings II: Trial and Conviction Samaha Chapter 13 After Conviction: Sentencing, Appeals, and Habeas Corpus Samaha Chapter 14 Criminal Procedure in Times of Crisis Samaha Chapter 15
Friday	Discussion four Due Case Brief Due <i>Gideon v. Wainwright</i> , 372 U.S. 335 (1963) P

WEEK #5

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

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 pages.**

Case Name, Citation and Year

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?

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.

The syllabus/schedule are subject to change.