



CJ 531-01E CRN 8728
ISSUE IN CRIMINAL LAW AND COURTS

Course Syllabus: Fall 2023

INSTRUCTOR INFORMATION

Instructor: James A. Purdon, Ph.D.

Office Location: McDowell Administration Building, Office 102C

Office Hours: Tuesday and Thursday 10:00am-12:00pm.

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Communication Response Time: Emails are answered within 24 hours Monday-Friday during business hours (9am-5pm).

COURSE INFORMATION

Materials – Textbooks, Readings, Supplementary Readings

Required Text

- Samaha, J. (2018). *Criminal procedure* (10th ed.). Belmont, CA: Cengage. ISBN: 978-1305969001

Required Articles

- Clark, S. E. (2012). Costs and benefits of eyewitness identification reform: Psychological science and public policy. *Perspectives on Psychological Sciences*, 7(3), 238-259.
- Fradella, H. F., & White, M. D. (2017). Reforming stop-and-frisk. *Criminology, Criminal Justice, Law, & Society*, 18(3), 45-65.
- Garrett, B. L. (2017). Actual innocence and wrongful convictions. In E. Luna (Ed.), *Reforming criminal justice* (vol. 3, pp. 193–210). Phoenix, AZ: Academy for Justice.
- Garrett, B. J. (Ed.). (2018). Forensic fail: As research continues to underscore the fallibility of forensic science, the judge's role as gatekeeper is more important than ever. [Special issue]. *Judicature*, 102(1).

The syllabus/schedule are subject to change.

- Kassin, S. M., Drizin, S. A., Grisso, T., Gudjonsson, G. H., Leo, R. A., & Redlich, A. D. (2010). Police-induced confessions: Risk factors and recommendations. *Law & Human Behavior*, 34(1), 3-38.
- Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., & Spohn, C. C. (2014). Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology*, 52(3), 514–551.
- Lowenkamp, C. T., VanNostrand, M., & Holsinger, A. (2013). *The hidden costs of pretrial detention*. Laura and John Arnold Foundation.
- Metcalfe, C., & Chiricos, T. (2018). Race, plea, and charge reduction: An assessment of racial disparities in the plea process. *Justice Quarterly*, 35(2), 223–253.
- Purdon, J. A., Fradella, H. F., Totten, C. D., & Gang, L. (2021). Police officer's knowledge of *Gant*. *New Criminal Law Review*, 24(4), 468-497.
- Saks, M. J., & Koehler, J. J. (2005). The coming paradigm shift in forensic identification science. *Science*, 309, 892-895.

Required Cases

- Gideon v. Wainwright, 372 U.S. 335 (1967).
- Terry v. Ohio, 392 U.S. 1 (1968).

COURSE DESCRIPTION

This course will focus on critical thinking related to issues concerning principles of criminal law and court procedures as well as selected practices particularly relevant to the United States. Issues will include: justice for all, freedom and privacy of the individual, cruel and unusual punishment, use of deadly force in law enforcement, trial by jury, election of judges and morality and the law.

Student Learning Outcomes

1. Identify police investigatory techniques that implicate the Fourth, Fifth, and/or Sixth Amendments to the U.S. Constitution;
2. Describe the tests employed by the U.S. Supreme Court to assess the validity of these police investigatory techniques, including any shortcomings inherent in those tests;
3. Explain the exclusionary consequences of violations of the Fourth, Fifth, and Sixth Amendments, including any exceptions to exclusion that may exist and the reasons for those exceptions;
4. Analyze the policy implications of the U.S. Supreme Court's tests in the abstract and as applied to actual or hypothetical cases;
5. Deconstruct the trial process of a criminal case, including pretrial processes, appeals, and habeas corpus claims;
6. Evaluate sentencing disparities resulting from the U.S. criminal court system;
7. Specify causes of wrongful convictions.

The syllabus/schedule are subject to change.

COURSE REQUIREMENTS

Minimal Technical Skills Needed

- **Computer System:** Windows or Macintosh desktop or laptop computer purchased within the last 5 years. Chromebooks and mobile devices may not provide full online access.
- **Operating System:** Windows-based computers must be running Windows 10 or newer. Macintosh computers must be running OS 10.13 (High Sierra) or higher.
- **Required Software:** Microsoft Office 365; Adobe Acrobat Reader DC
- **Web Browser:** Use a recently updated internet browser.
- **Learning Management System (LMS):** See below for requirements.

INSTRUCTIONAL METHODS

This class will use a variety of pedagogical practices to support student-centered learning through a D2L Brightspace. This course is divided into five distinct modules. These modules contain a plethora of content to facilitate your learning of the material, including recorded lectures, PowerPoint slides, and other forms of media. Each week you are responsible for learning and understanding the content provided within these modules. Moreover, each week you can expect several activities to assess comprehension and application. This includes discussion posts, hypothetical assignments, case briefs, research papers, and a student recorded presentation (see assessments below for details). Therefore, it is imperative that you read the assigned textbook, court cases, legal scholarship, and social science research prior to engaging with the recorded lectures and assessments.

STUDENT RESPONSIBILITIES OR TIPS FOR SUCCESS IN THE COURSE

1. **Review the Syllabus** and the **Course Schedule** to keep up to date on requirements for the course.
2. **Read announcements and check email!** I will send updates about the courses through D2L, so check regularly.
3. Create a **personal organization system** to keep track of due dates specified.
4. **Communicate regularly** with your instructor and peers.
5. **Create a study and/or assignment schedule** to stay on track.
6. Set aside **regular times** in which you can do your classwork with minimal interruptions or distractions. Avoid multitasking while studying.
7. Learn about and use the student resources available to you! You can get free assistance from the [A&M-Library](#), [IT Support](#), [the Writing Center](#), and more.

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ASSESSMENTS

Case Briefs

Each student will be tasked with two case-briefing exercises where students are required to analyze a published judicial opinion and then summarize the salient points of the case. The professor will make a sample case brief available online so that students may use it as an example of how to write a case brief. The case brief assignments will each be approximately two-three doubled-spaced, typed pages in length (in 12-point font with one-inch margins) and worth 15% of your total grade.

Critical Thinking Assignments

Each student will be tasked with two critical thinking exercises where students are required to review a given hypothetical and apply their knowledge in an analytical write-up. The critical thinking assignments will each be approximately two-three doubled-spaced, typed pages in length (in 12-point font with one-inch margins) and worth 15% of your total grade. More detailed instructions will be provided on these assignments.

Discussion Posts

There are five interactive discussion boards. For each discussion board, students should submit an initial post of approximately one page addressing the topic under consideration for the module. After submitting their initial post, students should submit two reply posts in response to other students' initial posts. Each reply post should be at least one complete paragraph. Students are encouraged to take a position on each discussion board. Students should use at least two sources other than the text for each discussion board. Each discussion board is worth 3% of your total grade.

Research Paper

There are two research papers due for this class. Each paper should be approximately five to six, double-spaced pages in length (12-point font with one-inch margins). The papers should address a topic that you are interested in surrounding criminal procedure and courts. There should be at least four scholarly sources other than the assigned text and conform to APA citation norms. I am happy to meet with any students who are struggling with topic ideas. Each research paper is worth 20% of your total grade.

Student Presentations

As part of the last week of the course (module five), students will be required to record and present a research article from the special issue of the *Judicature*. Each presentation will need to summarize the salient facts about the research article and then critique the article. Presentations should be about 7-10 minutes in length and will be worth 15% of the total grade.

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GRADING

Final grades in this course will be based on the following scale (see Table 1):

Table 1: Grade Cut-Offs		
Grade	Points	Percentage
A	450-500	90.00% – 100%
B	400-449	80.00% – 89.99%
C	350-399	70.00% – 79.99%
D	300-349	60.00% – 69.99%
F	Below 300	Below 60.00%

Total points corresponding to the final letter grades (see Table 2):

Table 2: Assessments and Their Values		
Assignment	Points	Percentage
Discussion Posts (x5)	75	15%
Case Briefs (x2)	75	15%
Critical Thinking Assignments (x2)	75	15%
Student Presentations	75	15%
Midterm – Research Paper	100	20%
Final – Research Paper	100	20%

Grades can be accessed on D2L.

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

The syllabus/schedule are subject to change.

Zoom Video Conferencing Tool

https://inside.tamuc.edu/campuslife/CampusServices/CITESupportCenter/Zoom_Account.aspx?source=universalmenu

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 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

Communication will be held either via email or through D2L.

What to call me – Please refer to me as Professor or Dr. Purdon.

Look for the answer first. When questions arise during the course of this class, please remember to check these two sources for an answer *before* you contact me:

- Course Syllabus
- Announcements in D2L

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COURSE AND UNIVERSITY PROCEDURES/POLICIES

Course Specific Procedures/Policies

Citation Style

Students are required to use the citation style and format of the American Psychological Association (APA). Review the *Publication manual of the American Psychological Association* (7th ed.) or similar APA Citation Style online resource. It is acceptable to cite legal materials (cases, statutes, regulations, etc.) in accordance with the style specified in *The Bluebook: A Uniform System of Citation* (21st ed.) in all papers.

Extra credit

Please do not ask for extra credit. Although an extra credit assignment may be offered to the whole class for attending a talk or participating in a learning experience beyond those anticipated in this syllabus, no individualized extra credit work will be permitted. Why? Extra credit is unfair to the students who do their work diligently all semester long.

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:

<https://www.britannica.com/topic/netiquette>

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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](#)
[Undergraduate Student Academic Dishonesty Form](#)

<http://www.tamuc.edu/aboutUs/policiesProceduresStandardsStatements/rulesProcedures/documents/13.99.99.R0.03UndergraduateStudentAcademicDishonestyForm.pdf>

[Graduate Student Academic Dishonesty Form](#)

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

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

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: [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>

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.

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A&M-COMMERCE SUPPORTS STUDENTS' MENTAL HEALTH

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

AI Use IN COURSES

Texas A&M University-Commerce acknowledges that there are legitimate uses of Artificial Intelligence, ChatBots, or other software that has the capacity to generate text, or suggest replacements for text beyond individual words, as determined by the instructor of the course.

Any use of such software must be documented. Any undocumented use of such software constitutes an instance of academic dishonesty (plagiarism).

Individual instructors may disallow entirely the use of such software for individual assignments or for the entire course. Students should be aware of such requirements and follow their instructors' guidelines. If no instructions are provided the student should assume that the use of such software is disallowed.

In any case, students are fully responsible for the content of any assignment they submit, regardless of whether they used an AI, in any way. This specifically includes cases in which the AI plagiarized another text or misrepresented sources.

13.99.99.R0.03 Undergraduate Academic Dishonesty
13.99.99.R0.10 Graduate Student Academic Dishonesty

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COURSE SCHEDULE

ACTIVITIES/ASSIGNMENTS	PERCENTAGE	DUE DATE
WEEK 1: Introduction, Purpose of the Fourth, and Terry Stops		
<u>Readings :</u>	--	4-Oct
Syllabus		
Samaha Chapter 2, 3, and 4		
Fradella & White (2017)		
Introduction Post Due	3%	6-Oct
Terry v. Ohio Case Brief Due	7.50%	6-Oct
WEEK 2: Searches, Seizures, and Self-Incrimination		
<u>Readings:</u>	--	11-Oct
Samaha Chapters 5, 6, and 8		
Purdon et al. (2021)		
Discussion Post Two Due	3%	13-Oct
Critical Thinking Assignment Due	7.50%	13-Oct
WEEK 3: Remedies for Constitutional Violations and Pretrial Proceedings		
<u>Readings:</u>	--	18-Oct
Samaha Chapters 10, 11, and 12		
Lowencamp et al. (2013)		
Discussion Post Three Due	3%	20-Oct
Gideon v. Wainwright Case Brief Due	7.50%	20-Oct
Midterm – Research Paper Due	20%	20-Oct
Week 4: Trial Process, Appeals, and Sentencing		
<u>Readings:</u>	--	25-Oct
Samaha Chapters 13 and 14		
Metcalfe & Chiricos (2018)		
Kutateladze et al. (2014)		
Discussion Post Four Due	3%	27-Oct
Critical Thinking Assignment Due	7.5%	27-Oct

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WEEK 5: Wrongful Convictions		
<u>Readings:</u>		
Samaha chapters 8 (358-364) & 9		
Saks & Koehler (2005)		
Garrett (2017)		
Clark (2012)		
Kassin et al. (2010)		
Discussion Post Five Due	3%	3-Nov
Student Presentation on “Forensic Fail” Due	15%	3-Nov
Final – Research Paper Due	20%	3-Nov

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