

**CALIFORNIA STATE UNIVERSITY, SACRAMENTO
DIVISION OF CRIMINAL JUSTICE**

CRJ 175

Structure and Function of American Courts

Spring 2009

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COURSE DESCRIPTION

Every day the news is filled with the latest sensational trial. Hollywood actors, politicians, school teachers – no one is immune from criminal prosecution. The media has permitted us to view each trial as if we were there. However, do the media represent the “truth” about criminal prosecutions? Do celebrity defendants represent the experience of most criminal defendants? Do our courts seek justice? How do courts determine what is justice?

The goal of this class is to develop your understand and skills so you can function within the American court system. Therefore, the focus is on your ability to apply your knowledge to solving problems that arises during the prosecution and adjudication of the accused. When does our government have the right to punish people? What procedures must the government provide to the accused to ensure justice for all? Who decides who will be punished and how do they decide the punishment? How much punishment is just?

The 2008-2010 Catalog describes this course as: “Overview of the Federal and State court structures including jurisdiction, venue, roles of court participants, due process and post arrest procedures employed in adjudication, trial process, appellate review. Constitutional issues such as discretion, indigent rights, right to counsel, discovery, pleas, bail and preventive detention, competency, evidence suppression, double jeopardy, and speedy trial will also be addressed.”

You will be assigned appellate cases to read. These cases will be found in either the textbook or SacCT under different learning modules. As you read the cases, you will develop the ability to extract the rule of law created by the appellate decision. You will also see how the court applied the rule of law to its facts. These assignments will prepare you for class discussion. I will supplement your reading assignments through

in-class lectures and problem solving exercises. I will use PowerPoint presentations since my handwriting is illegible. My PowerPoint presentations will be posted on SacCT after each class. Your exams will replicate what we do in class: identifying legal issues, describing relevant rules of law, and analyzing a fact pattern. You will also have a project consisting of three court visitations and a report on those visits.

Prerequisite: CRJ 1, CRJ 2. Restricted to declared majors and minors or instructor permission.

Note: Majors must earn a grade of C- or better to receive credit towards graduating with a baccalaureate degree in Criminal Justice.

Units: 3

LEARNING OBJECTIVES

At the end of the course, you should be able to:

1. Demonstrate analysis of complex law cases together with logical reasoning requisite to their application to legal contextual situations.
2. Demonstrate a thorough understanding of the structure and function of the American court systems.
3. Describe our common law heritage together with state-federal sources of law, jurisdiction, venue, civil law and civil liability concepts in criminal justice; state and federal court organization, judicial administration, and the hierarchy of the courts.
4. Express an understanding of the courthouse workgroup and the roles of the prosecutor, defense attorney, judge, probation officials, victims, and witnesses.
5. Conduct and report observations of criminal court proceedings in order to gain an understanding of the courtroom, arraignments, preliminary hearings, trials, motions, jury selection, bail and pre-trial release, discovery, pleas, negotiated justice, sentencing decisions, and appeals as a right and a matter of judicial discretion.
6. Identify the usage of the grand jury at federal and state levels together with its advantages and disadvantages.
7. Demonstrate knowledge and understanding of constitutional rights associated with the criminal legal process including juvenile courts. Those rights would include the protections afforded by the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments.

REQUIRED TEXT

Lloyd L. Weinreb, "Leading Constitutional Cases on Criminal Justice," Foundation Press (2008 Edition) ISBN 978-1-59941-488-1.

Additional readings will be posted on SacCT.

A copy of the textbook is available at the Library reserve room.

GRADE

I. *Student Conduct*

- a. This course is governed by this university's Student Conduct Code (Title 5, Article 2, Student Conduct Code, section 41031).
- b. In particular, you will be subject to disciplinary sanctions including, but not limited to, failing the class for "Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage." Section 41031(b)(1)(A).
- c. Please view the university's student tutorial on how not to plagiarize. <http://library.csus.edu/content2.asp?pageID=353>.
- d. If you have any question as to whether you are acting within the Student Conduct Code, err on the side of strict interpretation of the code.
- e. Ask for permission from me to proceed with any practice that might violate the code.
- f. You are expected to attend your midterm and final examinations as scheduled. Do not make travel or other plans for those dates.
- g. If you have any conditions requiring you to take your test at the Testing Center, please advise me at your earliest opportunity.
- h. Please respect your professor and fellow students. Turn off or set to silent all cell phones and pagers. Do not talk among yourselves, text message, sleep, or eat during class. Water for drinking is fine. Do not interrupt another student while they are speaking. Please raise your hand before speaking.
- i. If you have a disability and require accommodations, you need to provide disability documentation to SSWD, Lassen Hall 1008, and (916) 278-6955. Please discuss your accommodation needs with me during my office hours early in the semester.

II. *Point System*

- Case briefs 15
- Court visitation project 25
- Midterm 25
- Final Exam 35

III. *Case briefs*

- a. A case brief is a summary of an appellate case. You will be assigned three (3) cases to brief. You must turn in your case briefs on the day that the case is discussed in class. The briefing schedule is merely a tentative due date. No late briefs will be accepted. A sample of a case brief is attached to this syllabus as Appendix B.
- b. Each case brief is worth five (5) points towards your final grade.
- c. Your case brief must not exceed three pages. Please follow the format used in the sample brief. Failure to follow the format will result in reduced points. Your brief must include the following:
 - i. Case Name, Citation and Year
 - ii. Summary of the facts
 - iii. Legal issue in dispute
 - iv. Applicable rules of law including history and public policy behind law
 - v. Holding (conclusion regarding the issue in dispute)
 - vi. Reasoning (rationale) supporting conclusion
 - vii. Concurring/dissenting opinion
- d. A brief composed of quoted text from a case does not inform me of whether you understood the material. Paraphrase the contents of the case and reserve quotes to phrases with significant meaning. Briefs composed mostly of quotes will receive reduced points.
- e. In addition to briefing the cases, you must be prepared to discuss the case in class. If you do not present your brief, you will receive only 3 of the 5 possible points.

IV. *Court Visitation Project*

- a. One of the best ways to learn about our court system is to observe the actors in action. As you will learn, the adjudicatory process begins with “arraignment,” progresses to a “trial” and culminates with an “appeal.” Regardless of the quality of the class presentations and readings, nothing

can substitute for actual, first-hand experience. By observing the actual actors in their court settings, you will expand your knowledge beyond theory and into reality.

- b. You are required to attend and report on three half-day criminal court proceedings. These proceedings may involve a misdemeanor or a felony. Traffic court does not count. A typical morning or afternoon court session will last 2 ½ to 3 hours. Time spent traveling to and locating the court does not count. You may go to any court in any county that is convenient for you and either a federal or state court. I recommend that you attend with other students so each student may help the other navigate through the court system. Each student still needs to write their own report.
- c. Type of proceedings required
 - i. One ½ day of an arraignment
 - ii. One ½ day of a jury trial (no jury selection)
 - iii. One ½ day of oral arguments at an appellate court
- d. Courts judge our school by its students. Please dress appropriately. Dress as if you are meeting your fiancé's parents for the first time. You would not wear t-shirts, shorts, tank tops, halter tops, sandals, hats or caps. You would also not wear a tuxedo or a suit. Instead, you would dress "informally-nice." Do not read newspapers, drink, eat or use your cell phone in court. Do not talk when court is in session.
- e. Judges will often ask people in the audience to identify themselves. Please stand up, make eye contact, speak clearly, give your name and identify yourself as a student with the Criminal Justice program at CSUS. Explain that you are on assignment to observe the court proceedings. Refer to the judge as "Your honor." Example: "Good morning, Your Honor. My name is Russell Loving. I am a criminal justice major at Sac State. I have been assigned by my professor to observe and report on an [arraignment, jury trial, appeal]."
- f. You can find a court in your area through your telephone directory, www.courtinfo.ca.gov (state court) or www.uscourts.gov (federal court). Contact the court beforehand by phone or through their websites to determine when, where and what sort of proceedings are being held. Most courts are closed for lunch between 12:00 noon and 1:30 p.m. Some courts are "dark" (not in session) on Fridays.
- g. How to find an oral argument at the Third District Court of Appeal: Go the 3rd DCA website at <http://appellatecases.courtinfo.ca.gov/calendar.cfm?dist=3>. Using the "Search by date" option, select the time period. Then select "Click here to

retrieve cases.” Criminal cases always begin with “The People v. ...” The courthouse is located at 900 N Street, Sacramento. The court’s number is (916) 654-0209.

- h. Your report for the three visits should total at least eight, but no more than ten pages of double-spaced, 12-point Arial font text with one-inch margins on all sides. Each page should be numbered at the bottom. A sample of a court visitation report is posted on SacCT. For each visit, you must include the following information:
 - i. The date of your visit
 - ii. The court name (including the department number) and the judge’s name
 - iii. The nature of the proceedings (arraignment, jury trial, appeal)
 - iv. A brief description of what took place
 - v. Your impressions of the “competency” of the judge, prosecutor, defense counsel, and court staff and the reasons for those impressions
 - vi. Your impressions of the “fairness” of the proceedings and the reasons for those impressions
- i. Failure to complete all three visits will result in reduced points (8 points per visit). Failure to provide all of the information listed above for each visit will result in reduced points.
- j. Your report is due on Tuesday, April 28, 2009. No late papers will be accepted.

V. *Midterm and Final Examinations*

- a. I will give one midterm and one final examination. The final examination will be comprehensive with an emphasis on the second half of the semester.
- b. Your midterm and final examinations will be composed of multiple-choice and essay questions. You are expected to provide your own large-format (8 ½ x 11) blue/green books. You must write with ink.
- c. Unexcused absence from an examination will result in a reduction by an entire grade (i.e., A to B, B- to C-) from your overall class grade. If you were ill, you must provide a doctor’s verification.
- d. If you miss a midterm, you must contact me within 48 hours of the midterm. For example, if you miss a Tuesday, 1:30 p.m. midterm, you must contact me before Thursday, 1:30 p.m. If you miss a Thursday, 1:30 p.m. midterm, you must contact me by Saturday, 1:30 p.m. Failure to

contact me within 48 hours will result in forfeiting the opportunity to make up the midterm.

- e. If you miss the final exam, you will receive an “I” (incomplete) grade. The “I” grade will convert to an “F” after one year. To avoid the “F” grade, you must sign an “incomplete” contract with me before 5:00 p.m., May 25, 2009. As a term of the “incomplete” contract, you must agree to take a make-up final.

VI. *Grading rubric for essay questions*

Possible points per question/ Score	Law	Analysis
5 → 5 10 → 10 - 9 15 → 15 - 13 20 → 20 - 17 25 → 25 - 21	Identified all of the relevant rules of law given the question. Displayed an in-depth understanding of the relevant rules of law. Explained each relevant law with clarity and precision. Used the correct legal terminology.	Correctly identified the relevant legal issues. Specific information is given to support your conclusions. Identified the relevant facts given the legal issue and discarded the facts which were distracters. There is strong evidence of preparation and organization. Delivery is easy to follow.
5 → 4 10 → 8 - 7 15 → 12 - 10 20 → 16 - 13 25 → 20 - 16	Identified most of the relevant rules of law given the question. Displayed an adequate understanding of the relevant rules of law. Explained each relevant law with clarity and precision. Used the correct legal terminology.	Correctly identified the relevant legal issues. Adequate information is given to support your conclusions. Identified generally the relevant facts but some confusion with facts which were distracters. There is evidence of preparation and organization. Delivery is easy to follow.
5 → 3 10 → 6 - 5 15 → 9 - 7 20 → 12 - 9 25 → 15 - 12	Identified an adequate amount of the relevant rules of law given the question. Displayed an adequate understanding of the relevant rules of law. Explained each relevant law with clarity but lacked the precision of above. Used the correct legal terminology.	Correctly identified the relevant legal issues. Adequate information is given to support your conclusions but not as strong as above. Identified generally the relevant facts but some confusion with facts which were distracters. There is some indication of preparation and organization. Delivery is adequate.

5 → 2	Identified some of the relevant rules of law given the question.	Failed to identify the relevant legal issues. Inadequate information is given to support your conclusions.
10 → 4 - 3	Displayed a minimal understanding of the relevant rules of law.	Did not identify the relevant facts.
15 → 6 - 4	Explained each relevant law but with less clarity or precision than above. Did not use the correct legal terminology.	Evidence of preparation and organization is lacking. Delivery is difficult to follow.
20 → 8 - 5		
25 → 10 - 7		

VIII. *Grade Scale*

A	93-100	B+	87-89	C+	77-79	D+	67-69
A-	90-92	B	83-86	C	73-76	D	63-66
		B-	80-82	C-	70-72	D-	60-62

IX. *Course Grade*

“A” - an exemplary understanding of the course material.

“B” - a superior understanding of the course material.

“C” - a satisfactory understanding of the course material.

“D” - an unsatisfactory understanding of the course material, but enough understanding to warrant credit.

“F” - an unsatisfactory understanding to the extent not worthy of credit.

**APPENDIX A
TENTATIVE SCHEDULE
SPRING 2009**

DATE	TOPIC	READINGS TEXTBOOK	READINGS SacCT
T 1-27	Introduction to course, SacCT, case study method	None	
TH 1-29	How society design laws. Constitutional limitations on lawmaking	Griswold v. Connecticut	Lawrence v. Texas, City of Erie v. Pap's A.M.
T 2-3	No class	Research	
TH 2-5	No class	WSC Conference	
	<i>The charging process</i>		
T 2-10	The prosecutor, prosecutorial discretion, discriminatory prosecution, vindictive prosecution, immunity	U.S. v. Armstrong	Yick Wo v. Hopkins, Oyler v. Boles, Wayte v. US, Blackledge v. Perry, Kalina v. Fletcher
	<i>Involving the court</i>		
TH 2-12	Jurisdiction/venue, Federal/state court		
T 2-17	Which level of the court?	None	History of military tribunals, Military Commissions Act
TH 2-19	NO CLASS	CASOMB MEETING	
T 2-24	Arraignment, probable cause hearing, bail, preliminary hearing, grand jury	Coleman v. Alabama, Gerstein v. Pugh, County of Riverside v. McLaughlin, US v. Williams, Stack v. Boyle, US v. Salerno	
	<i>Defending against the charges</i>		
TH 2-26	The defense attorney, right to counsel, conflict of interest	Gideon v. Wainwright, Douglas v. California, Argersinger v. Hamlin, Faretta v. California, Ross v. Moffit	Holloway v. Arkansas, Burger v. Kemp
T 3-3	Effective assistance of counsel	U.S. v. Cronic, Strickland v. Washington, Nix v. Whiteside	Rompilla v. Beard

	<i>Trial preparation</i>		
TH 3-5	Motion practice, due process, double jeopardy	Rochin v. California, US v. Wilson, Illinois v. Somerville, Witte v. US	
T 3-10	Speedy prosecution	US v. Marion, Barker v. Wingo	Doggett v. US, Strunk v. US
TH 3-12	Competency to stand trial, right to psychiatric assistance & expert witnesses	Sell v. US	Drope v. Missouri
T 3-17	Review and practice exam		
TH 3-19	NO CLASS	CASOMB MEETING	
T 3-24	MIDTERM	Scores will be posted by Monday, 4-6.	
TH 3-26	Review midterm		
T 3-31	SPRING BREAK		
TH 4-2	SPRING BREAK		
	<i>More trial preparation</i>		
T 4-7	Disclosing/preserving evidence	US v. Agurs, Arizona v. Youngblood, Taylor v. Illinois	Brady v. Maryland
TH 4-9	Pretrial publicity, change of venue	Sheppard v. Maxwell, Richmond, Newspapers, Inc. v. Virginia	Globe Newspaper v. Superior Court
	<i>Resolving cases</i>		
T 4-14	Plea negotiations, entering a plea	Brady v. US, Bordenkircher v. Hayes, North Carolina v. Alford	Santobello v. New York
TH 4-16	NO CLASS	CASOMB Meeting	
	<i>Day in court</i>		
T 4-21	The trial process, the judge, the jury, Compulsory Process Clause	Duncan v. Louisiana, Batson v. Kentucky, Georgia v. McCollum, J.E.B. v. Alabama Ex Rel. T.B.,	Liteky v. US, Uttecht v. Borwn
TH 4-23	Confrontation Clause, Due Process and reasonable doubt	Pointer v. Texas, Illinois v. Allen, Crawford v. Washington, Estelle v. Williams, Chambers v. Mississippi, Victor v. Nebraska	Maryland v. Craig

	<i>Sentencing the guilty</i>		
T 4-28	Sentencing options, cruel and unusual punishment; COURT VISITATION REPORT DUE	Solem v. Helm, Ewing v. California, Roper v. Simmons	Kennedy v. Louisiana
TH 4-30	The victim, victim statements, restitution, restorative justice		Historical Development of Victim's Rights, Restorative Justice Results
T 5-5	Sentencing decisions	US v. Grayson, US v. Booker	Cunningham v. California, Presentence Investigation Report
	<i>Post-conviction relief</i>		
TH 5-7	The appellate court		
	<i>Juveniles who commit crimes</i>		
T 5-12	The juvenile court		
TH 5-14	Review and practice final		
TH 5-21	FINAL EXAM	10:15 a.m. to 12:15 a.m.	

**APPENDIX B
SAMPLE CASE BRIEF**

NAME: Russell Loving
CLASS: CRJ 174A – 1:00 PM
DATE: June 4, 2007

CASE BRIEF

CASE: *Katz v. U.S.*, 389 U.S. 347 (1967)

SUMMARY OF THE FACTS: The defendant was sending wager information by telephone from Los Angeles to Miami and Boston. He made his calls from a public telephone booth. The FBI attached an electronic listening and recording device to the outside of the booth and recorded his conversation. The recording was used as evidence against the defendant.

ISSUE: (1) Whether a public telephone booth is a constitutionally protected area so that evidence obtained from the electronic listening and recording device violated the right to privacy of the user.

(2) Whether physical penetration of the protected area is necessary for a violation of the Fourth Amendment.

APPLICABLE RULES OF LAW: The Fourth Amendment protects against certain kinds of government intrusion into privacy, not locations or objects. Therefore, the Fourth Amendment protects people, not places. What is exposed to the public, even at home or in an office, is not protected. What a person seeks to preserve as private, even in a public place, is protected. Since the Fourth Amendment protects privacy and not objects, oral statements as well as tangible objects are protected. Therefore, physical intrusion is not necessary for a violation of the Fourth Amendment.

HOLDING: The FBI's use of an electronic listening and recording device was a violation of the Fourth Amendment.

REASONING (RATIONALE): The defendant expressed a desire to preserve his privacy when he closed the door to the telephone booth. Any reasonable person would assume that his conversation from an enclosed telephone booth would not be broadcasted to the public. That the listening device did not physically intrude into the booth is irrelevant since what was protected was the conversation, not the booth. As mentioned above, the Fourth Amendment protects people, not places.

CONCURRING/DISSENTING OPINION:

Concurring: Whether a person has a reasonable expectation of privacy relies on two factors: (1) Did the person expressed an actual expectation of privacy? (2) Was the expectation one that society is prepared to recognize as reasonable?

Dissenting: The Fourth Amendment is limited to tangible objects, not words. The words of the Fourth Amendment specifically refers to "person, houses, papers, and effects, ..." Also, the Fourth Amendment requirement for a valid warrant requires that the place to be searched and the persons or things to be seize be described with particularity. Therefore, the plain wording to the Fourth Amendment limits it to tangible objects. Also, the Fourth Amendment protects against unreasonable searches and seizure. It does not create a general right to privacy. The Fourth Amendment is devoid of any language referring to privacy.