

**CrJ 175
Structure and Function
of the American Courts**

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Spring, 2009**

SYLLABUS

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REQUIRED TEXT:

David W. Neubauer, “America’s Courts and the Criminal Justice System”, 9 Edition, Thomson Wadsworth, 2008 2005

COURSE DESCRIPTION:

Overview of the Federal and State court structures including jurisdiction, venue, roles of court participants, due process and 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.

PREREQUISITES:

CrJ 1, CrJ2. Restricted to declared majors and minors or instructor permission.

LEARNING OBJECTIVES:

Upon conclusion of the course and diligent study of the assigned material, successful students will be able to demonstrate a thorough understanding of the structure and function of the American Courts. The course is inclusive of both the federal and state systems. You will develop a detailed knowledge of the Bill of Rights as it relates to constitutional criminal procedure. The particular subject matter is outlined below in each specified reading assignment.

Student writing skills should be enhanced through the preparation of case briefs, and completion of a court visitation assignment with a report. The specific objectives include but are not limited to:

- 1. Demonstrate analysis of complex law cases together with logical reasoning requisite to their application to legal contextual situation.**
- 2. Demonstrate a thorough understanding of the structures and functions of American Court System(s).**
- 3. Describe our common law heritage together with state-federal sources of law, jurisdiction, venue, civil law and liability concepts in criminal justice, state and federal court organization, judicial administration and the hierarchy of courts.**
- 4. Express an understanding of the courthouse workgroup, roles of the prosecutor, defense attorney, judge, probation officials, victims and witnesses.**
- 5. Conduct and report observations of criminal court proceedings in order to garner an understanding of the courtroom, arraignments, preliminary hearings, trials, motions, jury selection, bail and pre-trial release, discovery, pleas, negotiated justice, sentencing decisions, 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 the Constitutional Rights associated with criminal legal process including juvenile courts i.e. those engendered by the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments.**

METHOD OF INSTRUCTION:

This course will be presented in lecture style format. Case briefs will be presented as assigned utilizing the “Socratic Method.”

COURSE REQUIREMENTS:

- 1. ATTENDANCE IS REQUIRED. Excessive absences without instructor approval will result in the lowering of the letter grade a student receives in the course. As a GUIDELINE absences will be considered in direct proportion to the number of class meetings the student misses in relation to the overall number of meetings in a semester.**

A complete discussion of this system will be given during the first class meeting. If you do not attend the first class meeting it is recommended you contact the instructor during his office hours so there is no misunderstanding regarding these procedures. Excessive absences (more than 8) will result in a maximum attainable grade of D+. You should contact the instructor to explain the reason for any absence in excess of 3.

Do not contact the criminal justice office to explain an absence.

2. Because this class involves a high degree of student participation it is absolutely necessary that students be prepared for each class. Participation is a significant factor in the grading scheme as noted below.

3. Missed examinations may be made up. A penalty of one letter grade reduction will be assessed unless the reason for the absence has been excused by the instructor. If an examination is missed it is incumbent on the student to make arrangements to take a make-up examination IMMEDIATELY upon his/her return to class.

4. Two examinations and a final will be given. They are equally weighted as set forth below in the grading scheme portion of this syllabus. The final examination schedule is available NOW. The final will be given on 5/1 9/09 from 8:00 – 9:00 AM. It is imperative you be there. Do NOT make arrangements (travel, marriage, reunions, etc.) for the date of your final – if you want a grade.

5. Examinations are not returned for permanent retention. After discussion and review they are returned to the instructor and will be retained for your review during office hours.

6. Students are encouraged to contact the instructor with any problems which might arise during the semester and which are relevant to and impact upon your performance in this course. Do not wait until the end of the semester to advise the instructor of problems that are and have been on-going and which impact on your performance.

7. If there are conditions requiring you take examinations at the testing center please advise the instructor at your earliest opportunity. If you have a disability and required accommodations, you need to provide the disability documentation to SSWD, Lassen Hall 1008 (916) 278-6955. Please discuss your accommodation needs with me after class or during my office hours early in the semester.

8. Case briefs. You will find attached a list of cases you are asked to read. Additionally you are also provided a separate handout indicating the method of preparation of case briefs. As will be more fully explained on the first day of class the initial briefs will be prepared by ALL students and thereafter will be selectively assigned individually. N. B. No casebook has been assigned. All cases are available via Lexis-Nexis. In this regard it is absolutely IMPERATIVE that you have a saclink account. If you do not have one – get one. The instructor will provide a complete and thorough lecture on how to utilize Lexis-Nexis on the first day of class.

9. TURN OFF cell phones and related electronic gear (laptops excepted) before the beginning of class. DO NOT PLACE THEM ON VIBRATE and check them to see what your message says. TURN THEM OFF. If you feel you cannot comply with this rule because of the absolute necessity for you to communicate during class – take another class.

10. DO NOT LEAVE CLASS during the time class is in session UNLESS it is an EMERGENCY. Handle all matters that may arise during class BEFORE class begins including trips to drinking fountains, toilets, etc. Should you believe you have a valid reason for leaving early please contact the instructor BEFORE class and relate your situation (I recognize those things may happen and will accommodate you if you have given me prior notice).

11. I expect your undivided attention for 75 minutes from 9:00 AM to 10:15 AM. I also expect you will extend common courtesies some of you learned at home to your fellow classmates as well as the instructor. Do not visit with your neighbors, sleep, read newspapers, etc. These things disturb the instructor's train of thought and ability to provide meaningful instruction. If you cannot comply you will be asked to depart the classroom.

ACADEMIC DISHONESTY:

The instructor will follow the established policies of California State University, Sacramento. These are clearly set forth in the school's catalog and you should familiarize yourselves with them. In summary, any student identified as cheating or engaging in plagiarism will receive an "F" grade in this class and be referred to the University for additional disciplinary action. It should be noted there is a student tutorial on how not to plagiarize at:

<http://library.csus.edu/content2.asp?pageID=353>.

GRADING:

Two mid-terms and a final will be given. These examinations are all equally rated. The final will NOT be cumulative. The examinations will be a mixture of essay, fill-in-the-blank and true/false variety. In addition to mid-term and final examinations, pop quizzes (2), case briefs, attendance and a report describing your court visitations (REQUIRED) will factor into your final grade as set forth below.

GRADING SCALE:

Examinations (3 @ 20 points each)	60
Attendance	5
Court Visitations and report	15
Briefs/Participation	10
Pop Quizzes (2 @ 5 points each)	<u>10</u>
	100

A	92-100	D+	68-69
A-	90-91	D	62-67
B+	88-89	D-	60-61
B	82-87	F	59 and below
B-	80-81		
C+	78-79		
C	72-77		
C-	70-71		

COURT VISITATION AND REPORT ASSIGNMENT:

During the course of the semester and prior to the date this assignment is due (4/30/09) you must make two court visits. These visits must be to criminal proceedings – no civil proceedings. One visit must be a session of the Sacramento Superior Court and the other a visit to a session of the United States District Court for the Eastern District of California. Both of these sites are located in Sacramento. These visitations should last no less than 3 hours.

At the conclusion of your visit you should prepare a short report regarding each visit/observation. Report each visit separately. Include in your report the date and time of your visit, the identity of the court you visited, the name of the presiding judge, the name of the case being heard and the nature of the proceedings – what happened? Your report should evaluate the proceedings in light of the material we have covered in class. You should draw any parallels you find in our material and what you observe as well as any apparent conflicts with material presented in the text and what you actually observe.

Reports should be typewritten and not exceed three pages for each visit. I will evaluate your paper utilizing my grading rubric that accompanies my handout regarding briefing cases.

Again, these reports are due in class on 4/30/09. I will NOT (REPEAT NOT) accept late submissions. If there are conditions which prevent you from completing this assignment you should see the instructor at once.

NOTE: “Save” all of the work (e.g. briefs, report of court visits, etc you submit in this class on your computer. In the event the instructor is unable to locate your work it is expected that you will be able to immediately retrieve and submit the work.

CLASS SCHEDULE:

NOTE: The schedule set forth below is subject to change as the demands of the class warrant. You will be notified of the changes in sufficient time to prepare yourself for participation in classroom activities such as testing and recitation.

WEEK 1 (1/26 - 30/09)

Chapter 1 – Courts, Crime and Controversy

WEEK 2 (2/2 - 6/09)

Chapter 2 – Law and Crime

WEEK 3 (2/9 - 13/09)

Chapter 3 – Federal Courts

WEEK 4 (2/16 - 20/09)

Chapter 4 – State Courts

EXAMINATION #1 (TENTATIVE)

WEEK 5 (2/23 - 27/09)

Chapter 5 – The Dynamics of Courthouse Justice

WEEK 6 (3/3 - 6/09)

Chapter 6 – Prosecutors

WEEK 7 (3/9 - 13/09)

Chapter 7 – Defense Attorney

WEEK 8 (3/16 - 20/09)

Chapter 8 – Judges

WEEK 9 (3/23 - 27/09)

Chapter 9 – Defendants and Victims

EXAMINATION # 2 (TENTATIVE)

SPRING RECESS (3/30-4/5/09)

WEEK 10 (4/6 - 10/09)

Chapter 10 – Arrest to Arraignment

WEEK 11 (4/13 - 17/09)

Chapter 11 – Bail

Chapter 12 – Disclosing and Suppressing Evidence

WEEK 12 (4/20 - 24/09)

Chapter 13 – Negotiated Justice and the Plea of Guilty

Chapter 14 – Trials and Juries

WEEK 13 (4/27 - 5/1/09)

Chapter 15 – Sentencing Options

Chapter 16 – Sentencing Decisions

WEEK 14 (5/4 – 8/09) Chapter 17 – Appellate Courts

Chapter 18 – The Lower Courts

WEEK 15 (5/11 – 15/09)

Chapter 19 – Juvenile Courts

Review

WEEK 16 (5/18 - 22/09)

FINAL EXAMINATION

5/19/09 8:00 – 10:00 AM