

Department of Criminal Justice and Criminology

CRIJ 2394.01 Courts and Criminal Procedure Fall, 2017

SYLLABUS

Room: A201

Time: TTH 11:00-12:20 PM

Office: CJC C204

Office Hours: By appointment only

Professor: Dr. S. Kawucha

Phone: 936-294-3642

Email: skk003@shsu.edu

Required Text

del Carmen, Rolando V. *Criminal Procedure: Law and Practice*. 10th ed. Cengage, 2017.
ISBN: 9781305577367

Course Description

This course examines the constitutional and statutory bases of laws, and the judicial interpretations of the procedures governing the administration of criminal justice and police practices.

Course Objectives and Goals

At the completion of this course, students should accomplish the following:

- an understanding of the exclusionary rule and probable cause
- an understanding of judicial interpretations involving arrests, searches, and seizures
- an understanding of the laws regarding interrogations and confessions
- an understanding of constitutional rights during trial
- an understanding of the consequences of unlawful police conduct

Course Requirements

Grade Scale:

| | |
|---------|---|
| 90 -100 | A |
| 80 - 89 | B |
| 70 - 79 | C |
| 60 - 69 | D |
| 0 - 59 | F |

Course Grading:

| | |
|---------------|-------------------|
| 3 Exams | 300 points |
| Participation | 50 points |
| 4 Briefs | <u>100 points</u> |
| Total | 450 points |

Exams

There will be 3 exams worth a total of 300 points. They may be multiple choice, short answer, fill in the blank, identifications, and/or essay. Each test will cover all material presented in the texts, handouts, videos, and presented in lecture. Study guides will be provided prior to all exams. I do not provide word banks, word lists, or definition lists.

Attendance and Participation

I will take attendance by way of a sign-in sheet each class day. After 2 absences, you will lose 10 points for each additional absence. I also will keep track of all students who actively participate in class discussions and ask questions. Therefore, I strongly encourage all students not to miss class. In addition:

- Students may miss valuable information for exams from lectures and discussions, and as exams are drawn heavily from lectures, missing class will negatively impact your score.
- If you miss class on the date a brief is due, you will receive a zero score for that brief.
- Students may miss extra credit quizzes.
- Students will miss out on participation points
- Students that miss more than 5 class sessions may be administratively dropped according to University Guidelines.

Note: Having another student sign in for you is the same as cheating since it involves points and a grade. Doing so may result in a grade of F for all students involved.

Case Briefs

Each student will do 4 briefs on cases listed in the text, and they are worth 25 points each for a total of 100 points possible. Each student will have a U.S. Supreme Court case to brief from the chapter being discussed at that time in class. We will discuss the format and requirements in class. Late briefs will not be accepted, nor will they be accepted by email. They are due IN CLASS, on the day noted in the schedule. NO EXCEPTIONS.

Academic Honesty

I regret that I should even have to mention the issue of cheating, but here it is: If I catch you, the very least you can expect is an F. Honor and integrity is the very core of Criminal Justice and I value my profession and its reputation very highly.

Extra Credit

Throughout the semester, I may have several unannounced quizzes. Each will be worth 5 points. (Five questions worth a point each). At the end of the semester, I will add any points that you have earned to your final score. Obviously, if you are not present, you will miss the quiz and the opportunity for extra points. There are no make – ups under any circumstances on quizzes.

Make – Up Work / Exams

Any make – up exams will only be given in response to legitimate, substantial reasons. Make – ups will be different from the exam offered in class, most likely entirely essay. Please make every effort to contact me **prior** to the absence via email or leave a message with the CJ office.

ADA Statement

Students with a certified disability may contact me at any time regarding any necessary accommodations. The department of Criminal Justice complies with the Americans with Disabilities Act (ADA) in making reasonable accommodations for qualified students. Students who have established a file containing documentation of a disability must present a written accommodation request from the Office of Disability Accommodation to the instructor. Any supported accommodations supported by the Office of Disability will be complied with immediately. For additional information, see:

<http://www.shsu.edu/dept/academic-affairs/aps/aps-students.html>

Religious Holidays

For university policy on student absences on religious holidays, refer to SHSU Student Guidelines for complete information.

<http://www.shsu.edu/dept/academic-affairs/aps/aps-students.html>

Miscellaneous

- Please turn off any cell phones or pagers; they are immensely distracting to other students and to me. No recording devices will be allowed unless required by ADA Guidelines, and this includes portable and/or laptop computers.
- Any student caught texting, listening to a device, calling or using any electronic device will be expelled from the rest of the class session. A second offense will result in the permanent removal of the student from the class. For further information one phone use see:
<http://www.shsu.edu/dept/academic-affairs/aps/aps-curriculum.html>
- During exams, any cell phone or other electronic device that activates will be confiscated and returned at the end of the semester.
- Students are reminded that discussions may involve issues that are sensitive and inflammatory in nature. Please remember that everyone is entitled to his or her own opinion and view of a topic. However, intentional provocation, insult, or abuse directed at another student or the instructor *will not be tolerated*, and the offender will be asked to leave.
- If you want to fall asleep, please do so at home, not in my class.
- I round up final scores. For example, an 89.5 is an A, an 89.4 will remain a B. Other than this, I do not change grades.
- If you are having difficulties, the best course is to let me know immediately. Do not wait until finals when I cannot help you. My goal is to have every student attain the grade they wish in this course, whatever that grade may be.
- Incompletes will **only** be given for major medical or other personal emergencies, not just because you are doing poorly in the course.

Syllabus Changes

I reserve the right and have the discretion to make changes to this syllabus. If a change becomes necessary, I will announce the change(s) in class. It is your responsibility to be in class so you can be made aware of any changes. Failing to make syllabus changes because of missing class is not an excuse for missing or late work assignments.

Course Schedule

The following schedule is an approximation of required readings. All reading is required BEFORE class to help facilitate class discussions. Additional readings or cases may be handed out during class.

| <u>Week</u> | <u>Topic</u> | <u>Reading</u> |
|-------------|--|----------------|
| 8/24 | Introduction and Syllabus | |
| 8/29 | The Court System and Sources of Rights | Chapter 1 |
| 9/5 | Overview of the Criminal Justice Process (<i>Group 1 Brief 1 due 7th</i>) | Chapter 2 |
| 9/12 | Probable Cause and Reasonable Suspicion (<i>Group 2 Brief 1 due 14th</i>) | Chapter 3 |
| 9/19 | The Exclusionary Rule | Chapter 4 |
| 9/26 | Stop and Frisk | Chapter 5 |
| 10/3 | First Exam: Chapters 1-5 Arrests | Chapter 6 |
| 10/10 | Arrests (cont'd) Searches and Seizures of Things (<i>Brief 2 due 12th</i>) | Chapter 6/7 |
| 10/17 | Searches and Seizures of Things Vehicle Stops, Searches, and Inventories | Chapter 7/8 |
| 10/24 | Vehicle Stops, Searches, and Inventories Plain View, Open Fields, Abandonment (<i>Brief 3 due 26th</i>) | Chapter 8/9 |
| 10/31 | Plain View, Open Fields, Abandonment | Chapter 9 |
| 11/2 | Second Exam: Chapters 6-9 | |
| 11/7 | Lineups | Chapter 10 |
| 11/14 | Confessions-Admissions (<i>Brief 4 due 16th</i>) | Chapter 11 |
| 11/21 | Legal Liabilities of Police Misconduct | Chapter 14 |

THANKSGIVING HOLIDAY

11/28 Constitutional Rights of the Accused during Trial Chapter 13

12/7 **Final Exam: Chapters 10, 11, 13, 14**