

**KENNESAW STATE UNIVERSITY  
DEPARTMENT OF SOCIOLOGY AND CRIMINAL JUSTICE  
CRJU 7705 / MSCJ: LAW AND THE LEGAL PROCESS**

**CRN: 81665**

**Fall 2012**

**Tues.: 5:00 - 7:45 p.m.**

**Social Science Bldg. Room 4060**

**Course Syllabus**

PROFESSOR: Dr. Christopher Totten, J.D., LL.M.

OFFICE: Social Science Building, Rm. # 4069

EMAIL: ctotten@kennesaw.edu

OFFICE PHONE: 770-420-4413

OFFICE HOURS: Tues. --- 2:30 – 4:30 P.M. &

Fri. --- 1:00 - 2:00 P.M. &

By appointment

**I. COURSE DESCRIPTION:**

This course examines the sources of modern American jurisprudence and the influences on legislation. The adversarial system of justice is considered in depth, and includes consideration of justice models, prosecution and defense strategies, and ethical considerations for the participants in the adjudicatory process.

**II. COURSE PREREQUISITES**

Admission to the MSCJ Program or permission of the MSCJ Program Director.

**III. COURSE OBJECTIVES:** At the end of this course, each student should be able to:

- 1) discuss the historical antecedents of the American criminal justice system
- 2) identify and evaluate constitutional and practical limitations on the activities of law enforcement in investigating crime
- 3) distinguish different steps in the judicial process from pretrial to post-conviction
- 4) discuss and assess rights of crime victims and their involvement in the criminal justice process
- 5) discuss courtroom procedure and analyze the judicial process
- 6) evaluate current critical issues in American justice

**IV. REQUIRED TEXTS:**

Ferdico, J.N., Fradella, H.F., & Totten, C.D, *Criminal procedure for the criminal justice professional* (11th ed.). Belmont, CA: Wadsworth/Cengage

Sloan, A.E., *Basic legal research: tools and strategies* (4<sup>th</sup> ed.). New York, NY. Aspen Publishers

Selected full-length cases from Lexis Nexis database (KSU students have free access to this database)

## V. COURSE FORMAT AND REQUIREMENTS

- 1) Class Attendance and Participation Policy - All students are expected to come to each class prepared to discuss the assigned readings and participate in class exercises, including small group exercises. During each class session, students will be assigned certain materials to complete and/ or present to the class as part of the class exercises. While some of the work for a particular exercise may, on occasion, have to be completed outside of class, students are required to be in attendance during the class session when the exercise is distributed by the professor in order to receive credit for that exercise. Furthermore, in each class, any student can expect to be called upon to lead the discussion on one or more of the readings and to answer questions posed by the instructor and other students. **Class attendance and participation may count toward the final grade in the class.** In addition, attendance and participation enhances learning, including active classroom learning. This means that when you are absent and/ or fail to participate, you are affecting adversely the learning of others. **For these reasons, attendance is mandatory.** Only two unexcused absences will be tolerated. Students who miss more than the allowable absences (e.g., three or more absences) may have to complete additional assignments, including special written and oral assignments, at the professor's discretion. Failure to complete these additional assignments will result in a determination that the particular student is not in compliance with the course attendance and participation policy, and thus not eligible for any course credit related to this component of the final grade (please see Grades/ Course Assessment section below). Students are warned that the quantity of class participation is not determinative of a student's ability to earn credit for class participation; rather, the *quality* of participation is also taken into account. Examples of "quality," or "meaningful," class participation include but are not limited to: (1) actively and frequently participating in class discussions and small group exercises; (2) being prepared for class; (3) keeping informed of relevant news and events in criminal justice and law and sharing this news with the class; (4) and discussing all assigned readings each class session. In this regard, you are expected to attend every scheduled class, to arrive on time, and to remain for the entire class period. **It is a disruption to the instructor and the class when you are late (or when you leave early).** Arriving to class late or leaving the class early constitutes an absence for that day for purposes of the attendance and participation policy.

Only those absences that result from "extraordinary circumstances" or university business that can be supported by documentation will be excused. Examples of such extraordinary circumstances include, but are not limited to, medical problems that require bed care or surgery (including yourself and immediate family members), subpoena for court or jury duty, and in-service/job training. Examples of university business include, but are not limited to, academic conferences, in-service/job training, and away-games if you play sports for the University. Work, non-emergency/ routine doctor visits, oversleeping, traffic, flat tires, headaches and other personal "events" do not qualify. *All excused absences must be made known to the instructor PRIOR to the event, preferably by email. Documentation will ordinarily be required to confirm the nature of the absence. This documentation ordinarily must be received within one (1) week of the qualifying absence. The instructor reserves the right to exercise discretion in this matter so that individual predicaments may be considered.*

- 2) Reading Assignments -Unless otherwise specifically assigned, reading assignments are taken from the required texts specified above. The assignments for each class are those readings which a student must complete *before* the class in order to be prepared for class that day. **Students are expected to be active participants in class.** Not all of the assigned readings will be discussed in class; however, all assigned readings will be covered on the exams.
- 3) Research Paper - Students will write a research paper about an area of the law discussed in class and/or mentioned in the required course reading materials. This research paper will include (a) ALL significant court cases, constitutional provisions, statutes, regulations, rules, and/or other primary legal sources dealing with the area of law selected; (b) refereed journal articles by scholars in the field addressing the area of law selected; (c) a critique of the scholarly articles selected; and (d) an overall analysis of this area of law, including an analysis of the history, development and evolution of the law, suggestions for improving or updating the law in this area, and the student's own reasoned opinions / evaluations concerning this area of law. Students should remember to include an explanation and analysis of dissenting court opinions, where relevant, and references and commentary related to any external, *non*-legal forces or trends affecting the legal decision(s). This Analysis should be at least twenty (20) pages (double-spaced) in length. This Analysis should include at least 8 primary sources and 7 refereed journal articles. –

**\*\*Special Note\*\*:** All written submissions in this course must conform to the directions related to formatting and content provided in this syllabus, to directions given by the professor in class, and to selected provisions of the ALWD Citation Manual (in the case of written assignments). In addition, a **rubric** will be provided in advance of the submission deadline for the Research Paper. The rubric will inform the student of the grading criteria to be used for the assignment. Students should consult the rubric for additional requirements related to the particular assignment.

- 4) Exams: There will be two (2) substantial course exams consisting of short answers, objective questions (multiple-choice, etc.) and full-length essays. **NO LATE OR MAKE UP EXAMS WILL BE GIVEN!** You must be on-time for class to take the exam. Please mark your schedule now for examination days:

EXAM 1: 10/2/12

EXAM 2: 12/4/12

FINAL EXAM: Paper (Date TBD)

**Be sure to bring a #2 pencil to class on exam days.**

Examinations will cover material combined from **required readings, classroom lectures, classroom discussions, educational videos, and special topics days.** I do not cover all the material in your required readings and as such, *you are responsible for your own reading.* Furthermore, the lecture and class discussions include material not in your required reading, thus, your attendance and participation is of utmost importance.

- 5) Media Requirements: An educational video (s) related to course topics will be presented during the semester. Information presented through this format may appear on an exam.
- 6) “Special Topic” Day: There will be one “special topic” day during the course of

the semester. This day will include targeted readings and classroom discussions on topics such as international criminal justice and comparative criminal justice. This material may appear on an exam.

7) Instructional Methods: Lectures and demonstrations, classroom discussions, critiques, and debates, question and answer sessions, small group work, educational videos and films, handouts, presentations, and written and oral assignments will assist in the critical analysis of different theories, ideas, principles and processes. Since this is a graduate level course more class time will be devoted to more student-student and/ or student-instructor interaction to better enrich the student learning experience.

*Completing these invaluable learning opportunities will help aid in your learning, retaining information and completing the course goals.*

***The Last Day to withdraw from class without academic penalty is October 12<sup>th</sup> (please consult Registrar for official policy in this regard)***

## **VI. GRADES/ COURSE ASSESSMENT**

- 1) First Exam: 33 1/3 %
- 2) Second Exam: 33 1/3 %
- 3) Research Paper\*: 33 1/3%
- 4) Class Attendance and Participation: See below\*\*

\*a grading / evaluation rubric will be distributed in advance of the submission deadline for the Research Paper component

\*\* As stated above under “Class Attendance and Participation” policy (e.g., Section VI. (1) of this syllabus), class attendance and participation is mandatory. Students who comply with this policy, attend class, and participate meaningfully and frequently in both classroom and small group exercises and discussion may be rewarded/ credited in the following way: a “border-line” final grade may be moved to the next highest grade. A “border-line” grade is a grade that falls near the intersection of two letter grades (i.e., an 89.6 numerical grade falls near the intersection of the letter grades A and B). Please note that the professor reserves the right to move a “border-line” grade at his discretion; however, in no case will this discretion be used to lower a final grade. (Please see “Class Attendance and Participation” policy above in Section VI. (1) for additional information related to this policy, including the consequences for failure to comply with the policy).

While statistical methods will be used to determine the final grade distribution, final grades will roughly follow these descriptions:

A: Outstanding, Superior. Work demonstrates mastery of the subject matter for the graduate level. Meets all course expectations promptly. Shows clear grasp of concepts and demonstrates ability to synthesize materials from both inside and outside the classroom. Participates regularly and enthusiastically in classroom.

B: Very good. Clearly above average. Work is presented with only a few minor flaws and demonstrates proficiency in the subject matter for the graduate level. Meets course expectations promptly. Shows an adequate grasp of concepts and demonstrates ability to relate materials from both inside and outside the classroom. Participates regularly and enthusiastically in classroom.

C: Good. Average. Directions followed. Student met minimal expectations for the course. Work is presented with minor flaws too numerous to be overlooked. Student shows a reasonable grasp of the subject matter for the graduate level and demonstrates a reasonable ability to process materials from both inside and outside the classroom. Participates in classroom.

D: Below expectations. Below that which one would normally expect from a student at this level of a graduate career. Writing and oral presentations are marred by major mechanical problems. Exam performance fails to demonstrate a reasonable grasp of the material for the graduate level. Student fails to participate appropriately in class.

F: Unacceptable. Written work consistently falls below graduate level. Student fails to report to the Writing Center or other appropriate help. Student is consistently late in meeting course expectations. Shows little or no grasp of concepts and is unable to process or relate materials from inside and outside the classroom. Student fails to participate appropriately in class. Alternatively, regardless of the quality of a student's work, this grade may be assigned for failure to comply with the attendance policy for the course and/ or failure to hand assignments in by the pre-established deadline and/ or failure to take an exam on the scheduled day.

#### **Grading Scale (Number to Letter Conversion):**

The following grade distribution is guaranteed:

- A (90-100%)
- B (80-89%)
- C (70-79%)
- D (60-69%)
- F (59% and below)

#### **A Note about Incompletes:**

The grade of "I" denotes an incomplete grade for the course and may be given **ONLY** when the student has done satisfactory work up to the last two weeks of the semester, but for *nonacademic reasons beyond his/her control*, is unable to meet the full requirements of the course.

#### **A Note about the Exams:**

Students who are compelled to be absent from an examination because of *illness or other imperative reason* need to contact the instructor **PRIOR** to exam day (preferably by email). This request **requires prior approval** and should be made to the instructor as soon as it is known that the student will be compelled to be absent on an exam day.

#### **WRITING ASSISTANCE**

The Writing Center is a free service available to all members of the university community, not just those in English classes. The center provides personal attention and learning assistance through one-to-one

conferences with faculty or student tutors. Tutors assist in all aspects of writing and editing one's writing. Please contact them for more information:.

Humanities Building 242  
770-423-6380

You can also go to their website at <http://www.kennesaw.edu/english/WritingCenter/> and click on the "Make an Appointment" link.

### **DISABILITY SERVICES**

KSU provides program accessibility and reasonable accommodations for students defined as disabled under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act of 1990. A number of services are available to help disabled students with their academic work. Support services, program accessibility and reasonable accommodations are available to persons with documented disabilities through Disabled Student Support Services. The student must visit this office to begin the process for accessing services and assistance. Please contact them for more information:

Carmichael Student Center Addition, Second Floor, Suite 267, Telephone: 770-423-6443

Any student with a documented disability needing academic adjustments must notify the instructor as soon as possible. Verification from KSU Disabled Student Support Services is required. All discussions will remain confidential.

### **COUNSELING AND ADVISING PROGRAM SERVICES (CAPS)**

CAPS supports academic programs by offering a variety of programs for students to enrich personal development and to assist academic success and provides year-round counseling, advising, and testing services. CAPS is a comprehensive service center where students obtain assistance with educational, career, and personal concerns from a trained staff of counselors, advisors, and other specialists. Please contact them for more information:

Kennesaw Hall, 2<sup>nd</sup> Floor  
770-423-6600

### **INFORMATION TECHNOLOGY SERVICES (ITS)**

#### **Student Help Desk:**

Phone: 770-499-3555

Email: [studenthelpdesk@kennesaw.edu](mailto:studenthelpdesk@kennesaw.edu)

Website: [its.kennesaw.edu/students.htm](http://its.kennesaw.edu/students.htm)

#### **ITS Computer Lab (includes "walk-in" help desk with extended hours)**

Location: BB475

Phone: 770-423-6110

Hours: See Website --- <http://its.kennesaw.edu/labs/index.htm>

### **ACADEMIC HONESTY AND INTEGRITY**

Every KSU student is responsible for upholding the provisions of the Student Code of Conduct, as published in the Undergraduate and Graduate Catalogs. Section II of the Student Code of Conduct addresses the University's policy on academic honesty, including provisions regarding plagiarism and cheating, unauthorized access to University materials, misrepresentation/falsification of University records or academic work, malicious removal, retention, or destruction of library materials, malicious/intentional misuse of computer facilities and/or services, and misuse of student identification cards. Incidents of alleged academic misconduct will be handled through the established procedures of the University Judiciary Program, which includes either an "informal" resolution by a faculty member, resulting in grade adjustment, or a formal hearing procedure, which may subject a student to the Code of Conduct's minimum one semester suspension requirement.

Plagiarism is taking someone else's work and claiming it as your own. A good "Rule of Thumb:" When a student writes a paper, that student should never quote more than three sentences at a time. Instead, paraphrase the information in your own words, being sure to provide a proper citation for any ideas that are not your own. The key to avoiding plagiarism is to remember the following: if it is not common knowledge or your idea, you must credit the source by providing a proper citation. Plagiarism, such as verbatim copying from a source without any citation, will most likely result in a grade of ZERO (0) on the assignment.

### **CLASSROOM NORMS AND POLICIES**

Policies or practices are not solely related to the student. I, too, have many responsibilities. With respect to your time, money and education, we will begin the class promptly. I will be prepared with class information, lecture material, class activities, and references to share and discuss. I will provide regular feedback and evaluation regarding class standing through varied assessment procedures (e.g., exams, in-class activities, etc.). I am available outside of the classroom by appointment and during office hours. Please feel free to discuss any aspect of the class with me.

It is the purpose of the University to provide a campus environment that encourages academic accomplishment, personal growth, and a spirit of understanding and cooperation. Belligerent, abusive, profane, threatening and/or inappropriate behavior on the part of students is a violation of the Kennesaw State University Student Code of Conduct. Inappropriate behavior shall result, minimally, in a request to leave the class.

Please turn off all cellular phones, pagers, etc., before entering the classroom. Ringing beepers and telephones constitute a disruption of class, a violation of the University's student Code of Conduct. If it is necessary to answer a call, the student should exit the classroom to take the call. The use of cell phones during testing is strictly prohibited.

The use of musical devices (CD Players, MP3 Players, etc.) is not permitted during class.

Use of tape recorders, other types of recorders and/ or cameras are not permitted during lectures except by permission of the instructor.

Please refrain from sending/receiving text messages, email messages or any other forms of communication during class. **\*\*Note\*\*:** **LAPTOP COMPUTERS MAY BE USED IN THE CLASSROOM FOR COURSE-RELATED PURPOSES ONLY. LAPTOP COMPUTERS MAY NOT BE USED DURING THE ADMINISTRATION OF COURSE EXAMS. THE USE OF LAPTOPS OR SIMILAR DEVICES TO ACCESS THE INTERNET OR ELECTRONIC MAIL DURING CLASS IS GENERALLY PROHIBITED.**

There will be no make-up exams or late papers in absence of a bona fide/verified emergency.

Students should **not** save their work to KSU computers. Rather, save it to a flash drive or send it to an email account. Having a KSU computer crash or having work erased or corrupted if it is saved on a KSU lab or classroom computer is not an acceptable excuse for late or missing papers, and other assignments.

Check the WebCT/ Vista regularly throughout the semester for announcements/material.

Opinions, counterpoints and contributions of other class members will be respected at all times. Respect and courtesy will be shown by actively listening when others are speaking and by refraining from "chit chatting" on the side. Please refrain from dominating class discussions by giving everyone a chance to speak and by raising your hand.

Inappropriate and/or offensive comments based on sex, color, religion, etc., will not be tolerated.

On exam days, no permission to leave the room will be granted once the exam begins.

Please do not arrive to class late or leave class early as this is a disruption to the entire class, peers and instructor.

Please do not rumble/move your backpacks, papers, etc., before class is dismissed as this constitutes a disruption to the learning environment. Your instructor knows the time and will dismiss you accordingly.

Dress Code: Since students are preparing for life in the working world, appropriate dress is expected. "Business Casual" attire is expected. Except for religious headwear, hats or other head coverings as well as sunglasses are prohibited. Students should dress as if they were in the workplace. While this does not require "coat and tie" or similar wardrobe, it should be borne in mind that campus is a place of learning, not a recreational area.

YOU are responsible for your own learning and for your own reading. YOU are responsible for asking questions if you do not understand the information presented.

## **VII. COURSE SCHEDULE**

The following is an **outline** of the materials we may cover. We may vary from this outline depending upon the time the class and/or the instructor feel we need to spend on any topic. Therefore, use this outline with the caveat that it may be changed by the instructor in any given class session.

### Reading Assignments

Classroom presentations by the instructor will both address and go beyond the scope of the reading assignments. It will be assumed that students know the concepts and terms presented in the reading materials. Do *not* assume that all of the materials in the texts will be presented in the classroom.

Dates	Topics	Readings
Week 1	Historical foundations of American jurisprudence	1. Ferdico, et al. Ch. 1
Week 2	Pretrial & Trial process (including the steps of the process such as indictment, jury selection, verdict, sentencing, post-conviction remedies & the role of the victim in the process)	1. Ferdico, et.al. Ch. 2, 2. <i>Rochin</i> case from Lexis Nexis database
Week 3	Law enforcement – constitutional issues & practical limitations– exclusion of evidence, probable cause, informants, privacy and reasonableness  Crime victim’s remedies / rights  Sources of Law	1. Ferdico, et.al., Ch. 3 2. Sloan, Ch. 1 3. Selected cases from Lexis Nexis database
Week 4	Law enforcement – constitutional issues & practical limitations - Searches  Legal Research: Generating search terms and document-based case research	1. Ferdico, et. al., Ch. 4  2. Sloan, Ch. 2 (all) & Ch. 4 (selected pages) 3. Selected cases from Lexis Nexis database
Week 5	Law enforcement – constitutional issues & practical limitations– Arrests / Seizures  Legal Research: Evaluating journal articles  Death Penalty – Constitutional issues	1. Ferdico et. al., Ch. 6 2. Selected cases and journal article from Lexis Nexis database 3. Educational video (Death penalty)
Week 6	Law enforcement – constitutional issues & practical limitations –Stops & Frisks  Legal Research – Document-based secondary source research.	1. Ferdico, et.al, Chapter 7 2. Sloan, Ch. 3 (selected pages) 3. Selected cases from Lexis Nexis database
Week 7	EXAM 1	
Week 8	Law enforcement – constitutional issues & practical limitations - Warrantless Searches & Seizures  Legal Research –Electronic primary source research (including case research)	1. Ferdico, et. al. , Ch. 8 2. Sloan, Ch. 9 & Ch. 4 (selected pages) 3. Selected cases from Lexis Nexis database
Week 9	Law enforcement – constitutional issues & practical limitations – Warrantless Searches & Seizures (con.)  Legal Research – Electronic secondary source research	1. Ferdico, et., al, Ch. 9 2. Sloan, Ch. 3 (selected pages) 3. Selected cases from Lexis Nexis database

Week 10	<p>Law enforcement – constitutional issues &amp; practical limitations – Warrantless Searches &amp; Seizures (con.)</p> <p>Legal Research – Examining the validity of sources</p>	<ol style="list-style-type: none"> <li>1. Ferdico, et. al., Chs. 10 &amp; 11.</li> <li>2. Sloan, Ch. 5</li> <li>3. Selected cases from Lexis Nexis database</li> </ol>
Week 11	<p>Law enforcement --- constitutional issues &amp; practical limitations – Interrogations / Confessions</p> <p>Legal Research: Statutory research</p>	<ol style="list-style-type: none"> <li>1. Ferdico, et. al., Ch. 13</li> <li>2. Sloan, Ch. 6</li> <li>3. Selected cases from Lexis Nexis database</li> </ol>
Week 12	<p>Law enforcement – constitutional issues &amp; practical limitations - Line-ups</p> <p>Legal Research: Administrative law research</p>	<ol style="list-style-type: none"> <li>1. Ferdico, et. al., Ch. 14</li> <li>2. Sloan, Ch.8</li> <li>3. Selected cases from Lexis Nexis database</li> </ol>
Week 13	<p>Trial process / courtroom procedure – Selected rules of evidence law</p> <p>Special topic: International Criminal Law</p>	<ol style="list-style-type: none"> <li>1. Ferdico, et. al., Ch. 2 (review selected pages) &amp; Evidence handout (see Georgia View Vista)</li> <li>2. Selected cases from Lexis Nexis database</li> <li>3. Educational Video (international criminal law/ justice)</li> </ol>
Week 14	<p>Legal Research Assignment: KSU Library and Online</p>	<ol style="list-style-type: none"> <li>1. Handout: Legal Research Assignment</li> </ol>
Week 15	<p>Selected Crimes and Defenses</p>	<ol style="list-style-type: none"> <li>1. Crimes and Defenses Handout</li> <li>2. Selected cases from Lexis Nexis database</li> </ol>
Week 16	<p>EXAM 2</p>	