

KENNESAW STATE UNIVERSITY  
DEPARTMENT OF SOCIOLOGY AND CRIMINAL JUSTICE  
CRJU 3315/01: CRIMINAL PROCEDURE  
Course Syllabus for FALL 2013  
Social Science Bldg. Room 3031

Instructor:	Ms. Jacqueline Smith	CRN:	80191
Class Days:	Mondays & Wednesdays	Class Time:	6:30PM - 7:45PM
Office Hours:	By appointment only	Contact:	(770) 423-6739
Email:	<a href="mailto:jsmit569@kennesaw.edu">jsmit569@kennesaw.edu</a> (best contact)		

**COURSE DESCRIPTION:**

This course addresses the following stages of criminal procedure and evidence: (1) methods and rules of police investigation and arrest; (2) pretrial screening of complaints; (3) formal charging of the accused; (4) adjudication - evidentiary requirements; (5) sentencing; and (6) appellate review by higher courts.

**COURSE OBJECTIVES**

- understand the nature and extent of criminal procedure law in the United States;
- describe the interrelationships among the courts and other components of the criminal justice system such as the police and corrections;
- demonstrate knowledge and understanding of the constitutional rights of a person subject to each component of the criminal justice system, from arrest through sentencing;
- learn about various criminal justice careers and agencies and internship/volunteer and service learning opportunities related to the law;
- understand the importance of judicial philosophy, politics, the economy, and contemporary social values on jurisprudence in the area of criminal procedure.

**STUDENT LEARNING OBJECTIVES**

- Upon successful completion of this course, you will be able to discuss key issues relating to the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments as they apply to criminal procedure.
- You will be able to explain the relationship between liberty and order and the reason why it is vital to strike a balance between the two.
- You will understand basic laws surrounding searches and seizures in the policing context and the laws governing custodial interrogations of criminal suspects.
- You will know how a criminal case traverses through the pretrial process.

**REQUIRED TEXTS**

**John N. Ferdico, Henry Fradella, Christopher D. Totten, CRIMINAL PROCEDURE FOR THE CRIMINAL JUSTICE PROFESSIONAL (11<sup>th</sup> ed., Wadsworth/ Cengage Publg. 2011)**

## **Class Conduct & Information:**

**Be on time and don't miss class:** Please show respect to the professor, guest speakers, and your classmates by being ON TIME. Class will begin promptly at 6:30PM. Be sure to turn off all cell phones. Do not surf the Internet, text, or do anything that is not related to class while class is taking place. If any behavior disrupts the learning environment I reserve the right to ask you to leave. I expect professional behavior at all times during class.

**Communications:** The best way to get in touch with me is via email. Please email me if you have any questions about course material. In order to ensure privacy I will only respond to emails that are from official US email addresses. Please be sure to send emails that are professional, which means including a proper subject heading (e.g., CJ 3315 Class), a proper introduction (e.g., Ms. Smith: This is Jane Doe from your CJ 3315); and finally your question or comment about the class. I will respond to your email within 48 hours (excluding holidays and weekends).

**Attendance/Participation:** Plan to attend the entire scheduled time for each day per your course schedule. Although attendance is not required; attending class will often give insights to exam material and other valuable information during class time. I *strongly* advise that you do not miss class. Excessive absences due to medical reasons must be verified through the Office of Student Affairs. If you miss class for any reason **you** are responsible for getting class notes and any related information from another student in class. Under no circumstances do I give out my own notes or PowerPoint presentations. I will also show educational movies and have guest speakers throughout the semester. The dates for these presentations will be worked into class time and within the appropriate sections of class. I will not know when these presentations will occur, due to the scheduling nature of such events, so it is imperative that you attend all classes, as I cannot re-create guest lectures or movies. Questions concerning such presentations will be included on tests within a given section.

Students are **expected to read** and follow the schedule in the course syllabus, to read assigned text chapters and to seek and read additional suggested resources as provided by the textbook and Instructor. In addition, students are expected to be alert and attentive with note taking in class and have a **demonstrated desire** to participate in any discussion. Exams are to be completed within the deadlines given by the Instructor, and any special instructions for the paper and/or writing assignment(s) are to be followed **precisely**. The Instructor will announce all deadlines and instructions as well as provide reminders about the pace or flow of the course either in class on the assigned dates or through Desire to Learn (D2L).

## BASIS AND METHODS FOR GRADING:

### Exams:

There will be **three (3) exams** (listed on the tentative schedule). Each exam is worth **100 points**. Each exam will consist of multiple choice, true and false, and objective essay questions. The **FINAL EXAM will be worth 100 points. THE FINAL EXAM WILL BE COMPREHENSIVE.** The final exam will consist of multiple choice, true and false, and objective essay questions also. On EXAM DAYS, the Professor will take roll call. This is only to see who may be late or missing. **NO ONE** is allowed to take any exam after the first person leaves from taking the exam. This is to ensure academic honesty. The Professor will announce when the exam will be graded and returned back to the student and allow for a review day. Once the review of the exam is completed, you are satisfied with your grade, and then there will be **NO** further discussion about your exam. For example, I will not discuss changes or corrections in EXAM ONE when we are discussing EXAM THREE.

### CASE BRIEFS:

(250 - points total) 5 Writing assignments/Case Briefs with 50 points each (see Case Briefs Summary located on page six of the syllabus)

**Total points for the course = 650 points**

The grading scale used in this course is a 10-point scale. Although instructors are free to make adjustments or modifications as circumstances permit.

A = 90-100 (583 – 650 points accumulated)

B = 80-89 (582 – 517 points accumulated)

C = 70-79 (516 – 452 points accumulated)

**Academic Dishonesty Policy:** Please understand that within the criminal justice field; appointments, dates, meetings, and schedules **CANNOT** be altered and will result in the loss of a case, mistrial, or even the disappointment of a victim. Your dependability, reliability, and accountability to handle all cases, exams, and deadlines are critical. If it is not completed at the assigned date and time; it is late. **I WILL NOT ACCEPT ANY LATE SUBMISSION. NO EXCEPTIONS.** The field of criminology/criminal justice is based upon the integrity of those people working in it and it assumed that students taking this class would live up the highest levels of academic honesty. If I have reason to believe a student is cheating or being academically dishonest in any way, all procedures available will be instituted to have the student dismissed from the program and/or the University. Please review the student code of conduct in the University Catalog regarding what is acceptable and unacceptable behavior. **DO NOT CHEAT IN CLASS.** Recording lectures is strictly prohibited unless accommodation is required because of a disability.

ATTENDANCE POLICY: An attendance roster is kept (and login records, if this is a web-based course) **ON EXAM DAYS ONLY**. Students are expected to attend all sessions on time and as scheduled unless otherwise noted.

If an EXAM session and/or assignment deadline is missed for circumstances beyond the student's control, **prior permission** of the instructor must be obtained, and arrangements made and if granted; the choice of the student to take the exam will be made by the Professor.

**Missed Quizzes/Exams/Due Date:** I generally do not allow for make-up work (e.g., quizzes/tests). The only circumstances that I allow for make-ups is if (1) you are hospitalized/doctor note (not just sick at home); (2) you are participating in an official USM organization (you must give me official letter at the beginning of the semester with the dates that you will be missing class); or (3) you are observing an official holiday for your religion/faith AND you MUST notify PRIOR to any missed date via email. Medical excuses for make-up exams must be verified through the Office of Student Affairs – this is university policy. During the exam, all materials, purses and bags are to remain closed and directly under the student's seat. No hats can be worn during the time of the exam. Once the test is distributed, no one will be allowed to enter or leave the room unless they are completely finished with the test and have submitted it to the professor. Any talking between students once the first test has been distributed will be considered a prima-facie case of cheating and will result in a grade of zero. Students who arrive to class late after the test has been distributed will not be allowed to enter the room or take the exam. All cell phones are to be turned off during tests and placed in a bag, under your seat. If I see your cell phone during the test, even if it is off, you will receive a zero on your examination.

## COURSE AND UNIVERSITY PROCEDURES/POLICIES

### Make-up Policy

Any make-up opportunities are allowed **only at the discretion of the instructor and immediate notification from the student is imperative.** Tests and quizzes for Criminal Procedure are excluded from this policy. There are NO make-up tests and/or quizzes or case brief summaries. Obviously, missed attendance cannot be made up at a later date. However, notification must be made BEFORE exams.

Note: University policy does allow excused absences in certain situations such as: school sponsored events, jury duty, and military service (consult the university catalog for all rules and procedures). All of these excuses require proper documentation. Family emergencies, illnesses, births, deaths, incarceration or other events and calamities are NOT excused absences and decisions regarding such absences are left to the **professor's discretion**.

## **Academic Integrity and Dishonesty**

I take plagiarism and other forms of cheating **very seriously (GSW)**. All the work you do in this course is to be your own. I encourage you to study with friends, but be sure that everything you turn in is your own, original work. Regarding references, anytime you use someone else's work and do not accompany it with a proper citation to the author, you have committed plagiarism regardless of whether or not you intended to do so. It is also inappropriate to use your own work for multiple classes and any such actions will be treated just like plagiarism.

Do not copy anything off the Internet, out of books/articles, from friends, or from any other source or person. This includes direct cutting-and-pasting, summarizing or quoting without citing, and changing the original wording just enough so that you think you can pass it off as your own. If I find that you have engaged in plagiarism, you will receive an F in the entire course and I reserve the right to take further disciplinary action(s) at the university level. Do Not Do It!

### **Students with Disabilities:**

I am committed to assisting students with documented disabilities to succeed in this course. 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

disAbleD Student Support Services:

Ms. Carol Pope, Assistant Director (Office) 770 423 6443

(Fax) 770 423 6667 (TDD) 770 423 6480

Academic Dishonesty: Academic dishonesty of any variety will not be tolerated. Any instance coming to the attention of the instructor will result in the assignment of an "F" grade for the course, and notification of the appropriate Deans.

**Cell Phones and other electronic devices:** Please turn your cell phones SILENT or OFF while in class, and then put them away for the duration of the class. You may not wear headphones or Bluetooth earpieces in the classroom. **Cell phones must be OFF during exams.**

If you do not wear a watch, I will bring a clock for you to reference during the class and the tests. You do not have to monitor the clock, pack your bags, or leave before the allotted time of class. These actions cause a distraction to others in the class. The professor is very well aware of what the allotted time is for class.

## **PHOTOGRAPHY OF THE POWER POINT SLIDES ARE STRICTLY PROHIBITED.**

Syllabus adjustments will be announced in class and/or posted on Desire 2 Learn as necessary.

### **Expectations**

This is a 3000-level course and I expect junior/senior-level work from you. If you feel you are not yet ready to tackle this level of coursework, then I advise you to enroll for this class at a later date. There will be writing assignments due throughout the semester. I expect clear writing with adequate style, correct grammar, and (when applicable) proper use of scholarly references. All turned in work must be typed in 12 point, Times New Roman font, double spaced, on standard paper with one inch margins.

In class, you should be ready to think critically about the topics we cover and to participate in class discussions. I expect you to read all assigned materials prior to the beginning of class and to arrive in class prepared to actively learn and participate.

### **CONCLUSION OF THE COURSE:**

I can be reached by email. I will try to direct you to the correct answer without answering it for you. One of the skills students must learn is how to answer questions themselves. I am eager to receive questions but answering them will be part of the learning process for you. Communication with me outside of the classroom (either during breaks or via email) is not counted for your grades so don't worry about hurting yourself by asking. The only way you get hurt is by not asking and not learning.

At this stage of the semester, you are undoubtedly eager to learn the material in this course and hopeful that the practice of law and criminal procedure, no matter what field you choose, will be interesting and rewarding. If at the end of the semester you have the same enthusiasm and goals, and a solid foundation in criminal procedure, I will consider that a success. I look forward to learning with and from all of you.

### **Case Briefs:**

You will be assigned case briefs through Desire 2 Learn. Briefs are synopses of court cases that contain just the bare details of the case. We will discuss the ways to do a case brief in class and you are encouraged to schedule an office hour to discuss them with me individually if you are unclear about my expectations. Each case brief is worth 50 points.

Detailed directions for briefing cases are located in this syllabus. Chapter 1 of your text also discusses and case briefs and briefs of cases are scattered throughout your book.

Do not reinvent the case briefing methods, instead follow the examples provided. You should know how to brief a case by the time the first one is due.

Note that your writing skills will affect your case brief grades. If your writing conveys an underdeveloped command of written communication your grade will suffer. In most cases, online case briefs are available and you will find them with a simple Google search. This, however, does not mean that you may plagiarize another person's work. All briefs should be written in your own words.

Citations are important, imperative, and inescapable. Please use APA style of writing, as it is easier for me to grade. However, if you use another form of citing your work; please advise me when you turn in your paper.

The case briefs are to be typed, 12-point font, double space with one-inch margins all around.

**CASE BRIEFS:**  
**Case Name, Year, and Citation**

**Facts (15 points)**

This is a brief description of the history of the case. Approximately two paragraphs description of the crime, the conduct of the criminal justice official(s) that is in question and why that conduct is in question, what happened during the trial or plea, the punishment the defendant received, and the appeals process that brought the case to its present hearing.

**Issue (5 points)**

This is a one-sentence interrogative (i.e., question) statement of the precise legal issue that is being debated in the case. It might be more than one sentence if the case is complex and/or multiple issues are being presented. If there are multiple issues, number each issue.

**Holding (5 points)**

The statement of law handed down in the case; that is, the principle of law that is established and the precedent that is set by this case. This is a one-sentence answer to the question posed in the issue section above. If the issue had more than one sentence, the holding may also be a little longer. If you identified and numbered different issues, you will probably also need to number your different holdings.

**Opinion and Joining Judges (10 points)**

The heading should contain the names of the judges/justices who joined in the majority opinion. The opinion section of the brief should be about one paragraph long and should contain all relevant (and no irrelevant) reasoning that the judges used to reach their decision in the case (i.e., the holding). In other words, why did the judges decide the case the way they did? What was their logic or rationale? Did they rely heavily on any particular precedent(s) to inform their decision? Keep this section succinct but thorough.

**Concurring Opinion and Joining Judges (5 points)**

Some cases may have one or more concurring opinions and you need to make a separate section for each one regardless of how short they may be. This section of your case brief should be fairly short and should generally be much shorter than the main Opinion section above. State the reason why this particular judge or set of judges felt the need to write a separate opinion; that is, did this judge disagree with something the majority said, did this judge wish to add something to the majority's opinion, does this judge have reservations about the holding? And so on.

**Dissenting Opinion and Joining Judges (5 points)**

Some cases will have one or more dissenting opinion and each dissent gets its own section on the case brief. The length of the —Dissent section on the case brief depends on the length/complexity of the dissenting opinion in the case. This section should not be any longer than a paragraph. Summarize the reason why this judge or set of judges disagreed with the majority's decision. This section is essentially the same thing as the

—Opinion section above, except you are summarizing the opinion of the judge who disagreed with the way the case turned out.

**YOUR THOUGHTS: What do you think of the opinions? (5 points)**

## Tentative Schedule:

<u>Date</u>	<u>Discussion/Topic</u>
Fri 16 Aug	First Day of Classes
16 – 23 Aug	Drop/Add Period
Mon 19 Aug	First Day/Syllabus
Wed 21 Aug	PART 1
Mon 26 Aug	PART 1
Wed 28 Aug	PART 1/Brief 1 Due
Mon 02 Sep	Labor Day/NO CLASS
Wed 04 Sep	<b>Review</b>
Mon 09 Sep	<b>Exam 1</b>
Wed 11 Sep	NO CLASS
Mon 16 Sep	PART 2/ <b>Brief 2 Due</b>
Wed 18 Sep	PART 2
Mon 23 Sep	PART 2
Wed 25 Sep	NO CLASS
Mon 30 Sep	PART 2
Wed 02 Oct	<b>Test Two</b>
<b>NOTE: LAST DAY TO DROP WITHOUT PENALTY OCTOBER 11<sup>TH</sup></b>	
Mon 07 Oct	Review
Wed 09 Oct	PART 3/ <b>Brief 3 Due</b>
Mon 14 Oct	PART 3
Wed 16 Oct	NO CLASS

Mon 21 Oct	PART 3
Wed 23 Oct	PART 3
Mon 28 Oct	PART 3
Wed 30 Oct	NO CLASS
Mon 04 Nov	PART 4/ <b>Brief 4 Due</b>
Wed 06 Nov	PART 4
Mon 11 Nov	PART 4
Wed 13 Nov	PART 4
Mon 18 Nov	NO CLASS
Wed 20 Nov	<b>Test Three</b>
Mon 25 - 29 Nov	THANKSGIVING HOLIDAY/NO CLASS
Mon 02 Dec	<b>Review/Jeopardy</b>
Wed 04 Dec	Comprehensive Final Exam
Sat 14 Dec	Grades are due/Winter Break Begins