Reedley Community College - Fall 2016

Syllabus

CRIM 4: Principles & Procedures of the Justice System

**Instructor: Dennis Montejano**

**Office Hours: Posted in Canvas**

**Office Phone: (559) 638-0300 ext. 3181**

**Email:** [**dennis.montejano@reedleycollege.edu**](mailto:dennis.montejano@reedleycollege.edu)

**Course Description:** This course analyzes criminal law and its relationship to court proceedings in the United States. Additionally, the class introduces students to concepts such as: procedural rules, jurisdiction, classification and elements of crimes. It also focuses on the legal issues and constitutional interpretations involving extradition, arrest, search and seizure laws, admissions and confessions and other directives provided to law enforcement agencies.

**ADVISORIES: Eligibility for English 125 & 126. (A, CSU)**  **Course Credits/Class Hours: 3**

**Course Objectives**:

In the process of completing this course, students will:

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| 1. Assemble the various historical and developmental concepts of the United States and California criminal court procedures. 2. Critically analyze the hierarchy of the court systems. 3. Demonstrate the ability to use legal terminology, definitions, and theories of criminal law. 4. Understand the adversarial nature of the American courtroom 5. Identify the elements of a crime, the seriousness of the offense and the defendant's capacity to commit such crimes. 6. Explain and discuss the various criminal defenses, legal justifications, and burdens of proof. |

**Course Outcomes**:

Upon completion of this course, students will be able to:

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| 1. Arrange the various components of the court system into proper sequence. 2. Discuss and describe the various stages in the trial process. 3. Understand and correctly use the vocabulary of the court room. 4. Identify key due process issues relating to the 6th, 8th, and 14th amendments to the United States Constitution. 5. Describe the history and application of the exclusionary rule in shaping criminal procedures. |

**Americans with Disabilities Act:** RC complies with the Americans with Disabilities Act. If you would like to request any accommodation for this course, please contact the Coordinator of Disabilities at (559) 638-3641 (**DSP&S**: <http://www.reedleycollege.edu/index.aspx?page=260>). A copy of the appropriate form, Notification of Authorized Services, needs to be submitted to the instructor – preferably within the first two weeks of the semester.

**Zero tolerance policy for Disruptive conduct in the classroom**

* The instructor has primary responsibility for control over classroom behavior and maintenance of academic integrity.
* He/she can order temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct which violates the general rules and regulations of the College.
* Disruptive behavior in the classroom that obstructs or disrupts the learning environment is defined as:
  + Offensive language;
  + Harassment of students or professors;
  + Repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught;
  + Use of computers, cell phones, PDA’s, texting, emailing etc. in the classroom is prohibited. If a student is observed using such devices without permission from the instructor he/she will be asked to leave the class; and
  + Cross talking with other students during class is disruptive to me as the instructor and to your fellow students. Students who cross talk may be asked to leave the class. (Class participation discussions are not considered cross talking).
  + Asking other students for scantrons or pencils during quizzes/exams.
* Students who are removed from class for disruptive behavior will not be allowed to return until the issue is resolved and may be administratively withdrawn from the course or the college.

**Academic Integrity Statement**

* Students guilty of academic dishonesty, either directly or indirectly through participation or assistance, are responsible to the instructor of the class. Academic dishonesty is defined as, but not limited to, plagiarism and cheating.
* At the discretion of the instructor, students who cheat or steal work from another source will either (1) be dismissed from class with a grade of “F” or (2) receive a grade of “F” for the assignment/test.
  + Cheating - is the act or attempted act of taking an examination or performing an assigned, evaluated task in a fraudulent or deceptive manner. Cheating may include, but is not limited to, copying from another's work, supplying one's work to another, giving or receiving copies of examinations without the instructor's permission.
  + Plagiarism - is a specific form of cheating: the use of another's words or ideas without identifying them as such or giving credit to the source. Plagiarism may include, but is not limited to, failing to provide complete citations and references for all work that draws on the ideas, words, or work of others, submitting duplicate work to be evaluated in different courses without the knowledge and consent of the instructors involved.
  + See the Fall 2016 Class Schedule for further information regarding cheating and plagiarism.
* Additional disciplinary sanctions may be imposed through the regular institutional procedures as a result of academic misconduct.

**Sexual Harassment**

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

**Disclaimer:**

Due to the nature and reality of work in the criminal justice system, real life examples, verbal and non-verbal expression and role-playing by the instructor may be used to demonstrate to students important learning points. These examples are not meant to demean or insult any group or individual, but simply to give students an understanding of the reality that exists in this profession and prepare them to deal with different types of people and situations in a professional manner.

**Help:**

If you are having trouble in this class due a change in life circumstances or something you do not understand please see the instructor immediately. There are a number of services available to assist you at Fresno City College. Your success in this class is very important to me and I will work with you to assist you in succeeding in this course. However, you must remember that success in this course cannot happen without you doing everything you need to do to succeed. (See keys to successful course completion.)

**Course changes:**

The instructor reserves the right to make changes on this syllabus, but will discuss these changes and their implications to the students before they are implemented. Please review this course in canvas and your e-mail daily as I regularly use these methods to communicate information to students.

**Required Text and Materials**:

**Important Note**: Assignments are embedded in the required textbook. Students are encouraged to purchase or familiarize themselves with the campus resources available to them early on. Such acquisition of the required materials will increase the likelihood of successfully completing the course. While your instructor understands the cost of textbooks can be significant, the text selected for this course will afford you a greater opportunity to develop an appropriate understanding of the course learning objectives and therefore strengthen your learning and retention of the material.

* Neubauer, D. & Fradella, H. (2014) *America’s Courts and the Criminal Justice System*, 12th edition, Cengage (available at campus bookstore).
* A #2 pencil
* 882-E scantrons

**Course Requirements:**

All assignments are expected to be submitted on the day due. *If absent on the day completed/collected, the assignment and/or quiz will need to be submitted online via* **Canvas** by the time class starts for the date the item is due(see weekly task list for chapter DUE dates)**. Late assignments may be accepted at the instructor’s discretion, but in no case will receive more than 50% of the total grade earned for that assignment**. Your grade will be based on successful completion of the following:

1. ***Quizzes\*:*** A quiz will be given at the end of each chapter to assess how well you are learning the material (worth 10 points each, 170 points total).
2. ***Participation:*** This is your class as well as mine. Student participation in discussion is critical to the assimilation of the material covered. If called upon by me to answer a question or offer a thought on the subject at hand, you are expected to give a coherent response.  Simply shrugging your shoulders and saying “I don’t know” is not acceptable.  Additionally, if you are not present you are unable to participate.All the students in the class are asked questions regularly to enable them to display understanding of topics discussed**.**You must be present and participate effectively when called upon to earn participation points for each class session (worth 100 points total).
3. ***Exams\*:*** The midterm encompasses chapters 1-10 & final encompasses chapters 11-17. Students will use quiz questions to review for these exams (worth 50 points for the midterm and 100 points for the final).

\* Tests will not be made up unless prior arrangements have been made with the instructor. In the event a student simply fails to show for a scheduled quiz or examination without notifying the instructor, the student will not be allowed to take that quiz or examination.

**Grading Criteria/Scale**:

Participation 100 points A =90-100% 378-420 points

Quizzes 170 points B =80-89% 335-377 points

Exams 150 points C =70-79% 292-334 points

D =60-69% 249-291 points

TOTAL 420 points F =0- 60% 0-248 points

**Attendance and Tardiness Policies:**

Students are expected to attend all class meetings. Excessive absences, 3 or more unexcused, may result in the student being dropped. Students who miss a single class in the first two weeks of school will be dropped, unless the instructor is notified. Ultimately, it is the student’s responsibility to officially drop a class in which he/she no longer wishes to be enrolled. Being late to class is disruptive to the flow of learning for the students and instructor. Trying to track tardiness when class is already in session adds additional distractions. Therefore, if you are not present when roll is taken, you will be counted as absent.

**Keys to successful course completion:**

1. Attend class regularly and on time
2. Ask questions when you are unsure of the material
3. Carefully read all assigned chapters
4. Take good notes during class and discussions
5. Participate actively and thoughtfully in class sessions
6. Get assignments done on time
7. Study and prepare for quizzes and exams

**Course Schedule:**

**Important Note**: The syllabus provides a general plan for the course. *Deviation from this plan may be necessary.*

**READINGS All required readings are taken from the textbook. It is recommended that you read the corresponding chapter before completing the tasks assigned. Please note begin (week to start) and end (week DUE) dates. Quizzes will take place at the start of class on the first day of class of the following week for the chapter assigned for the current week. For example, the quiz for chapter 1 will take place on the second Monday of the semester (if there is no class on Monday the quiz will take place the next time class meets).**

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| **Week/Chapter** | **Topic/Activity** |
| **Week 1**  Aug. 15, 17, 19 - 2016  Introduction &  PART I: LEGAL SYSTEM  Chapter 1  COURTS, CRIME AND CONTROVERSY | Introduction to America’s Courts and the Criminal Justice System  **TOPICS**  Courts and Crime. Courts and the Criminal Justice System. An Overview of U.S. Courts. Identifying the Actors in the Courthouse.  Following the Steps in the Process. Law on the Books.  **Read** Chapter 1 |
| **Week 2**  Aug. 22, 24, 26 - 2016  Chapter 2  LAW AND CRIME | **TOPICS**  The Basis of Law. The Common Law Heritage. The Adversary System. The Rights of the Accused. Civil Law Overview. Criminal Law Overview. Effects of Criminal Law on the Books.  **QUIZ - Chapter 1 Read** Chapter 2 |
| **Week 3**  Aug. 29, 31, Sep. 2  **9/2/2016 - Last day to drop to avoid “W”**  Chapter 3 & 4  FEDERAL & STATE COURTS | **TOPICS**  Basic Principles of Court Organization. History of the Federal Courts. U.S. Magistrate Judges. U.S. District Courts. U.S. Courts of Appeals. U.S. Supreme Court. Specialized Federal Courts. Federal Judicial Administration. Caseloads in the Federal Courts. Consequences of Federal Involvement in the Criminal Justice System. And, History of State Courts. Trial Courts of Limited Jurisdiction: Lower Courts/General Jurisdiction: Major Trial Courts. Intermediate Courts of Appeals. State High Courts of Last Resort. Court Unification. Problem-Solving Courts.  **QUIZ - Chapter 2 Read** Chapters 3 & 4 |
| **Week 4**  **No class 9-5, Labor Day**  Sept. 7, 9 – 2016  PART ii: legal actors  Chapter 5  COURTHOUSE JUSTICE | **TOPICS**  The Courthouse and the People Who Work There. Courthouse Security and Changing Technologies. Dynamics of Courthouse Justice. Assembly-Line Justice. Discretion. The Courthouse Work Group.  **QUIZ - Chapters 3 & 4 Read** Chapter 5 |
| **Week 5**  Sept. 12, 14, 16 - 2016  CHAPTER 6  PROSECUTORS | **TOPICS**  Role of the Prosecutor. Prosecution in State/Federal Courts. The Prosecutor’s Office at Work. Prosecutorial Ethics. Prosecutors and Courtroom Work Groups. The Expanding Domain of the Prosecutor.  **QUIZ- Chapter 5 Read** Chapters 6 |
| **Week 6**  Sept. 19, 21, 23 - 2016  Chapter 7  DEFENSE ATTORNEYS | **TOPICS**  The Right to Counsel. Defense Attorneys and the Courtroom Work Groups. The Criminal Bar. Providing Indigents with Attorneys. Lawyers and Clients. Defense Attorney Ethics.  **QUIZ - Chapters 6 Read** Chapter 7 |
| **Week 7**  Sept. 26, 28, 30 -2016  Chapter 8  JUDGES | **TOPICS**  The Position of Judge. Judges within the Courtroom Work Group. Varying Roads to Judgeship. Consequences of Judicial Selection. Judging the Judges. Judicial Ethics.  **QUIZ - Chapter 7 Read** Chapter 8 |
| **Week 8**  Oct. 3, 5, 7 - 2016  Chapter 9  DEFENDANTS, VICTIMS AND WITNESSES | **TOPICS**  Characteristics of Defendants/Victims. Defendants in Court. Courts Through the Eyes of Victims and Witnesses/Court. Aiding Victims and Witnesses. Aiding or Manipulating Victims.  **QUIZ - Chapter 8 Read** Chapter 9 |
| **Week 9**  Oct. 10, 12, 14 - 2016  10/14/16 - Last Day To Drop To Avoid A Letter Grade  PART iiI: Processing the Accused  Chapter 10  ARREST TO ARRAIGNMENT | **TOPICS**  Crime. Arrest. Initial Appearance. Charging. Bail. Preliminary Hearing. Grand Jury. Arraignment. Law in Action Perspective: Case Attrition. Why Attrition Occurs. The Criminal Justice Wedding Cake.  **QUIZ Chapter – 9 Read** Chapter 10  Review Chapters 1-10 for midterm preparation |
| **Week 10**  Oct. 17, 19, 21 - 2016  Chapter 11  DISPOSING AND SUPPRESSING EVIDENCE | **TOPICS**  Discovery. Suppressing Evidence. Interrogations and Confessions. Search and Seizure. The Exclusionary Rule and The Courtroom Work Group. Law and Controversy: Costs of the Exclusionary Rule.  **QUIZ Chapter – 10 Read** Chapter 11  **MIDTERM – 10/21/2016** bring an 882-E scantron & #2 pencil |
| **Week 11**  Oct. 24, 26, 28 - 2016  Chapter 12  NEGOTIATED JUSTICE AND THE PLEA OF GUILTY | **TOPICS**  Law on the Books: Types of Plea Agreements. Law in Action: Bargaining and Caseloads. Law in Action: Bargaining and Discretion. Bargaining and the Courtroom Work Group. Dynamics of Bargaining. Copping a Plea. Law in Controversy: Abolishing Plea Bargaining.  **QUIZ - Chapter 11 Read** Chapter 12 |
| **Week 12**  Oct. 31, Nov. 2, 4 - 2016  Chapter 13  TRIALS AND JURY | **TOPICS**  History of Trial By Jury. Law on the Books: The Constitution and Trial By Jury. Law on the Books: Selecting a Fair and Unbiased Jury. Law in Action: Choosing a Jury Biased in Your Favor. Presumptions and the Burden of Proof. Overview of Basic Evidence. Special Rules of Evidence Governing Expert Witnesses. Forensic Scientific Evidence in the Age of Daubert. Objections to the Admission of Evidence. Steps in the Trial Process. Law in Action: Trials as Balancing Wheels. Prejudicial Pretrial Publicity. Media in the Courtroom.  **QUIZ - Chapter 12 Read** Chapter 13 |
| **Week 13**  Nov. 7, 9 -2016  **No class 11-11, Veterans Day**    chapter 14  SENTENCING OPTIONS | **TOPICS**  Why Do We Sentence? Who Should Decide the Sentence? What Sentence Should Be Imposed? The Death Penalty.  **QUIZ - Chapter 13 Read** Chapter 14 |
| **Week 14**  Nov. 14, 16, 18 - 2016    chapter 15  SENTENCING DECISIONS | **TOPICS**  The Courtroom Work Group and Sentencing Decisions. Normal Penalties and Sentencing Decisions. Differences in Sentencing Outcomes. Changing Sentencing Structures. Structured Sentencing Schemes. Increasing the Severity of the Penalty  **QUIZ - Chapter 14 Read** Chapter 15 |
| **Week 15**  Nov. 21, 23 -2016  **No class 11-25, Day after Thanksgiving**  PART V: Appellate and Juvenile Courts  chapter 16  APPELLATE COURTS | **TOPICS**  Nature of the Appellate Process. Appellate Court Procedures. Criminal Appeals. Post-Conviction Review. Wrongful Convictions. State Courts of Last Resort. The U.S. Supreme Court and Criminal Justice Policy. The Supreme Court in Broad Perspective.  **QUIZ - Chapter 15 Read** Chapter 16 |
| **Week 16**  Nov. 28, 30 Dec. 2 - 2016  chapter 17  JUVENILE COURTS | **TOPICS**  Juvenile Courts 100 Years Ago. How Juvenile Courts Differ From Adult Courts. The Organization of Juvenile Courts. Juvenile Court Jurisdiction: Matter/Age. Transfers to Adult Court. Due Process in Juvenile Courts. Courtroom Work Group. Steps of the Juvenile Court Process. The Future of Juvenile Courts  **QUIZ - Chapter 16 Read** Chapter 17 |
| **Week 17**  Dec. 5, 7, 9 - 2016 | Chapter 17 continued  **QUIZ - Chapter 17 Dec. 7, 2016**  Final Review Chapters 11-17 for preparation |
| **Week 18 - Finals Week** | **FINAL MEETING DAY, WEDNESDAY, DECEMBER 14, 1:00-2:50 PM**  **FINAL EXAM** – bring an 882-E scantron & #2 pencil |