

COURTS AND SOCIETY
Administration of Justice 103
Fall 2003
Mondays 5:30-8:15p.m.

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SYLLABUS

COURSE DESCRIPTION

This course surveys how courts in the United States, and the people who work in them, process criminal cases. We begin with an introduction to the sources of criminal law and the structure of state and federal trial courts. We then proceed to examine the basic steps of a criminal case, including arrest and charge, initial appearance and bail, preliminary hearings and grand juries, discovery and investigation, pretrial motions including motions to suppress illegally obtained evidence, plea bargaining, jury trial, evidence, sentencing and appeal. We will also examine juvenile courts in comparison to adult courts, and consider drug courts and alternatives to incarceration. Along the way, we will consider the roles of the major actors in criminal courts in the United States including prosecutors, defense attorneys and judges.

REQUIREMENTS AND EVALUATIONS

Students' mastery of the material will be evaluated through two short papers, presentations of those papers, a final exam, and class preparation and participation. More specifically, students will be required to:

- 1) Complete the readings prior to the class for which they are assigned;
- 2) Participate in class discussions;
- 3) Complete a minimum of six hours of courtroom observations;
- 4) Write two short papers (approximately 5 pages), typed, that detail the students astute courtroom observations and analyze the course materials in light of those observations;
- 5) Present each of those papers to the class and lead a short discussion about it;
- 6) Complete pop quizzes and homework assignments; and
- 7) Take a final exam.

A student's final grade will be based on the following weighted evaluation of the student's work:

- 25% First Paper (pre-trial)
- 25% Second Paper (trial or post-trial)
- 30% Final Examination
- 10% Class discussion preparedness and participation
- 5% Presentation of papers
- 5% Quizzes and homework assignments

To measure students' class preparedness, the instructor reserves the right to administer unannounced "pop" quizzes.

REQUIRED READING

Required Text: David W. Neubauer, America's Courts and the Criminal Justice System (7th ed. 2002) published by West/Wadsworth, together with sentencing CD. Study guide optional.

Other required reading will be handed out or made available for purchase as the course proceeds. Readings must be completed in advance of the class for which they are assigned.

COURSE SCHEDULE

- Week 1: 8/25: **Introductions, Survey of Course**
Ch 1: All
Controversy Boxes in Ch 10 (pp. 252-53), Ch 17 (p. 468), Ch 18 (pp 492-93)
Handout: Bill of Rights
- Sources of Law, Basic Structure of a Criminal Law**
Ch 2: All
Handout: Sample criminal laws
- Week 2: 9/8: **Trial Courts: State and Federal, their judges and staff**
Review Chart in Ch. 1, p. 7
Ch. 18: All (Lower Courts)
Ch. 3: pp. 58-69, 78-86 (Federal Trial Courts)
Ch. 4: pp. 89-95, 97-108 (State Trial Courts)
- Judges & Court Staff**
Ch. 8: All
- Week 3: 9/15: **Enforcing the law: Prosecutors and their Offices**
Ch 6: All
- Arrest and Charging; Portrait of a Defendant**
Ch 10: pp. 247-256
Ch. 9: pp. 220-223
Reader: 2 Arrest Reports; MAOA Articles
- Week 4: 9/22: **Arraignment on Misdemeanors, Initial Appearance on Felonies, Bail**
Review Ch 18: p. 481 (box)
Ch. 10: p. 251
Ch. 11: All
Reader: Transcript of Misdemeanor Advisement of Rights;
Sample Bail Schedule
- Is the Courthouse a Madhouse?**
Ch. 5: All
Ch. 9: pp. 223-239 (Victims and Victim Rights)
Review Ch. 18

Week 5: 9/29: **Defense Attorneys**
Ch. 7: All

Discovery and Defense Investigation

Ch. 12: 299-303, 314 (box)

Reader: California Reciprocal Discovery Statutes, Penal Code § 1054.1 et seq.

Week 6: 10/6 **Preliminary hearings, the Grand Jury and arraignment on felonies**
Yom Kippur

Ch. 10: pp 256-270

Reader: Transcript of Preliminary Hearing (Guzman & Alvarez); Information in *People v. Steven B. (aka Hippie)*

Handling drug use and dependancy in Criminal Courts

Ch. 4: pp. 102-104, 106 (box)

Review Ch 10 controversy pp. 252-253 (box)

Reader: Penal Code § 1000 et seq.; Prop. 36 FAQs.

Week 7: 10/13 **Pretrial Motions including the motion to exclude illegally obtained evidence**

Ch. 12: 303-318

Ch. 14: 372-375

Reader: Motion to Set Aside Information (Avila), Transcript of Suppression Motion (McClellan)

Week 8: 10/20 **Plea Bargaining**

Ch 13: All

Reader: Limitation on Plea Bargaining, Penal Code § 1192.7

(Discuss First Court Room Observations and Paper Outlines)

Week 9: 10/27 **Presentations of First Papers**

First court room observation papers due!

Week 10: 11/3 **The Right to Jury Trial: An Overview**
Review Ch. 2: pp. 33-35
Ch 14: All

Jury Selection

Review Ch. 14: p. 353-357

Week 11: 11/10 **Trial Evidence: Finding the truth? At what cost?**
Review Ch 14: 357-366

Week 12: 11/17 **Sentencing I**
Ch. 15
Review Ch. 9: pp. 236-37 (box)
Review Ch. 2: pp. 4, 42-43 (box) (forfeiture, restitution)

Sentencing II

Ch. 16: All

Review Ch. 15

Reader: Cal Rules of Court, rule 4.420 (aggravation/mitigation); Three Strikes
in a Nutshell

Week 13: 11/24 **Appeals, Appellate Procedure and Writs**
Ch. 3: pp. 69-72
Ch. 4: pp. 95-97, 98-99
Ch. 17: All
Reader/Handout: Appeal of Joel McClellan

Juvenile Justice

Ch. 19: All

Reader: *In Re Gault*, 387 U.S. 1 (1967)

Week 14: 12/1 **Presentations of Second Paper**

Second Paper Due!

Week 15: 12/8: **Review/Summary**

FINAL EXAM: 12/15 5:15-7:30 p.m.

A NOTE ON LATE ASSIGNMENTS: They are unprofessional and not tolerated. Quizzes may not be made up. For papers and the final exam, only excuses as would persuade a trial judge to postpone an in-progress trial, including documentation, are accepted. Without such "good cause," the final may not be made up. Forgetting or oversleeping does not constitute good cause. The sanction for unexcused late papers is that the grade on a late paper will be reduced one whole letter grade for each day it is late, including weekends and holidays.