

COURTS AND SOCIETY
Administration of Justice 103
Spring 2003
TuTh 1:30-2:45 in MH 520

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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 Aboutique courts@such as drug courts. 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) 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% Presentation of papers
- 10% Class discussion preparedness and participation

To measure students= class preparedness, the instructor reserves the right to administer unannounced Apop@ quizzes. As part of class participation the students will share the results of 3 sentencings from the CD accompanying the text.

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 O: 1/23: **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/Reader: Bill of Rights
- Week 1: Tue 1/28: **Sources of Law, Basic Structure of a Criminal Law**
 Ch 2: All
 Handout/Reader: Sample criminal laws
- Thu 1/30: **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)
- Week 2: Tue 2/4: **Judges & Court Staff**
 Ch. 8: All
- Thu 2/6: **Enforcing the law: Prosecutors and their Offices**
 Ch 6: All
- Week 3: Tue 2/11: **Arrest and Charging; Portrait of a Defendant**
 Ch 10: pp. 247-256
 Ch. 9: pp. 220-223
 Handout/Reader: 3 Arrest Reports
- Thu 2/13: **Arraignment on Misdemeanors, Initial Appearance on Felonies, Bail**
 Review Ch 18: p. 481 (box)
 Ch. 10: p. 251
 Ch. 11: All
 Handout/Reader: Transcript of Misdemeanor Advisement of Rights;
 Sample Bail Schedule

Week 4: Tue 2/18: **Defense Attorneys**
Ch. 7: All

Thu 2/20: **Is the Courthouse a Madhouse?**
Ch. 5: All
Ch. 9: pp. 223-239 (Victims and Victim Rights)
Review Ch. 18

Week 5: Tue 2/25: **Discovery and Defense Investigation**
Ch. 12: 299-303, 314 (box)
Handout/Reader: California Reciprocal Discovery Statutes

Thu 2/27: **Preliminary hearings, the Grand Jury and arraignment on felonies**
Ch. 10: pp 256-270
Handout/Reader: Transcript of Preliminary Hearing (Avila)

Week 6: Tue 3/4: **Pretrial Motions including the motion to exclude illegally obtained evidence**
Ch. 12: 303-318
Ch. 14: 372-375
Handout/Reader: Motion to Set Aside Information (Avila), Transcript of Suppression Motion (McClellan)

Thu 3/6: **Handling drug use and dependancy in Criminal Courts**
Ch. 4: pp. 102-104, 106 (box)
Review Ch 10 controversy pp. 252-253 (box)
Reader/Handout: Prop. 36

(Discuss First Court Room Observations and Paper Outlines)

Week 7: Tue 3/11: **Plea Bargaining I**
Ch 13: All

Thu 3/13: **Plea Bargaining II**
Review Ch. 13

First Paper Due!

Week 8: Tue 3/18 & Thu 3/20: **Presentations of First Papers**

SPRING BREAK 3/25, 3/27

Week 9: Tue 4/1: **The Right to Jury Trial: An Overview**
Review Ch. 2: pp. 33-35
Ch 14: All

Thu 4/3: **Jury Selection**
Review Ch. 14: p. 353-357

Week 10: Tue 4/8 and Th 4/10: **Trial Evidence: Finding the truth? At what cost?**
Review Ch 14: 357-366

Week 11: Tue 4/15 and Thur 4/17: **Juvenile Justice**
Ch. 19: All
Reader/Handout: *In Re Gault*, 387 U.S. 1 (1967)

Week 12: Tue 4/22: **Sentencing I**
Ch. 15
Review Ch. 9: pp. 236-37 (box)
Review Ch. 2: pp. 4, 42-43 (box) (forfeiture, restitution)

Th 4/24: **Sentencing II**
Ch. 16: All
Review Ch. 15
Reader/Handout: Cal Rules of Court, rule 420 (aggravation/mitigation)
Complete 3 of 6 sentencings on CD that accompanies text.

Week 13: Tu 4/29: **Sentencing III**

Discuss results of CD sentencing exercises.

Thu 5/1: **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

Second Paper Due!

Week 14: Tue 5/6 & Thur 5/8: **Presentations of Second Paper**

Week 15: 5/13: **Review/Summary**

FINAL EXAM: TBA

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 a 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.