

COURTS AND SOCIETY
Justice Studies 103
Fall 2004
Mondays 5:30-8:15 p.m. 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. 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 two courtroom observations, each a minimum of 3 hours in duration;
- 4) Write two short papers, each word processed, double spaced, of 4.5 to 5.5 pages, that detail the student's 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 quizzes, some surprise, and homework assignments; and
- 7) Take a final exam. The final exam is short answer. A sample of one given last year is at the end of your reader.

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, including attendance
- 5% Presentation of papers (graded on a credit/no credit basis)
- 5% Quizzes and homework assignments

Grades attempt to measure the student's mastery of the material. Full mastery receives a grade of A, good mastery a B, satisfactory a C, unsatisfactory a D, and not completed work will be assigned the grade of F. Grades are assigned on an absolute, not a relative, or "curved" basis. The instructor is willing to give all who demonstrate full mastery of the material an A. In the past three years, the average grade in the course has been between a B and a B+.

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. Hospitalization of the student or the student's dependent are examples of good cause. Without "good cause," the final may not be made up. Forgetting or oversleeping does not constitute good cause. The sanction for papers that are late without "good cause" 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.

A WORD ABOUT THE HONOR CODE: This instructor takes professional ethics very seriously. Any failure to comply with the University's honor code will be reported. Fabricated, or "recycled" papers are examples of honor code violations. Any such paper will receive a grade of "F," the student may -- at the instructor's sole discretion -- fail the course, and the student will be reported for further disciplinary action by the University.

REQUIRED READING

Required Text: David W. Neubauer, America's Courts and the Criminal Justice System (8th ed. 2005) published by Thompson/Wadsworth. Study guide optional.

A reader will be available for purchase at Maples Press. 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: 8/30: **Introductions, Survey of Course**
Ch 1: All
Controversy Boxes in Ch 4 (p. 96), Ch 10 (p. 223), Ch 17 (p. 412),
Ch 18 (pp. 434-435)

Sources of Law, Life Cycle of a Law Suit, Basic Structure of a Criminal Law
Ch 2: All
Reader: Bill of Rights; 3 Sample criminal laws

Labor Day: 9/6: No Class

Week 2: 9/13: **Trial Courts: State and Federal, their judges and staff**
Review Chart in Ch. 1, p. 6
Read Ch 18: All (Lower Courts);
Ch 4: All (State Courts);
Ch 5: All (Federal Courts)

Judges & Court Staff (Begin)
Ch. 8: All

Week 3: 9/20: **Judges & Court Staff (Finish)**
Review Ch. 8

Enforcing the law: Prosecutors and their Offices
Ch 6: All

Arrest and Charging; Portrait of a Defendant
Ch 10: pp. 217-224
Ch. 9: pp. 192-197
Review Ch 10: p. 223 (controversy box)
Reader: 2 Arrest Reports; MAOA Articles

Week 4: 9/27: **Arraignment on Misdemeanors, Initial Appearance on Felonies, Bail**
Review Ch 18: p. 429 (box),
Review Ch. 10: p. 221 (Initial Appearance)
Read Ch. 10, p. 225 (County of Riverside v. McLaughlin)
Review Ch. 4: p. 86 (box)
Read Ch. 11: All
Reader: Transcript of Misdemeanor Advisement of Rights (5/17/00);
Sample Bail Schedule

Is the Courthouse a Madhouse?
Read: Ch. 5: All
Ch. 9: pp. 197-208 (Victims and Victim Rights)
Review Ch. 18;
Review Ch. 10: p. 222 (box)

Week 5: 10/4: **Defense Attorneys**
Ch. 7: All

Discovery and Defense Investigation
Ch. 12: 262-266, 278 (box)
Reader: California Reciprocal Discovery Statutes, Penal Code § 1054.1 et seq.

Week 6: 10/11: **Preliminary hearings, the Grand Jury and arraignment on felonies**
Ch. 10: pp 224-236
Reader: Transcript of Preliminary Hearing (Guzman & Alvarez);
Information in *People v. Steven B. (aka Hippie)*

Handling drug use and dependency in Criminal Courts

Review: Ch. 4: pp. 92-95, 96 (controversy box)
Reader: Penal Code § 1000 et seq.; Prop. 36 FAQs.

Week 7: 10/18: **Pretrial Motions including the motion to exclude illegally obtained evidence**
Ch. 12: 266-281
Ch. 14: 327-330
Reader: Motion to Set Aside Information (Avila), Transcript of
Suppression Motion Hearing (McClellan)

Plan to make your first, pretrial courtroom observation(s) this week,
with possible follow-up (or back-up) visit the next week

Week 8: 10/25: **Plea Bargaining**
Ch 13: All
Reader: Transcript of Change of Plea (Santa Clara 9/3/02);
Limitation on Plea Bargaining, Penal Code § 1192.7

(Discuss First Court Room Observations and Paper Outlines)

Week 9: 11/1: **Presentations of First Papers**

First court room observation papers due!

Week 10: 11/8 **The Right to Jury Trial: An Overview**
Review Ch. 2: pp. 31-35
Read Ch 14: All
Reader: Sample Jury Instructions

Jury Selection

Review Ch. 14: p. 311-314

Week 11: 11/15 **Trial Evidence: Finding the truth? At what cost?**
Review Ch 14: 314-322

Week 12: 11/22 **Sentencing I: Principles**
Read Ch. 15
Review Ch. 9: p. 208 (box) (victim impact statements)
Review Ch. 2: p. 39 (box) (forfeiture, restitution)

Sentencing II: Practice

Read Ch. 16: All
Review Ch. 15; Ch. 4: p. 93 (box)
Reader: Cal Rules of Court, rules 4.421 & 4.423 (circumstances in aggravation & mitigation); Three Strikes in a Nutshell; Proposition 66 Summary

NB: Courts will be closed Thurs 11/25 & Friday 11/26 for Thanksgiving
Plan to make your second court observations after 11/15 and before 11/25

Week 13: 11/29: **Presentations of Second Paper**

Second Paper Due!

Week 14: 12/8: **Appeals, Appellate Procedure and Writs**
Ch. 17: All
Review Ch. 3: pp. 63-64
Review Ch. 4: pp. 85, 87, 88, 90-91

Semester Review/Summary

Read and take final from last year at end of reader
Review all quizzes

FINAL EXAM: **Wednesday, 12/15 2:45-5:00 p.m.**
Those who work a full-time day job, take special note of date and time