

**COURTS AND SOCIETY
JUSTICE STUDIES 103**

Fall, 2005

Monday & Wednesday, 12:00 P.M. to 1:15 P.M.

Lecturer: Dan Peak
Phone: (408) 398-2070
Office Hours: Monday & Wednesday from 10:30 to 11:30 a.m.
Thursday 4:30 to 5:00 p.m., or by appointment
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COURSE DESCRIPTION

This course takes the student on a virtual and actual tour of the criminal justice system in action. It will examine the courts from the perspective of the criminal defendants, victims of crime, actual and potential, witnesses and law enforcement personnel, the attorneys, both prosecution and defense, court support personnel, jurors and judges. There will be an examination of the historical background of courts with emphasis on several history making cases that helped to produce the present day criminal justice system. The roles of the various actors in the court system will be examined through the basic steps of the criminal case. These steps include, arrest, booking, charging, arraignment, pretrial motions, trial, sentencing and appeal. Two primary diversions from the mainstream criminal court system will be considered: the juvenile courts and the new trend to drug courts. This course covers courts throughout the United States, but emphasis will be given to the California courts to facilitate understanding.

GRADING

Student's mastery of the material will be evaluated through observation of the student's class participation and execution of assignments in addition to the student's performance on midterm and final examinations. The assignments will include a short paper detailing observations made during a minimum of six hours of courtroom observations. The papers should be about five pages, typed. More specific requirements will be provided at a later date.

In addition to the above, there will be short, unannounced writing assignments in class related to the reading for that week. These are commonly called "pop" quizzes. Students should attend all meetings of their classes, not only because they are responsible for material discussed therein, but also because active participation is frequently essential to insure maximum benefit for all members of the class. Attendance per se shall not be used as a criterion for grading, but the unannounced "pop" quizzes will be included in the final grade.

REQUIRED READING

Required text: David W. Neubauer, America's Courts and the Criminal Justice System (8th ed. 2001) published by Thomson Learning.

Other reading may be required as the course proceeds.

Students are encouraged to telephone Mr. Peak, stop by the office or communicate via email whenever there is any question or the student simply wants further discussion of the curriculum. Every student is expected to have access to a computer. New assignments and other communications may be distributed by email or on the internet at www.danpeak.com.

If you need course adaptation or accommodations because of a disability, or if you have emergency medical information to share with me, or if you need to make special arrangements in case the building must be evacuated, please see me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities register with the Disability Resource Center to establish a record of their disability (924-6000).

Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University's Academic Integrity Policy requires you to be honest in all your academic course work. Faculty are required to report all infractions to the Office of Judicial Affairs. The policy on academic integrity can be found at www.cob.sjsu.edu/7_dean_office/f88_10.html.

SCHEDULE OF TOPICS, ASSIGNMENTS AND DUE DATES

[Subject to change with fair notice]

DATE	SUBJECT MATTER	ASSIGNMENTS DUE
8/24	Introductions and description of course. Overview of the legal system.	In class interview assignment peruse Chapter 1, ACCJS
8/29 8/31	The law, common and otherwise. Discussion of paper on court observation.	Peruse Chapter 1 Read Chapter 2, ACCJS
9/5	Holiday	Labor Day
9/7 9/12	The American courts federal and state.	Read Chapters 3 & 4, ACCJS
9/14	Pretrial Release: Bail and OR	Read Chapter 11
9/19 9/21	Beginning the prosecution: Charging, Arrest and Arraignment.	Read Chapters 5 & 10
9/26 9/28	The role of the prosecutor: Local, State and Federal. Constitutional restriction on prosecutorial discretion	Read Chapter 6
10/5 10/7	Defendant, victims and defense counsel roles.	Read Chapters 7 & 9
10/12 10/14 10/19	Evidence: discovery, suppression and limits	Read Chapter 12
10/21 10/24 10/26	Beginning the trial process: Negotiating a plea.	Read Chapter 13
10/31 11/2	Trial: The Judge, the ultimate referee	Read Chapter 8
11/7 11/9	Trial: Jury, the great unknown	Read Chapter 14
11/14 11/16	Sentencing options: The role of the probation officer	Read Chapters 15 & 16 Essay on court observations due
11/21 11/23 11/28	Sentencing: balancing and juggling, philosophies, special interests and common sense.	
11/30 12/5	Appellate Procedures	Read Chapter 17
12/8	Juvenile Court REVIEW FOR FINAL	Read Chapter 19
12/15	FINAL EXAM: from 9:45 a.m. to 12:00 p.m.	