

**Professor: Richard Perry, J.D., Ph.D.**

**Office: 525 MacQuarrie Hall**

**Phone: (408) 924-1337; email [rperry@email.sjsu.edu](mailto:rperry@email.sjsu.edu) (email is the best mode of contact)**

**Office Hours: On class meeting days 11:0 to 11:30 and/or at the close of class periods**

**Catalog Course Description:**

Structure and functions of the court system. Emphasis on roles of prosecutor, defense attorney, judge, jurors, and witnesses. Dynamics of the court process. Examination of current legislation and Supreme Court decisions.

**Course Prerequisites:** Upper division status or consent of the instructor.

**Course Requirements:**

**Required Texts:** David W. Neubauer, **American Courts and the Criminal Justice System (with CD-ROM, InfoTrac, and Study Guide**, 8th edition (2004), available at the campus bookstore, with further supplementary handouts and readings as appropriate. Students are strongly urged to make use of the tutorial website maintained by the publisher: <http://www.thomsonedu.com/criminaljustice/>

**Reading Assignments:** Students shall complete all reading assignments before the class in which they are to be discussed. All class discussions and subsequent tests will be based on these readings. Because of the concentrated nature of this summer schedule, there will be a fair number of pages to read for each class, but students will be expected to know the material well.

**Testing and Evaluation:** There will be three in-class midterm examinations and a final examination at the last class meeting. There is also a requirement of at least four hours of court observations and a 4 to 5 page descriptive paper to be submitted at the ninth class meeting. The three in-class mid-terms will each count for 20% of the course grade, the observation paper will count for 10% and the final exam will count for 30%. Students will also have the opportunity to give an in-class presentation of their topic during the last two weeks of the semester. Individual class participation and general preparedness for class discussion is strongly encouraged and will count for as much as a half grade-point upward or downward, as determined by the professor at the end of the course. The professor reserves the right to administer additional unannounced quizzes if this appears necessary to encourage students to come to class prepared.

**Other:** The regulations in the current SJSU Catalog will be followed in regard to Add/Drop policies, Incomplete grades, and all questions of plagiarism and other issues of academic conduct. Those who desire disability-related accommodation should speak to the instructor at the beginning of the term. Emergency evacuation routes and procedures are posted adjacent to the classroom.

**Schedule of Reading Assignments:**

Jan. 3<sup>rd</sup> and 4<sup>th</sup> : Neubauer – Preface and Chapter 1: Courts, Crime, and Controversy; the fragmented non-system of justice; the court and its actors; law on the books and law in action; Ch. 2 Law and Crime; sources of the law; common law, statutes, and administrative law; the adversarial model compared with the European inquisitorial model; criminal and civil law systems contrasted.

Jan. 5<sup>th</sup>: Ch. 3 Federal Court history, organization, and jurisdiction; federal magistrates; federal district

courts; federal appellate courts; courts of specialized subject-matter jurisdiction; Ch. 4 State Court history, organization, and jurisdiction; courts of limited jurisdiction, major trial courts, appellate courts, and courts of last resort; the politics of court reform reorganization.

Jan. 6<sup>th</sup>: Neubauer Ch. 17 Appellate Courts; the appellate functions of error correction and sociolegal policy determination; civil and criminal appeals; post-conviction review; state supreme courts; the U.S. Supreme and the evolution of criminal justice policy; Ch. 18 Lower Courts magistrate functions; rural versus urban courts; small claims courts; the question of access to justice and the possibilities of alternative dispute resolution and community justice; **First Mid-term**

Jan 10<sup>th</sup>: Discussion of first mid-term; Neubauer : Epilogue (pp. 472-476) Ch. 5 – Institutional Dynamics of the Courthouse; social roles – professional repeat players and the walk-on roles of parties, victims, and witnesses; system pressures and “assembly line justice”; prosecutorial and judicial discretion; delay; crowded dockets and administration of justice; Ch. 6 Prosecutors; prosecutorial discretion, the gate-keeping function and criminal policy and politics; state and federal prosecutorial roles and functions; career incentives and trajectories.

Jan. 11<sup>th</sup>: Neubauer Ch. 7 & Ch. 8 Defense and Other Attorneys, Introduction to the Judiciary; the adversarial system and the right to counsel (*Gideon v. Wainwright*, etc.); system pressures, work loads, rewards and sanctions; stratification of the profession; diverse systems to provide counsel for indigent defendants; lawyer-client relations; the judge as referee and as administrator..

Jan. 12<sup>th</sup>: Ch. 9, The Judiciary, Defendants, Plaintiffs, Witnesses and Victims; state and federal judiciary; career incentives and trajectories; diversity and the bench; modes of judicial selection; modes of judicial discipline; demographic profile of defendants; demographic profiles of victims and witnesses; the trial experience for those who do not work there; the rise of victims rights advocacy.

Jan. 13<sup>th</sup>: **Second Mid-term**; Neubauer Ch. 10 Introduction to the Trial Process; criminal procedure in doctrine and practice from arrest to arraignment; sorting cases, case diversion and attrition; a trial attorney as guest speaker; Ch. 11 & 12 Pre-trial events, Bail, preventive detention, case management and due process.

Jan. 17<sup>th</sup>: Discussion of second mid-term. Neubauer Ch. 12 Discovery, Evidentiary Process; the principles and practices of bail determination; on the process of discovery and the law of evidence; the exclusionary rule as practice and politics; Ch 13 Plea Bargaining,.

Jan 18<sup>th</sup>: Observation paper due at beginning of class. Neubauer Ch. 14 Trials, and Juries; the video *Snitch*, the presumption of innocence and the dynamics of plea bargaining; the adversarial trial as political and moral theater; the stages of trial; formal justice, managerial justice, popular justice

Jan. 19<sup>th</sup>: Neubauer Ch.apters 15 & 16 Sentencing Options; Retribution, Incapacitation, Deterrence; Sentence Decision Processes, Equal justice; Capital Punishment Processes and debates. **Third Midterm.**

Jan. 20<sup>th</sup>: Discussion of third midterm. Course review. **FINAL EXAM**