

Instructor: Harold Peterson, JD
Office: MacQuarrie Hall 527
Phone: (408) 924-2940
email: hwplaw@trailerboys.com
Office Hours: Tuesdays, 4:15pm to 6:15pm or by appointment
Fax: (408) 924-2953
Class time: Tues/Thurs 1:30 to 2:45pm

COURTS AND SOCIETY

Justice Studies 103, San Jose State University

Fall Semester 2010

Section 1

Course Description: As an introduction to American criminal courts, their history, purpose and process, this course will survey the federal and state courts, their general constitutional structure and function with an emphasis on procedures, including criminal investigations, arrest, arraignment, grand jury, indictment, pretrial, trial, conviction, acquittal, sentencing and appeal. In addition, the course will examine the role of prosecutors, defense attorneys, judges and probation officers throughout the criminal courts in the United States.

Course Requirements:

Text: *American Courts and the Criminal Justice System*, 10th edition (2009), David W. Neubauer, is available at the campus bookstore, with supplemental readings held on e-reserve as assigned by topic. In addition, the textbook publisher provides supplementary internet resources at www.wadsworth.com.

Reading Assignments: Students are expected to complete all reading assignments prior to their discussion in class.

Court Observation Essay: Students must observe a live or televised hearing or proceeding of a criminal court in the United States. The hearing or proceeding must have occurred during the semester and the student must have viewed it in its entirety. Students are then required to write and submit a four to five page essay describing, analyzing and evaluating what they observed. The essay is due Week 14 and will be worth up to 100 points and 15% of a student's total grade. Points allocated as follows:

<i>Description of event:</i>	<i>30 points</i>
<i>Questions Presented:</i>	<i>10 points</i>
<i>Analysis:</i>	<i>20 points</i>
<i>Student's Evaluation</i>	
<i>And/or Conclusions</i>	<i>20 points</i>
<i>Organization:</i>	<i>10 points</i>
<i>Spelling/Grammar</i>	<i>10 points</i>

Class Participation: Students are encouraged to participate in class discussion. Participating students who demonstrate they are prepared for class and provide a positive contribution to the class discussions may expect as much as a half grade increase in their final evaluation at the end of the semester.

Examination and Evaluation: A student's final evaluation shall consist of two in-class midterm examinations, a court observation essay and a final examination. Points and percentage of overall evaluation:

Midterm Examination (October 7, 2010) - 125 points, 25% of overall evaluation
Midterm Examination (November 9, 2010) - 125 points, 25% of overall evaluation
Observation Essay (Due December 9, 2010) - 100 points, 20% of overall evaluation
Final Examination (December 13, 2010) - 150 points, 30% of overall evaluation
Class Participation - up to 25 points extra credit

Examinations consist of multiple choice and essay questions derived from the reading assignments and class lectures and discussions. Missed exams may only be made-up with proper documentation of illness, incapacity and/or prior and valid notification and reason for absence. Points for class participation are at the discretion of the instructor and may be added or withdrawn at any time prior to a student's final evaluation.

+/- Grading: This course will be using the +/- system on final grades based on the following percentages:

95-100:	A	74-76:	C
90-94:	A-	70-73:	C-
87-89:	B+	67-69:	D+
84-86:	B	64-66:	D
80-83:	B-	60-63:	D-
77-79:	C+	0-59:	F

In order to receive a grade for this course, all course requirements must be completed. Failure to complete any of them may result in a failing grade for the course. Paper and course grades may be disputed at the instructor's convenience (or during office hours). It is important to note, however, that upon review, the instructor reserves the right to increase as well as decrease the grade in question. Unexcused late assignments and papers will not be accepted nor any extra credit provided.

Academic Dishonesty: The "I got caught cheating" policy for this class is swift, severe, and certain: that is, if you cheat, chances are very good that you will be caught and punished with a failing grade for the course. In addition, plagiarism is absolutely unacceptable. If you are unsure what constitutes plagiarism, please contact the professor—while many students are ignorant of this offense, ignorance is not an excuse. I have several speeding tickets that prove this point!

Academic Integrity: Academic integrity is essential to the mission of San José State University. As such, students are expected to perform their own work

(except when collaboration is expressly permitted by the course instructor) without the use of any outside resources. Students are not permitted to use old tests, quizzes when preparing for exams, nor may they consult with students who have already taken the exam. When practiced, academic integrity ensures that all students are fairly graded. Violations to the Academic Integrity Policy undermine the educational process and will not be tolerated. It also demonstrates a lack of respect for oneself, fellow students and the course instructor and can ruin the university's reputation and the value of the degrees it offers. We all share the obligation to maintain an environment that practices academic integrity. Violators of the Academic Integrity Policy will be subject to failing this course and being reported to the Office of Student Conduct & Ethical Development for disciplinary action that could result in suspension or expulsion from San José State University. The policy on academic integrity can be found at: http://sa.sjsu.edu/student_conduct

To better understand plagiarism and to aid you in making sure that you are not plagiarizing, please see me and/or visit:

<http://tutorials.sjlibrary.org/plagiarism/index.htm>

Course Add/Drop Statement: Instructors are permitted to drop students who fail to attend the first scheduled class meeting and who fail to inform the instructor prior to the second class meeting of the reason for any absence and their intention to continue in the class. Some instructors will drop students who do not meet the stated course prerequisites. However, instructors are not required to drop a student from their course. ***It is the student's responsibility to make sure classes are dropped.***

You, the student, are responsible for understanding the policies and procedures about add/drops, academic renewal, withdrawal, etc. found at: http://sa.sjsu.edu/student_conduct

ADA: “If you need course adaptations or accommodations because of a disability, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities register with DRC to establish a record of their disability.”

Electronic Devices: Please turn off all cell phones, pages, PDA's or any other electronic device that “makes noise”. While I commend those of you who have mastered text messaging, the use of these devices during class is disruptive and will not be tolerated. If I see you text messaging, I will ask you to leave the room. **The use of computers in the classroom will not be allowed.**

Classroom Etiquette: Class motto: “Treat others as you think they would like to be treated”. Yes, this is a spin on the ever popular, but not so empathetic phrase. This is a time to open your minds to new ideas, to explore new concepts, so please take advantage of this opportunity. Further, please be respectful of others and show them common courtesy. I firmly believe that the learning process is enriched by discussion, but damaged by arguments. Respect and professionalism are the guiding principles of this class. Tardiness

will not be tolerated, if you are late, do not disturb class—wait until break to enter the classroom.

Written Work: I understand that many of our students have very busy life's, filled with work and family obligations. I understand that "school work" is difficult to fit in to an already full schedule. With this said, I do expect quality work from everyone. Write every brief as though it is your best brief and be proud of the work that you complete for this course.

As a side note: I am well aware of the websites that offer papers to students and have software that allows me to compare papers I receive to the thousands of databases of papers that exist. Trust me, it is not worth your effort, chances are, I will find out.

COURSE SCHEDULE

- Week 1** **Thursday, August 26, 2010**
Assigned Reading : *None*
Lecture & Discussion: *Introduction, Class Policy and Procedures; Courts, who needs them?*
- Week 2** **Tuesday, August 31, 2010**
Assigned Reading: *Text - Chapter 1 – Courts, Crime and Controversy*
Lecture & Discussion: *Introduction to the Criminal Justice System (Crime & "The Shadow of Justice"; The American Courthouse; The Primary Players; The Process*
- Thursday, September 2, 2010**
Assigned Reading: *Text - Chapter 2 – Law and Crime*
Lecture & Discussion: *Civil versus Criminal Courts; Adversary System; Rights; "Mens Rea & Actus Rea"; Legal Defenses*
- Week 3** **Tuesday, September 7, 2010**
Assigned Reading: *Text – Federal Courts*
Lecture & Discussion: *Jurisdiction; Federal versus State Courts; Types of Courts*
- Thursday, September 9, 2010**
Assigned Reading: *Text - Chapter 4 – State Courts*
Lecture & Discussion: *Jurisdiction; Courts of limited Jurisdiction; Trial Courts*
- Week 4** **Tuesday, September 14, 2010**
Assigned Reading: *Text – Chapter 5 – The Dynamics of Courthouse Justice*
Lecture & Discussion: *Hallway Lawyers; Here's Your Handcuffs, What's Your Hurry; Discretion; Courthouse Ambiance*

Thursday, September 16, 2010

Assigned Reading: *Text* - Chapter 6 – Prosecutors

Lecture & Discussion: *The Role of Prosecutor (State & Federal); Accountability & Responsibility*

Week 5

Tuesday, September 21, 2010

Assigned Reading: *Text* – Chapter 6 - Prosecutors
The Office; Prosecutor Blues (Discretion & Ethics);

Thursday, September 23, 2010

Assigned Reading: *Text* – Chapter 7 – Defense Attorneys

Lecture & Discussion: *Right to Counsel & Hired Guns; Attorney-Client Relationships; Defense Counsel Browns (Discretion & Ethics)*

Week 6

Tuesday, September 27, 2010

Assigned Reading; *Text* – Chapter 8 - Judges

Lecture & Discussion: *All Rise; The Robe & The Roles; Judicial Ethics; Judicial Misconduct*

Thursday, September 29, 2010

Assigned Reading; *Text* – Chapter 9 – Defendants and Victims

Lecture & Discussion: *The Typical Defendant; Victim/Witness; Domestic Violence; Rights for Victims*

Week 7

Tuesday, October 5, 2010

Assigned Reading: *Review Chapters 1 through 9 of Text*

Lecture & Discussion: *First Midterm Review*

Thursday, October 7, 2010

First Midterm Examination

Week 8

Tuesday, October 12, 2010

Assigned Reading; *Text* – Chapter 10 – Arrest to Arraignment

Lecture & Discussion: *Arrest; Charging; Initial Appearance; Preliminary Hearing versus Grand Jury; Arraignment*

Thursday, October 14, 2010

Assigned Reading: *Text* – Chapter 11 - Bail

Lecture & Discussion: *Bail or Jail?*

Week 9

Tuesday, October 19, 2010

Assigned Reading: *Text* – Chapter 12 – Disclosing and Suppressing Evidence

Lecture & Discussion: *D & D (Disclosure & Discovery); The Exclusionary Rule; Poisonous Trees and the Fruits they Bear; Confessions “I did it, err no I didn’t!”; Miranda*

Thursday, October 20, 2010

Assigned Reading: *Text* – Chapter 12 – *Disclosing and Suppressing Evidence*
Lecture & Discussion: *Search & Seizure; Warrants and the Paper They're Written on*

Week 10

Tuesday, October 25, 2010

Assigned Reading: *Text* – Chapter 13 – *Negotiated Justice and The Plea of Guilty*

Lecture & Discussion: *To Plea, Or Not to Plea; Plea Taking, Plea Acceptance (Factual Bases for Plea)*

Thursday, October 27, 2010

Assigned Reading: *Text* - Chapter 14 – *Trial and Juries*

Lecture & Discussion: *Trial by Jury; Jury Selection (consultation & challenges); Pretrial Motions*

Week 11

Tuesday November 2, 2010

Assigned Reading: *Text* - Chapter 14 – *Trial and Juries*

Lecture & Discussion: *Anatomy of a Trial; Verdicts*

Thursday, November 4, 2010

Assigned Reading: *Review Chapters 9 Through 14*

Lecture & Discussion: *Second Midterm Review*

Week 12

Tuesday, November 9, 2010

Second Midterm Examination

Thursday, November 11, 2010

Veteran's Day Observed – *No Class*

Week 13

Tuesday, November 16, 2010

Assigned Reading: *None*

Lecture & Discussion: *Observation Essay Review*

Thursday, November 18, 2010

Assigned Reading: *Text* – Chapter 15 – *Sentencing Options*

Lecture & Discussion: *Sentencing Goals & Responsibility; Probation; Prison; Death Penalty*

Week 14

Tuesday, November 23, 2010

Assigned Reading: *Text* – Chapter 16 – *Sentencing Decisions*

Lecture & Discussion: *Sentencing Structures & Roles; Sentencing Guidelines; Sentencing Equity; Discrimination*

Thursday, November 25, 2010

Thanksgiving Holiday – *No Class*

Week 15

Tuesday, November 30, 2010

Assigned Reading: *Text – Chapter 17 – Appellate Courts*

Lecture & Discussion: *Appellate Rights; Appellate Procedures; Post Conviction Review; Wrongful Conviction; The Supremes*

Thursday, December 2, 2010

Assigned Reading: *Text – Chapter 18 – The Lower Courts*

Lecture & Discussion: *Scope; The Good Ole Boys Club; Justice of the Peace Courts; Municipal Courts*

Week 16

Tuesday, December 7, 2010

Assigned Reading: *Text – Chapter 19 – Juvenile Courts*

Lecture & Discussion: *History; Just a Kid; Jurisdiction & Due Process; Organization & Process of Juvenile Courts*

Thursday, December 9, 2010

Assigned Reading: *None*

Lecture & Discussion: *Final Examination Review*
Observation Essays Due

Week 17

Monday, December 13, 2010

Final Examination