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Office Hours: Tuesdays, 4:15pm to 6:15pm, Thursdays, 4:15pm to 5:15pm  
or by appointment  
Class time: Tues/Thurs 1:30pm to 2:45pm

### ***COURTS AND SOCIETY***

*Justice Studies 103, San Jose State University  
Spring Semester 2011  
Section 3*

**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](http://www.wadsworth.com).

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

#### ***Court Observation Essay/Mock Trial:***

**Court Observation Essay:** Students must observe a live 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.

**Mock Trial Participation:** Alternatively, students may participate in a mock trial during Week 13. Students will receive 50 points for actively participating in one of the many roles. Students will receive up to an

additional 50 points for turning in a one to two page summary of their role in relation to the mock trial. This summary will be due Week 14.

**Written Work Evaluation:** The Court Observation Essay and Mock Trial Summaries will be evaluated as follows.

**Content (25 points):** The overall content of the paper including details and information regarding the event participated in or observed.

**Style (25 points):** The way paper is composed, specifically the papers perspective.

**Organization (25 points):** The order by which the information is presented in the paper.

**Spelling/Grammar (25 points):** The grammatical elements of the paper, specifically sentence structure and spelling.

**Observations/Conclusions (25 points):** The observations and conclusions drawn from the paper.

**Short Answer Essays:** Five Short Answer Essays will be assigned throughout the semester. The content of the essays will be discussed prior to the assignment's due date listed on the Course Schedule. The essays will consist of no more than a single page. The essays are worth up to ten points each.

**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 15 points.

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

*First Midterm Examination (March 10, 2011) - 100 points, 20% of overall evaluation*  
*Second Midterm Examination (April 19, 2011) - 100 points, 20% of overall evaluation*  
*Observation Essay (Due May 12, 2011) - 100 points, 20% of overall evaluation*  
*Short Answer Essays (Due; see Class Schedule) - 50 points, 10% of overall evaluation*  
*Final Examination (To Be Announced) - 150 points, 30% of overall evaluation*  
*Class Participation - up to 10 points extra credit*

Examinations consist of multiple choice, short answer 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

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.

### **COURSE SCHEDULE**

- Week 1**      **Thursday, January 27, 2011**  
Assigned Reading: *None*  
Lecture & Discussion: *Introduction, Class Policy and Procedures; Courts, who needs them?*
- Week 2**      **Tuesday, February 1, 2011**  
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, February 3, 2011**  
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, February 8, 2011**  
Assigned Reading: *Text – Federal Courts*  
Lecture & Discussion: *Jurisdiction; Federal versus State Courts; Types of Courts*  
Assignment Due: (Short Answer Essay Question): *The United States Supreme Court vested in itself the power of judicial review in **Marbury v. Madison, 5 U.S. 137 (1803)**. Does the power of judicial review create an imbalance of power in favor of the Supreme Court?*

**Thursday, February 10, 2011**

Assigned Reading: *Text - Chapter 4 – State Courts*

Lecture & Discussion: *Jurisdiction; Courts of limited Jurisdiction; Trial Courts*

**Week 4**

**Tuesday, February 15, 2011**

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, February 17, 2011**

Assigned Reading: *Text - Chapter 6 – Prosecutors*

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

**Week 5**

**Tuesday, February 22, 2011**

Assigned Reading: *Text – Chapter 6 - Prosecutors*

*The Office; Prosecutor Blues (Discretion & Ethics);*

**Thursday, February 24, 2011**

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, March 1, 2011**

Assigned Reading; *Text – Chapter 8 - Judges*

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

**Thursday, March 3, 2011**

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

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

Assignment Due (Short Answer Question): *What was the Court's holding in Payne v. Tennessee, 501 U.S. 808 (1991)? Do you believe they reached the correct conclusion regarding the admissibility of victim impact statements? Explain.*

**Week 7**

**Tuesday, March 8, 2011**

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

Lecture & Discussion: *First Midterm Review*

**Thursday, March 10, 2011**

First Midterm Examination

- Week 8**      **Tuesday, March 15, 2010**  
Assigned Reading: *Text – Chapter 10 – Arrest to Arraignment*  
Lecture & Discussion: *Arrest; Charging; Initial Appearance; Preliminary Hearing versus Grand Jury; Arraignment*
- Thursday, March 17, 2011**  
Assigned Reading: *Text – Chapter 11 - Bail*  
Lecture & Discussion: *Bail or Jail?*
- Week 9**      **Tuesday, March 22, 2011**  
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; Disclosing and Suppressing Evidence*  
Lecture & Discussion: *Search & Seizure; Warrants and the Paper They’re Written on*
- Thursday, March 24, 2011**  
Assigned Reading: *Text – Chapter 12 – Disclosing and Suppressing Evidence*  
Lecture & Discussion: *Assembly line Justice*
- Week 10**      **Spring Recess – No Class**
- Week 11**      **Tuesday, April 5, 2011**  
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)*  
Assignment Due: (Short Essay Question): Review the case ***North Carolina v. Alford, 400 U.S. 25 (1970)***. *What is an Alford plea? Explain what it is whether it is constitutional, and why this type o plea has its critics.*
- Thursday, April 7, 2011**  
Assigned Reading: *Text - Chapter 14 – Trial and Juries*  
Lecture & Discussion: *Trial by Jury; Jury Selection (consultation & challenges); Pretrial Motions*
- Week 12**      **Tuesday April 12, 2011**  
Assigned Reading: *Text - Chapter 14 – Trial and Juries*  
Lecture & Discussion: *Anatomy of a Trial; Verdicts*
- Thursday, April 14, 2011**  
Assigned Reading: *Review Chapters 9 Through 14*  
Lecture & Discussion: *Second Midterm Review*

- Week 13**      **Tuesday, April 19, 2011**  
Second Midterm Examination
- Thursday, April 21, 2011**  
*Film – To Kill a Mockingbird*
- Week 14**      **Tuesday, April 26, 2011**  
Assigned Reading: *None*  
Lecture & Discussion: *Finish Film – To Kill a Mockingbird; Observation Essay/Mock Trial Review*
- Thursday, April 28, 2011**  
Assigned Reading: *Text – Chapter 15 – Sentencing Options*  
Lecture & Discussion: *Sentencing Goals & Responsibility; Probation; Prison; Death Penalty*  
Assignment Due (Short Essay Question): *In Lockhart v. McCree, 476 U.S. 162 (1986), the Supreme Court upheld the use of death-qualified juries. What is a death-qualified jury? What is the Supreme Court’s position on death qualified juries? What does the research show with the relationship between death-qualified juries and the likelihood of conviction and capital sentencing?*
- Week 15**      **Tuesday, May 3, 2011**  
Assigned Reading: *Text – Chapter 16 – Sentencing Decisions*  
Lecture & Discussion: *Sentencing Structures & Roles; Sentencing Guidelines; Sentencing Equity; Discrimination*
- Thursday, May 5, 2011**  
Assigned Reading: *Text – Chapter 17 – Appellate Courts*  
Lecture & Discussion: *Appellate Rights; Appellate Procedures; Post Conviction Review; Wrongful Conviction; The Supremes*
- Week 16**      **Tuesday, May 10, 2011**  
Assigned Reading: *Text – Chapter 18 – The Lower Courts*  
Lecture & Discussion: *Scope; The Good Ole Boys Club; Justice of the Peace Courts; Municipal Courts*  
Assignment Due (Short Essay Question): *Explain the significance of the United States Supreme Court’s decision in North v. Russell, 427 U.S. 328 (1976). Does Chief Justice Burger’s majority opinion reflect class bias?*
- Thursday, May 12, 2011**  
Assigned Reading: *Text – Chapter 19 – Juvenile Courts*  
Lecture & Discussion: *History; Just a Kid; Jurisdiction & Due Process; Organization & Process of Juvenile Courts*
- Week 17**      **Tuesday, May 17, 2011**  
Assigned Reading: *None*  
Lecture & Discussion: *Final Examination Review*  
***Observation Essays/Mock Trial Papers Due***

Friday, May 20, 2011

Final Examination (12:15pm to 2:30)

**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](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](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 is not permitted.**

**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.