

San José State University
Department of Justice Studies
JS 103, Courts & Society, Section 2,
Fall 2016

Instructor:	Harold W. Peterson, JD
Office Location:	MacQuarrie Hall 508
Telephone:	(408) 924-2754
Email:	harold.peterson@sjsu.edu
Office Hours:	Tuesday/Thursday 12:00 pm to 1:15 pm
Class Days/Time:	Tuesday/Thursday 3:00 pm to 4:15 pm
Classroom:	MacQuarrie Hall 523
JS Competency Area:	A: Theories

Faculty Web Page and MYSJSU Messaging

Course materials such as the syllabus, assignments, exams, grades, and important announcements can be found on the course Canvas page, accessed at:

<https://idp01.sjsu.edu/idp/Authn/UserPassword>

You are responsible for any information posted on **Canvas**. It is recommended that you log in regularly and check for Announcements.

Course Catalog Description

Structure and functions of the court system. Emphasizes attorneys' and judges' roles and the court process. Examination of federal and state legislative, executive and judicial branch actions, including Supreme Court decisions in civil and criminal cases.

Instructor's 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.

Prerequisite

Upper division standing

A grade of "C" or better is required for Justice Studies' majors.

Justice Studies Reading and Writing Philosophy

The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical, and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives—personal, professional, economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are more prepared to effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.

Course Goals and Student Learning Objectives

Course Content Learning Outcomes

On completion of the course, the student will understand:

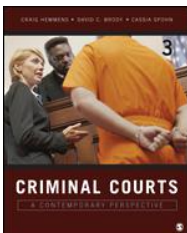
CLO1 – the history, purpose and process of the American criminal justice system.

CLO2 – 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.

CLO2 – the role of prosecutors, defense attorneys, judges, probation officers and other actors throughout the criminal courts in the United States.

Required Texts/Readings

Textbook



Criminal Courts: A Contemporary Perspective, Third Edition (2015)
Written by three nationally recognized experts in the field, Authors Craig Hemmens, David C. Brody, and Cassia Spohn take a comprehensive and accessible approach which allows instructors to cover all of the “standard” material and the option to add selections they consider interesting and relevant to their particular course. This text will provide students with an understanding of the foundational concepts and enable them to hold a detailed discussion about the criminal courts system and the participants involved. Packed with contemporary examples and new pedagogical tools, the Third Edition has been thoroughly revised with the most up-to date content and resources to give students a more comprehensive understanding of the criminal courts system. Additional instructor resources and study tools can be found online at <http://www.sagepub.com/hemmens2e>

Library Liaison

Justice Studies Subject Specialist:

Silke Higgins

Email: Silke.Higgins@sjsu.edu

Phone: 408-808-2118.

Dropping and Adding

Students are responsible for understanding the policies and procedures about add/drops, academic renewal, etc. Information on add/drops are available at <http://www.sjsu.edu/advising/faq/index.htm#add>. Information about late drop is available at <http://www.sjsu.edu/aars/policies/latedrops/>. Students should be aware of the current deadlines and penalties for adding and dropping classes.

Assignments and Grading Policy

Written Assignments

All writing assignments must adhere to the *10 Rules of Formal Writing* located on the Canvas website under the Modules menu – *Information Related to the Course*. Written Assignments not conforming to these rules will receive a significant reduction in grade.

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 points toward their class participation evaluation.

Examination and Evaluation

A student's final evaluation shall consist of two (2) midterm examinations, two short essays, and a cumulative final examination. Each assignment/examination shall consist of 100 point and is weighted as follows:

Grade Item	Weight
First Midterm Examination (CLO's 1-3, 5)	20%
Second Midterm Examination (CLO's 1-3)	20%
2 Short Essays (CLO's 1-3)	30%
Class Participation	5%
Final Examination (CLO's 1-3)	25%
Total	100%

More details can be found from [University Syllabus Policy S16-9](#) at <http://www.sjsu.edu/senate/docs/S16-9.pdf>.

Grades

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

93-100:	A	74-76:	C
90-92:	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

Please note, a “C” or higher is required to receive credit for this course toward a Justice Studies or Forensic Science Major.

Assignment Submissions

Students must submit all assignments online at the **Canvas** website and a paper copy in class.

Classroom Protocol

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. Students may enrich the learning process by discussion. 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.

Electronic Devices

Please turn off all cell phones, pages, PDA’s or any other electronic device that “make noise”. No text messaging in class, please turn off these devices, as they are disruptive. Students may take hand written notes during class; however, students may not use computer and/or other recording devices without instructor’s permission.

Email Policies

Students may contact the instructor via email or the **Canvas** website.

Canvas

Please log into **Canvas** and become familiar with the various menus and modules. Students will find the primary content under the **Modules** and **Assignments** section of the **Canvas** website.

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs’ [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>

Academic integrity

Students should know the University's Student Conduct Code, available at http://www.sjsu.edu/studentconduct/docs/Student_Conduct_Code.pdf. Your own commitment to learning, as evidenced by your enrollment at San Jose State University and the University's integrity policy, require you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development, found at <http://www.sjsu.edu/studentconduct>.

Instances of academic dishonesty will not be tolerated. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the University. For this class, all assignments are to be completed by the individual student unless otherwise specified. If you would like to include in your assignment any material you have submitted, or plan to submit for another class, please note that SJSU's Academic Policy F06-1 requires approval of instructors.

Campus Policy in Compliance with the American Disabilities Act

If you need course adaptations or accommodations because of a disability, or if you need to make 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 requesting accommodations must register with the AEC (Accessible Education Center) to establish a record of their disability.

Student Technology Resources

Computer labs for student use are available in the Academic Success Center located on the 1st floor of Clark Hall and on the 2nd floor of the Student Union. Additional computer labs may be available in your department/college. Computers are also available in the Martin Luther King Library.

A wide variety of audio-visual equipment is available for student checkout from Media Services located in IRC 112. These items include digital and VHS camcorders, VHS and Beta video players, 16 mm, slide, overhead, DVD, CD, and audiotape players, sound systems, wireless microphones, projection screens and monitors.

Learning Assistance Resource Center

The Learning Assistance Resource Center (LARC) is located in Room 600 in the Student Services Center. It is designed to assist students in the development of their full academic potential and to motivate them to become self-directed learners. The center provides support services, such as skills assessment, individual or group tutorials, subject advising, learning assistance, summer academic preparation and basic skills development. The LARC website is located at <http://www.sjsu.edu/larc>.

SJSU Writing Center

The SJSU Writing Center is located in Room 126 in Clark Hall. It is staffed by professional instructors and upper-division or graduate-level writing specialists from each of the seven SJSU colleges. Our writing specialists have met a rigorous GPA requirement, and they are well trained to assist all students at all levels within all disciplines to become better writers. The Writing Center website is located at <http://www.sjsu.edu/writingcenter>.

Peer Mentor Center

The Peer Mentor Center is located on the 1st floor of Clark Hall in the Academic Success Center. The Peer Mentor Center is staffed with Peer Mentors who excel in helping students manage university life, tackling problems that range from academic challenges to interpersonal struggles. On the road to graduation, Peer Mentors are navigators, offering “roadside assistance” to peers who feel a bit lost or simply need help mapping out the locations of campus resources. Peer Mentor services are free and available on a drop –in basis, no reservation required. The Peer Mentor Center website is located at <http://www.sjsu.edu/muse/peermentor>.

CASA Student Success Center

The Student Success Center in the College of Applied Sciences and Arts (CASA) provides advising for undergraduate students majoring or wanting to major in programs offered in CASA Departments and Schools. All CASA students and students who would like to be in CASA are invited to stop by the Center for general education advising, help with changing majors, academic policy related questions, meeting with peer advisors, and/or attending various regularly scheduled presentations and workshops. If you are looking for academic advice or even tips about how to navigate your way around SJSU, check out the CASA Student Success Center. Location: MacQuarrie Hall (MQH) 533 - top floor of MacQuarrie Hall. Contact information: 408.924.2910. Website: <http://www.sjsu.edu/casa/ssc/>. The CASA Student Success Center also provides study space and laptops for checkout.

JS103 / Criminal Evidence & Procedure, Fall 2016 Course Schedule

Week	Day	Readings, Assignments & Deadlines
1	Thursday 8/25/16	Reading: None Lecture & Discussion: Introduction; Syllabus; Class Mechanics; Class Policy and Procedures; the Syllabus
2	Tuesday 8/30/16	Reading: Text Chapter 1 – Introduction: Law and Judicial Function Lecture & Discussion: Why Study Courts?; What is Law?; The Code of Hammurabi; Two Opposing Perspectives: Conflict and Consensus; What is the Relationship of Law to Justice?; Judicial Functions
	Thursday 9/1/16	Reading: Text Chapter 1 – Introduction: Law and Judicial Function (continued) Lecture & Discussion: How Judges “Make Law”; Development of the Common Law System; Judicial Review; Marbury v. Madison (1803); The Role of Courts in the Criminal Justice System
3	Tuesday 9/6/16	Reading: Text - Chapter 2 – Sources of Law Lecture & Discussion: Sources of Law; Sources of Individual Rights; Due Process and the 14th Amendment; Standard of Review; Incorporation of the Bill of Rights into the 14 th Amendment
	Thursday 9/8/16	Reading: Text – Chapter 3 – Types of Law Lecture & Discussion: Criminal vs. Civil Law; Criminal law
4	Tuesday 9/13/16	Reading: Text – Chapter 3 – Types of Law (continued) Lecture & Discussion: Criminal vs. Civil Law; Civil law
	Thursday 9/15/16	Reading: Text – Chapter 4 – Court Organization and Structure Lecture & Discussion: Courtroom Workgroups; Jurisdiction; The Structure and Jurisdiction of U.S. Courts; A Brief Historical Overview; Federal Courts; State Courts
5	Tuesday 9/20/16	Reading: Text – Chapter 4 – Court Organization and Structure (continued) Lecture & Discussion: Court Actors; Courtroom Map
	Thursday 9/22/16	Reading: Text – Chapter 4 – Court Organization and Structure (continued) Lecture & Discussion: Overview of the Criminal Process
6	Tuesday 9/27/16	Reading: Text - Chapter 5 – Specialized Courts) Lecture & Discussion: Problem-Solving Courts; Drug Treatment Courts; Domestic Violence Courts; Other Problem-Solving Courts; Juvenile Courts
	Thursday 9/29/16	Reading: Text - Chapter 6 – Prosecutors Lecture & Discussion: Historical Evolution of the American Prosecutor; The Federal Prosecutor; State Prosecutors; The Prosecutor’s Duties; Assistant Prosecutors at Work; The Expansion of the Prosecutor’s Discretionary Power; Prosecutorial Ethics and Misconduct; Community Prosecution
7	Tuesday 10/4/16	Reading: Text - Chapter 7 – Defense Attorneys Lecture & Discussion: Defense Attorney’s Role in the Criminal Justice System; Historical Development of the Right to Counsel; Indigent Defense Systems; Private vs. Appointed Counsel: Which is Better?; Effective Assistance of Counsel; Ethics and Lawyer-Client Relationships; Realities of Being a Defense Attorney
	Thursday 10/6/16	Reading: Text - Chapter 8 – Judges Lecture & Discussion: Roles and Duties of Judges; Judicial Selection; Judicial Socialization and Development; Judicial Accountability and Judicial Independence
8	Tuesday 10/11/16	First Midterm Examination Review Due: Persuasive Essay #1 “Scary Mary”

	Thursday 10/13/16	<u>First Midterm Examination</u> <i>(Scantron and Blue Book Required)</i>
9	Tuesday 10/18/16	<u>Reading: Text</u> - Chapter 9 – Criminal Defendants and Crime Victims <u>Lecture & Discussion:</u> <i>Criminal Defendants; Victims and the Criminal Courts</i>
	Thursday 10/20/16	<u>Reading: Text</u> - Chapter 10 – The Jury <u>Lecture & Discussion:</u> <i>History of Jury Trials; The Role of the Jury; Limits on the Right to Trial by Jury; Jury Size and Unanimity Requirements; The Selection of Jurors; Reforms to the Jury System; Jury Nullification</i>
10	Tuesday 10/25/16	<u>Reading: Text</u> - Chapter 11 – Pretrial Procedures <u>Lecture & Discussion:</u> <i>Arrest; The Charging Decision; Information; Indictment; Initial appearance; Arraignment</i>
	Thursday 10/27/16	<u>Reading: Text</u> - Chapter 11 – Pretrial Procedures (continued) <u>Lecture & Discussion:</u> <i>Discovery; Pretrial Motions; Plea Bargaining</i>
11	Tuesday 11/1/16	<u>Reading: Text</u> - none <u>Lecture & Discussion:</u> <i>Negotiated Justice Exercise</i>
	Thursday 11/3/16	<u>Reading: Text</u> - Chapter 12 – The Criminal Trial <u>Lecture & Discussion:</u> <i>Opening Statements; The Presentation of Evidence; Calling Witnesses; Evidence and Rules of Evidence; Closing Arguments</i>
11	Tuesday 11/8/16	<u>Reading: Text</u> - Chapter 12 – The Criminal Trial (continued) <u>Lecture & Discussion:</u> <i>Instructing the Jury; Jury Deliberations and Verdict</i> Due: Persuasive Essay #2 “The Plea”
	Thursday 11/10/16	<u>Second Midterm Examination Review</u>
12	Tuesday 11/15/16	<u>Second Midterm Examination</u> <i>(Scantron and Blue Book Required)</i>
	Thursday 11/17/16	<u>Reading: Text</u> - Chapter 13 – The Goals of Sentencing <u>Lecture & Discussion:</u> <i>The Goals of Sentencing; The Judge’s Options at Sentencing; How Do Judges Decide: Modeling the Sentencing Process</i>
13	Tuesday 11/22/16	<u>No Class:</u>
	Thursday 11/24/16	<u>No Class: Thanksgiving</u>
14	Tuesday 11/29/16	<u>Assignment: Text</u> - Chapter 14 – The Appellate Process <u>Lecture & Discussion:</u> <i>Appealing to a Higher Court; The Appellate Courts; The “Right” To Appeal; The Writ of Habeas Corpus; How Do Appellate Courts Decide?</i>
	Thursday 12/1/16	<u>Film; To Kill a Mockingbird”</u>
15	Tuesday 12/6/16	<u>Film; To Kill a Mockingbird” (continued)</u>
	Thursday 12/8/15	<u>Final Examination Review</u>
	Friday 12/20/16	<u>Final Examination: (2:45 p.m. to 5:00 p.m.)</u>

