

**San José State University**  
**Department of Justice Studies**  
**College of Health and Human Sciences**  
**JS 103, Courts & Society,**  
**Section 2, Fall 2018**

<b>Instructor:</b>	Harold W. Peterson, JD
<b>Office Location:</b>	MacQuarrie Hall, Room 508
<b>Telephone:</b>	(408) 924-2754
<b>Email:</b>	<a href="mailto:harold.peterson@sjsu.edu">harold.peterson@sjsu.edu</a>
<b>Office Hours:</b>	Tuesday & Thursday 2:00 pm to 3:00 pm
<b>Class Days/Time:</b>	Tuesday – Thursday 3:00 pm to 4:15 pm
<b>Classroom:</b>	MacQuarrie Hall 520
<b>JS Competency Area:</b>	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:

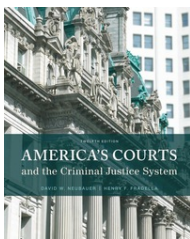
**CLO1** – the history, purpose and process of the American criminal justice system.

**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.

**CLO3** – the role of prosecutors, defense attorneys, judges, probation officers and other actors throughout the criminal courts in the United States.

### **Required Texts/Readings**

#### **Textbook**



**American Courts and the Criminal Justice System**, 12th edition (2017), *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).

## **Library Liaison**

*Justice Studies Subject Specialist:*

Silke Higgins

Email: [Silke.Higgins@sjsu.edu](mailto: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* and the instruction and description found on the Canvas website. Written Assignments not conforming to these rules will receive a significant reduction in grade. General formatting requirements for written assignments include a cover page, page numbering, 1” margins, strict double-spacing, and Times New Roman 12pt. font. Students must draft assignments in formal English, with college-level writing mechanics and APA-style formatting, inclusive of in-text citations and references. Student will submit all written assignments to Canvas website and turn in a paper copy in class.

To receive a grade for this course, **all** course requirements must be met and **every** assignment must be completed. Failure to complete any one assignment may result in a failing grade for the course.

Deadlines are firm. Late papers will not be accepted for full credit (without extenuating personal circumstances due to your own or family health; or other university recognized excuse. In such cases, appropriate documentation must be shown to the instructor). Late papers will lose 5% for every calendar day that they are late.

Plagiarism will not be tolerated on **any** piece of assessment, under any circumstances. Students found to be guilty of plagiarism will receive an F for that assignment and may be referred to the University’s Honor Council. Plagiarism includes, but is not limited to misquoting (such as omitting page numbers or quotation marks) and handing in work that is not your own and that is not correctly cited.

Written assignments uploaded to the **Canvas** website must be in one of the accepted word processing file formats; it is highly recommended that students use Microsoft Word (\*.doc or \*.docx) or Rich Text Format (\*.rtf). Written work must be properly uploaded to the **Canvas** website by the specified due date and time. The instructor will NOT accept late submissions without permission.

### 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)	25%
Class Participation	5%
Final Examination (CLO's 1-3)	30%
<b>Total</b>	<b>100%</b>

More details can be found from [University Syllabus Policy S16-9](http://www.sjsu.edu/senate/docs/S16-9.pdf) 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
90-93:	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.

### Instructor's Note on Communication

A university degree is a significant undertaking and requires a high level of commitment, time management, organization, and initiative. Thus, it is in your best interest to stay on top of the readings and keep in touch with the instructor. *The best way to keep in touch is in-person during office hours, or at another time by appointment.* If you cannot meet with me in person, please email me. Emails will be responded to during business hours (Monday through Friday only). **When you send me an email please put "JS103" and your full name in the subject line. The instructor will not respond to emails where the student is not identified in either the subject line or the body of the email.** Please include a phone number in all email communication. Please note: all communication regarding assignment and exam grades must be conducted in person and *not* via email.

### Class Participation

To participate, one must attend class. Attendance alone however, is NOT class participation and does not factor into the course grade. In-class comments and policy presentation evaluation, which summarize, assess and reflect on the discussion topics **or** presentations, which exemplify knowledge of the subject matter **or** questions, which identify and probe the relevant course issues, are class participation. Beyond the completion of assigned readings, students must spend sufficient time contemplating the material for the sole purpose of class participation. 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.

### **Classroom Etiquette/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. I understand that many of you work, but I also understand that you have enrolled in school aware of the demands of that commitment. Please arrange with your employer/child care/other to arrive in time for class to begin promptly at 1:30pm on Tuesdays and Thursdays. Please turn off all cell phones, pagers, PDA's or any other electronic device. The use of anything that beeps or vibrates during class is disruptive and will not be tolerated. If you use a telephone (even silently, e.g. texting), you will be asked to leave the classroom. Students are responsible for all missed notes, materials, and announcements due to absence (i.e. do not email the instructor asking about what you missed). You are encouraged to exchange contact information with someone in class just in case. *The use of computers during class is not permitted.*

### **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](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 1<sup>st</sup> floor of Clark Hall and on the 2<sup>nd</sup> 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 1<sup>st</sup> 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.

## Course Schedule

Week	Day	Readings, Assignments & Deadlines
1	Tuesday 8/21	<b>Reading:</b> <i>None</i> <b>Lecture &amp; Discussion:</b> <i>Introduction; Syllabus; Class Mechanics</i>
	Thursday 8/23	<b>Reading:</b> <i>Chapter 1 (Neubauer) – Courts, Crime, and Controversy</i> <b>Lecture &amp; Discussion:</b> <i>Courts and Crime, Overview of US Courts; The Playazz!; The Process; Law on the Books vs. Law in Action</i>
2	Tuesday 8/28	<b>Film:</b> “13 <sup>TH</sup> ”
	Thursday 8/30	<b>Film:</b> “13 <sup>TH</sup> ” (continued)
3	Tuesday 9/4	<b>Reading:</b> <i>Chapter 2 (Neubauer) – Law and Crime</i> <b>Lecture &amp; Discussion:</b> <i>Common Law; The Adversary System; Rights of the Accused; Civil Law; Criminal Law; Effects of Criminal Law on the Courts</i>
	Thursday 9/6	<b>Reading:</b> <i>Chapter 3 (Neubauer) – Federal Courts</i> <b>Lecture &amp; Discussion:</b> <i>Basics; US Magistrate Judges; US Courts of Appeals; US Supreme Court; Specialized Federal Courts; Federal Judicial Administration; Caseloads; Consequences</i>
4	Tuesday 9/11	<b>Reading:</b> <i>Chapter 4 (Neubauer) – State Courts</i> <b>Lecture &amp; Discussion:</b> <i>History; Trial Courts of Limited Jurisdiction; Trial Courts of General Jurisdiction; Intermediate Courts of Appeals; State High Courts of Last Resort; Problem-Solving Courts</i>
	Thursday 9/13	<b>Reading:</b> <i>Chapter 5 (Neubauer) – The Dynamics of Courthouse Justice_</i> <b>Lecture &amp; Discussion:</b> <i>The Courthouse, Courtroom, and Court People; Security and Technology; Dynamics of Courthouse Justice</i>
5	Tuesday 9/18	<b>Reading:</b> <i>Chapter 5 (Continued)_</i> <b>Lecture &amp; Discussion:</b> <i>Assembly-line Justice; Discretion; The Courtroom Work Group; Delay; Ethics</i>
	<b>Thursday 9/20</b>	<b>Reading:</b> <i>Chapter 6 (Neubauer) – Prosecutors</i> <b>Lecture &amp; Discussion:</b> <i>Origin; Role; Federal Courts; State Courts; Office at Work; Ethics; The Courtroom Work Groups; The Expanding Domain</i> <b>First Persuasive Essay Due (submit on Canvas)</b>
6	Tuesday 9/25	<b>Reading:</b> <i>Chapter 7 (Neubauer) – Defense Attorneys</i> <b>Lecture &amp; Discussion:</b> <i>The right to Counsel; The Courtroom Work Group; The Criminal Bar; Indigents; Lawyers and Clients; Ethics</i>
	Thursday 9/27	<b>Reading:</b> <i>Chapter 8 (Neubauer) – Judges</i> <b>Lecture &amp; Discussion:</b> <i>The Position; The Courtroom Work Group; Roads to Judgeships; Consequences of Judicial Selection; Judging Judges</i>
7	Tuesday 10/2	<b>First Midterm Examination Review</b>
	<b>Thursday 10/4</b>	<b>First Midterm Examination</b>

8	Tuesday 10/9	<b>Reading:</b> Chapter 9 ( <i>Neubauer</i> ) – Defendants, Victims, and Witnesses_ <b>Lecture &amp; Discussion:</b> Characteristics of Defendants; Defendants in Court; Victim Perspective; Courts Perspective of Victim and Witnesses; Characteristics of Victims; Aiding Victims and Witnesses
	Thursday 10/11	<b>Reading:</b> Chapter 10 ( <i>Neubauer</i> ) – From Arrest and Bail through Arraignment <b>Lecture &amp; Discussion:</b> Crime; Arrest; Bail; Preliminary Hearing; Grand Jury; Arraignment; Law in Action Perspective; The Criminal Justice Wedding Cake
9	Tuesday 10/16	<b>Reading:</b> Chapter 11 ( <i>Neubauer</i> ) – Disclosing and Suppressing Evidence <b>Lecture &amp; Discussion:</b> Discovery; Suppressing Evidence; Interrogations and Confessions
	Thursday 10/18	<b>Reading:</b> Chapter 11 (Continued) <b>Lecture &amp; Discussion:</b> Search and Seizure; The Exclusionary Rule and the Courtroom Work Group
10	Tuesday 10/23	<b>Reading:</b> Chapter 12 ( <i>Neubauer</i> ) – Negotiated Justice and the Plea of Guilty <b>Lecture &amp; Discussion:</b> Law on the Books – Types of Plea Agreements; Law in Action; Bargaining and Caseloads
	Thursday 10/25	<b>Reading:</b> Chapter 12 (Continued) <b>Lecture &amp; Discussion:</b> Bargaining and the Courtroom Work Group; Dynamics of Bargaining; Copping a Plea; Abolishing Plea Bargaining
11	<b>Tuesday</b> <b>10/30</b>	<b>Reading:</b> none <b>Lecture &amp; Discussion:</b> Negotiated Justice Exercise <b>Take-home Midterm Examination (Open)</b>
	Thursday 11/1	<b>Reading:</b> Chapter 13 ( <i>Neubauer</i> ) – Trial and Juries <b>Lecture &amp; Discussion:</b> History; Law on the Books – Jury Selection; Law in Action – Jury Selection
12	<b>Tuesday</b> <b>11/6</b>	<b>Reading:</b> Chapter 13 (Continued) <b>Lecture &amp; Discussion:</b> Presumption and the Burden of Proof; Basic Evidence; Expert Witnesses; Forensic Scientific Evidence in the Age of Daubert; Objections to the Admission of Evidence <b>Take-home Midterm Examination Due</b>
	Thursday 11/8	<b>Reading:</b> Chapter 13 (Continued) <b>Lecture &amp; Discussion:</b> Steps in the Trial Process; Law in Action – Trials as Balancing Wheels; Prejudicial Pretrial Publicity; Media in the Courtroom
13	Tuesday 11/13	<b>Reading:</b> Chapter 14 ( <i>Neubauer</i> ) – Sentencing Options <b>Lecture &amp; Discussion:</b> Theories; Retribution; Deterrence; Rehabilitation; Incapacitation; Restoration; Imposing Sentences; Types of Sentences
	Thursday 11/15	<b>Reading:</b> Chapter 14 (Continued) <b>Lecture &amp; Discussion:</b> The Death Penalty
14	<b>Tuesday</b> <b>11/20</b>	<b>Reading:</b> Chapter 15 ( <i>Neubauer</i> ) – Sentencing Decisions <b>Lecture &amp; Discussion:</b> The Courtroom Work Group; Normal Penalties and Sentencing Decisions; Differences in Sentencing Outcomes; Changing Sentencing Structures; Structured Sentencing Schemes; Increasing the Severity of the Penalty <b>Second Persuasive Essay Due (submit on Canvas)</b>
	Thursday	<b>No Class:</b> Thanksgiving

	11/22	
15	Tuesday 11/27	<b>Reading:</b> Chapter 16 ( <i>Neubauer</i> ) – Appellate and Habeas Corpus Review <b>Lecture &amp; Discussion:</b> Nature of the Appellate Process; Appellate Court Procedures; Criminal Appeals
	Thursday 11/29	<b>Reading:</b> Chapter 16 (Continued) <b>Lecture &amp; Discussion:</b> Wrongful Convictions; State Courts of Last Resort; The US Supreme Court and Criminal Justice Policy; The US Supreme Court in the Broad Perspective
16	Tuesday 12/4	<b>Film – or Makeup Lecture</b>
	Tuesday 12/6	<b>Final Examination Review</b>
17	<b>Monday 12/17</b>	<b>Final Examination (2:45 p.m. to 5:00 p.m.)</b>