

CRJ 353/ RPOS 363
Fall 2015

Instructor: William P. Andrews, J.D.

Contact Info: billandrews1717@gmail.com

Office Hours: See Course Info or contact me for an apt.

Class Time: Wed 4:15-7:05 HS 014

Tues/Thurs 5:35PM - 7:05PM HU 124

Overview

We will examine the organization and operations of federal, state and local criminal court systems from the perspective of social science research and public policy analysis. Major issues include: the role of courts in American society; bail and pre-trial procedures; the roles and decisions of prosecutors, judges and the defense bar; selection and operation of grand juries and trial juries; sentencing of criminal defendants; and others. The operations of juvenile and adult courts are compared, and efforts directed towards court reform are assessed. We will also examine the American military justice system. **Prerequisites(s):** junior or senior class standing.

Course Format:

Class meetings will be both lecture and seminar-style with emphasis on **active student participation**.

Course Objectives:

At the conclusion of the course, students should be able to do the following:

- Understand the Structure and Role of the Federal and State Court Systems in the United States
- Understand the Function of Specialty Courts in the United States
- Understand the Roles and Responsibilities of Key Courtroom Personnel
- Understand how Courtroom Personnel Work Together
- Understand the Rights and Role of Victims, Witnesses and Jurors in the Court
- Understand the Court Process, from Arrest through Appeal
- Understand the role of Plea-bargaining and the Trial Process
- Understand Punishment Philosophies, Decision-making models, and Sentencing Options
- Understand the Juvenile Court and how and why it Differs from the Adult Court System
- Understand Case Law that has Impacted Court Functioning
- Participate in Academic Discussions and Activities with Peers
- Support your Opinions Using Case Law and Research
- Conduct Logical Analysis, Read Critically, and Formulate Questions and Arguments based on readings and experiences
- Write in a more clear, concise, and logical manner

Textbook and Readings

Textbook: America's Courts and the Criminal Justice System, 11th Edition (Neubauer & Fradella)

*This text is available at the University Bookstore. You may also purchase it directly from the publisher (http://www.cengage.com/search/productOverview.do?N=0&Ntk=P_Isbn13&Ntt=9781285061948) and at assorted book outlets. If you purchase elsewhere, be sure you have the 11th edition.

Additional Readings/Videos:

Several additional readings and videos are assigned throughout the course. Some will be handed out in class, others will be noted in the syllabus (see the Course Schedule) and in the opening page to each Module. In some instances, links to additional readings and videos may be available in a folder for that Module.

Strunk, W. & White, E.B. 1999. *The Elements of Style* (4th ed.) (**Recommended but not required**) An earlier version is online: <http://www.bartleby.com/141/>

Final Grades:

Final grades will be assigned as follows:

93-100	A	83-86	B	73-76	C	63-66	D
90-92	A-	80-82	B-	70-72	C-	60-62	D-
87-89	B+	77-79	C+	67-69	D+	0-59	E

Grading. Grades will be assigned as follows, formats to be discussed in class:

Participation =	10%
Case briefing / recitation =	10%
Courtroom Observation Paper =	10%
Criminal Justice System Research Paper =	10%
Midterm =	25%
Final exam =	<u>35%</u>
Total:	100%

Class Activities

Participation, Attendance and Class Discussion (10% of Grade):

Attendance at all classes is **essential**. Attendance and participation is part of your participation grade, and full attendance is required to *be eligible* to receive points for participation. Simply being present class by itself *does not* earn full participation points. Students are expected to come to class on time, and to have read (and be prepared to discuss) the chapter(s) / reading(s) assigned. More than two unexcused absences will result in a dim view of your interest and a may be reflected in your final grade. Two late arrivals count as one missed class, unless you have worked out something with me *before* class starts. I will not give you lecture notes for missed classes; therefore, it is up to you to obtain notes/materials from your fellow students if you are absent (excused or not).

Courtroom Observation & Paper (10% of Grade): Please visit a courtroom and observe for an hour or two. After your courtroom observation, write a brief overview of your visit, incorporating reading and class discussions to support your observations. This assignment is due the week of **October 1, 2014**.

Criminal Justice System Research and Analysis Paper (10% of Grade):

This is a formal research paper. You will be assigned a research topic related to the course. You must research the topic, present a paper with citations, data, and analysis. In addition you must discuss your thoughts, ideas, preconceptions, feelings, etc. that stem from the topic. Do the concepts make sense? Do you agree with how things are done in the US court system? Could something be done in a better, more efficient, or more “just” way? Was a certain case decision talked about that you agreed/disagreed with? What questions or criticisms do you have about this topic? The paper must be presented as a thoughtful, researched, properly cited, critical thinking paper. **The research paper must be based upon at least six (6) researched sources; websites and textbooks do not count as sources.**

Papers must be a **MINIMUM of 4 FULL** pages, Roman Times 12pt font standard borders and spacing. **If the assignment is not delivered in class, papers topics are due the week of October 8, 2014; the actual paper is due November 12, 2014, WITHOUT EXCEPTION.**

Papers that are not properly cited, including the notation of proper sources with endnotes or footnotes, papers that lack a proper bibliography, are illegible or unreadable due to spelling mistakes, lack of punctuation, poor grammar, lack of flow and organization, etc. will receive a failing grade (E). Papers that are better than failing, but show a lack of real effort or suffer from other problems will receive an appropriate grade. Papers that are free of grammatical errors, have sentences that are concise, active, and powerful (a la *Elements of Style*), have ideas laid out in a logical order, and represent a well formed argument and/or insight will most likely receive a grade of Excellent. Paraphrases and quotations must be properly cited. Please note other research limitations: students who cite Wikipedia as a reference, or other similar questionable sources will result in an automatic failing grade for the paper. **NO LATE SUBMISSIONS WILL BE ACCEPTED.** If an assignment is due on a day you are absent, you must submit the assignment to me via email *before class begins*, unless other arrangements have been made with me.

Case Briefing (10% of Grade)

Each student will be assigned a case to brief. A written brief will be turned in on the day of your briefing. There is no requirement regarding the length of the written brief. It may be as short or as long as you deem necessary to fully summarize the case. You will present the brief orally to the class. You are allowed to use media to illustrate your case. If you are unable to present the brief, you must notify me at least 2 weeks in advance so that cases may be reassigned. Each late brief will lose one letter grade credit.

The brief will be graded as follows: 75% on written brief; 25 % on oral presentation.

Mid-term (25% of Grade): and Final Exams (35% of Grade): - You will have two exams. These exams will include a mix of true/ false and/or multiple choice questions and possibly short essay questions. The exam material will be based on assigned readings and class

discussions. These exams will be timed and you will only have one opportunity to work on them. If you are not familiar with the material prior to beginning the exam you will likely run out of time. It is strongly suggested that you take the exams during IT hours and with a back-up computer nearby. Technical issues are generally not an excuse for a late/missed exam.

Suggested Readings At the bottom of the syllabus is a list of suggested cases to read in addition to the Chapters in the book. While not required, briefing these cases will greatly benefit your understanding of the material. Unless specifically assigned to a student for submission, a written brief will not be handed in and will not be graded. However, everyone is fully expected to be able to fully discuss the facts, circumstances, case law and issues of each “class assigned” case.

Other Policies:

1. Use of cell phones/PDAs/laptops/etc. is not permitted during class without prior approval from the instructor.
2. Cell phones and other electronic devices must be turned off prior to class starting. Use of such a device during class may result in a 5% reduction from the **final grade**. Yes, I’m serious.
3. Work submitted for credit in any other class may not be handed in for credit in this class.
4. Incomplete grades will only be given “when the student has nearly completed the course, but due to circumstances beyond the student’s control, the work is not completed on schedule.” (Undergraduate Bulletin, http://www.albany.edu/undergraduate_bulletin/regulations.html)
5. No extra credit will be offered for this class unless the instructor deems otherwise.

Violations of Academic Integrity:

“It is every student’s responsibility to become familiar with the standards of academic integrity at the University. Claims of ignorance, of unintentional error, or of academic or personal pressures are not sufficient reasons for violations of academic integrity” (Undergraduate Bulletin).

If you are unfamiliar with the University standards of academic integrity, please read them here: http://www.albany.edu/undergraduate_bulletin/regulations.html. Please make special note of what constitutes plagiarism. Violations of academic integrity will not be tolerated. Anyone who engages in these activities is subject to receiving a reduced or failing grade on a given assignment, exam, or a grade of ‘E’ for the entire course. Additional University disciplinary sanctions may also be invoked. If you have questions, please ask.

Americans with Disabilities Act (ADA):

If you have or believe you have a disability, you may wish to self-identify to me and/or provide documentation to the Disabled Student Services Office (137 Campus Center, 442-5490 or TDD 442-3366). Appropriate accommodations may then be provided for you. If you have other concerns relating to a disability, please discuss this either with myself in confidence, with DSSO personnel, or with a Learning Disability Specialist (Campus Center 110, 442-5566).

Week	Topic	To Read/Watch	Topics/ Questions/ To Do
Introduction			
8/25: Week One	Introduction to Class		Introduction; Ice breaker; Criminal Justice Systems; Historical Overview; Purpose of Justice Systems; Types of crimes; Analyzing systems; the basics: analyzing and briefing court cases; finding your case for briefing; Why punish or sentence; Overview of steps in the criminal justice system
Module One: The Legal System			
8/31: Week Two	Introduction to Court System; State and Federal Courts	<ul style="list-style-type: none"> • Chpt 1-4 • Case briefing assignments 4th, 5th and 6th Amendments 	Court organizations; myth vs reality; types of crimes and their elements; questions of fact, questions of law procedural and substantive due process; Crime and controversy; New articles
9/7: Week Three	Crimes and Investigations	<ul style="list-style-type: none"> • Chpt 3, 4, & 11 4th, 5th, 6th and 14th Amendments 	Amendments; Stop and Frisk; Probable cause; Investigation through arrest; Interview techniques; Guest Speakers (APD)
Module Two: Legal Actors			
9/14: Week Four	Defendants, Defense Attorneys	<ul style="list-style-type: none"> • Chpt 5, 7 & 9 	Representing the accused; ethics and process; Guest speaker (Def. Atty)

9/21: Week Five	Prosecutors	Chpt 6	Role of the prosecutor; Ethics; Charging options and discretion; investigations and hostile witnesses Exercise
9/28: Week Five	Victims, Witnesses & Defendants	<ul style="list-style-type: none"> • Chpt 7 & 11 	<ul style="list-style-type: none"> • Defenses and Suppression hearings; theory and approaches; the mentally infirm; <u>Gideon</u> redux • Guest Speaker (Hon. AS) • Court Observations Due
10/5: Week Six		<ul style="list-style-type: none"> • Chpt 9 cont 	<ul style="list-style-type: none"> • Crime Victims • Guest Speaker (BA) Topic for Criminal Justice System Observation and Analysis Paper Due
10/12: Week Seven	Midterm Exam		
Module Three: Processing the Accused			
10/19 Week Eight	Processing the Accused and Plea Bargaining	<ul style="list-style-type: none"> • Chpt 10-12 	Bail, Arraignment, Extradition, Suppression hearings, Aref, Tortorici, Porco, etc.
10/26 Week Nine	Trial, Juries & Conviction	<ul style="list-style-type: none"> • Chpt 13 6th and 7th Amendments 	Amendments Trial Process; Evidence Guest Speaker (MBS)
Module Four: Sentencing the Convicted		<ul style="list-style-type: none"> • 	
11/2: Week Ten	Sentencing	<ul style="list-style-type: none"> • Chpt 14-15 • 8th Amendment 	<ul style="list-style-type: none"> • Sentencing; Sentencing Options and Factors;

			Input, approaches and types; Guest Speaker (LM)
11/9:Week Eleven	Sentencing	• Cont.	Rockefeller Drug Laws, Death Penalty, Leanda's Law; Raise the Age; Buster's Law Recreational Marijuana Use; Prohibition Criminal Justice System Observation and Analysis Paper Due
Module Five: Appellate & Juvenile Courts			
11/16: Week Twelve	Appellate, Military and Juvenile Courts	• Chpt 17 <u>In re Gault</u>	Post-conviction relief; Writs; Retrials; Direct and indirect appeals; Gitmo; Family Court
11/23: Week Thirteen	Classes Suspended	Thanksgiving Break	
11/30Week Fourteen	Last Class Sentencing	Cont.	Rockefeller Drug Laws, Death Penalty etc.
12/7:Week	Review for Final Exam	READING DAY	
012/17:Week	Final Exam		

T TH Final : Dec. 15th 5:45pm –7:45pm

W Final: Dec. 16th 5:45pm–7:45pm

Suggested anAdditional Readings

Crimes and elements; felonies/ misdemeanors/petit offenses

Miranda v. Arizona, 384 U. S. 436 (1966).

Ewing v. California, 538 U.S. 11 (2003)

De Jonge v. Oregon, 299 U.S. 353 (1937)

New York Times Co. v. United States, 403 U.S. 713 (1971)

Abuelhawa v. US, 08-192

US v. Hayes, 07-608

US v. Ressam, 07-455

4th Amendment stops/arrest

Mapp v Ohio, 367 U.S. 643 (1961)
Fahy v CT, 375 US 85 (1963)
Nix v Williams, 467 US 431 (1984)
Illinois v. Lidster, 02-1060
Alabama v White, 469 US 325 (1990)
Carroll v. United States, 267 U.S. 132 (1925)
Terry V. Ohio, 392 US1 (1968)
People v Debour, 40 N.Y. 2d 210

Arraignment; bail; evidence; fruit of the poisonous tree doctrine

United States v Carll, 105 US 611 (1881)
Gideon v. Wainwright, 372 US 335 (1963)
Wright v. Van Patten, 07-212
Rothgery v. Gillespie County, 07-440
Boumediene v. Bush, 06-1195, 06-1196
US v Salerno, 481 U.S. 739
Michigan v. Fisher, 09-91
Kansas v. Ventris, 07-1356
Arizona v. Gant, 07-542
Doubert v Merrell Dow Pharmaceuticals, 509 US 579 (1993)
Coy v Iowa, 487 US 1012 (1988)
People v. Weaver 16 NY3d at 125 as well as Kliegman, Michelle (2010) "Court of Appeals of New York - People v. People v. Weaver," *Touro Law Review*: Vol. 26: No. 3, Article 13. Available at: <http://digitalcommons.tourolaw.edu/lawreview/vol26/iss3/13>
ENTIRE CLASS
Katz v. United States, 389 U.S. 347 (1967)
People v. Huntley, 15 N.Y. 2d 72, (1965).
United States v. Wade, 388 U.S. 218 (U.S. 1967)
Dunaway v. New York, 442 U.S. 200, 208 (U.S. 1979)

Prosecutors; defense attorneys; judges

Van de Kamp v. Goldstein, 07-854
Kyle v Whitley, 514 US 419 (1995)
Bobby v. Van Hook, 09-144
People v. Belge, 372 N.Y.S. 2d 798 (1975)
State v Olwell, 394 P2d 681 (1964)
Michigan v. Jackson, 84-1531
Vermont v. Brillon, 08-88
Duke Lacrosse Team Prosecution articles
Soares v. Carter 2014 NY Slip Op 00409 [113 AD3d 993]
U.S. v. Spargo
Smith v Cain, 10-8145 (January 10, 2012)
Inquiry Concerning Hon. Sharon Keller, <http://www.scribd.com/doc/34438836/State-Commission-on-Judicial-Conduct-Findings-Conclusions-and-Order-of-Public-Warning-in-Case-of-Judge-Sharon-Keller>

Trials and juries; negotiated justice (plea bargains); *Alford* pleas; sentencing options and decisions

Batson v. Kentucky, 84-6263
US v Raghbir K. Gupta, 09-4738-cr
Wingo v Barker, 407 U.S. 514 (1972)
Santobello v. New York, 404 U.S. 260 (1971)
North Carolina v. Alford, 400 U.S. 25
US v. Marcus, 08-1341
Moore v. U.S., 07-10689
Missouri v Frye, 10-444 (March 21, 2012)
Waller v Georgia, 83-321 (1984)
Rivera v. Illinois, 07-9995
Washington v Crawford 541 U.S. 36 (2004)
Bruton v. United States, 391 U.S. 123 (1968)

Defendants; bounty hunters; bail bondsman; probation officers; parole officers; media; politicians; public; victims; what influences a jury; Defense attorney speaker

Davis v Alaska, 415 US 308 (1974)
Giglio v US, 405 US 150 (1972) ENTI
Hardy v Cross, 11-74 (Dec 2011)
Payne v. Tennessee, 90-5721 , 501 U.S. 808 (1991)
Arthur Anderson LLP v United States, 04-368 (2005)
Estes v Texas, 381 US 532 (1965)
Taylor v Taintor, 83 US 366 (1872)
People v. Wrotten [NY Court of Appeals 12/15/2009]

Sentencing options and decisions; post-conviction relief,

Garcia v Texas, 11-5001 (11A1), 11-5002 (11A2), 11-5081 (11A21) (2011)
Cavazos v Smith, 10-1115 (2011)
Damien Wayne Echols v Supreme Court of Arkansas, CR 08-1493
Porter v. McCollum, 08-10537
Beard v. Kindler, 08-992
Dolan v. US, 09-367
Baze v. Rees, 07-5439
Sears v. Upton, 09-8854
Kansas v. Hendricks 521 U.S. 346 (1997)

Juvenile Courts Probation

In Re Gault, 387 U.S. 1 (1967)
Miller v Alabama, 10-9646 (June 2012)