

## **CJ 593 – LEGAL ASPECTS OF THE CRIMINAL JUSTICE SYSTEM**

**Fall Semester, 2007 – Wednesdays  
12:00-3:00 p.m., Room A-205**

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Office Hours: TuThF: 10:00-12.00 a.m.  
1:00- 4:00 p.m.

### **COURSE SYLLABUS**

#### **I. TEXTS:**

- A. *Legal Research: How to Find and Understand the Law*, by Stephen Elias & Susan Levinkind (Nolo Press), latest edition
- B. *Judicial Process*, by Henry J. Abraham (Oxford University Press), latest edition
- C. *Understanding the Constitution*, by Sue Davis & J.W. Peltason, 16<sup>th</sup> edition (Harcourt Brace College Publishers)
- D. *Criminal Procedure: Law and Practice*, by Rolando V. del Carmen, 7<sup>th</sup> edition (Thomson/Wadsworth Publishing Company), 2007.
- E. *Criminal Law*, by Steven L. Emanuel, *Emanuel Law Outlines* (Aspen Publishers), 5<sup>th</sup> or later edition.
- F. Handouts as we go along.

#### **II. GOALS OF THE COURSE:**

To develop among students legal research and writing skills; to give students an analytical insight into the substance and procedure of criminal justice and its legal environment; and to acquaint students with some of the leading court decisions that have had an impact on criminal justice personnel and the constituency they serve.

#### **III. OBJECTIVES OF THE COURSE:**

- Acquaint students with the basics of legal research.
- Develop case briefing skills among students.
- Introduce class to legal analysis and reasoning
- Instill among students familiarity with and an understanding of legal terms and concepts
- Acquaint students with some of the classic and controversial court cases in criminal justice
- Challenge students to write a publishable legal paper

- Acquaint class with important concepts in legal research, judicial process, constitutional law, criminal procedure, and criminal law.

IV. CLASS FORMAT:

The first part of most class sessions features class presentations on the assigned and briefed case. The rest of the class session is interactive – a law school-graduate school combined approach. It features a class discussion of materials in the assigned reading and other outside materials. The main tasks of the professor in the course are guidance and quality control.

V. GRADES: Will be based on :

- Mid-term examination – Wednesday, October 10, - ¼ of course grade.
- Final examination – Monday, December 10 – ¼ of course grade.
- Total of case briefs and class participation – ¼ of course grade.
- A publishable law-oriented paper – due on Wednesday, November 28 – ¼ of course grade.

A detailed outline of your paper is due on Wednesday, October 17.

VI. LEGAL BRIEFS OF U.S. SUPREME COURT CASES: Cases in criminal justice will be assigned for students to brief. These cases will be discussed during the first part of every class session. The use of audio-visual materials in your presentation is encouraged.

VII. A PUBLISHABLE LAW-ORIENTED PAPER: This is similar to a term paper in graduate school, except that it addresses a legal topic using statutes, decided cases, legal sources and referencing. Use *A Uniform System of Citation* for referencing.

Choose your topic, but submit it to me for approval when you are ready. The paper must be original and has not been written for any other current or past course. It must be of publishable quality.

The paper should be approximately 25-35 pages long, double space, and with footnotes. An Abstract not to exceed 50 words must precede the paper, followed by a Table of Contents. A Review of the Literature, not to exceed three pages, follows the Introduction. This Review identifies the leading written sources on your topic (such as articles, books, monographs, dissertations, etc.) that you find most helpful in your research. Summarize what these sources say. There is no need for a bibliography. Use footnotes (meaning references are at the end of every page) instead of endnotes (which are at the end of the paper).

As in all aspects of academic work, absolute honesty is expected in your law-oriented paper. Submit a hard copy to me in class and an e-mailed copy to [ICC\\_RVD@shsu.edu](mailto:ICC_RVD@shsu.edu). The professor reserves the right to submit the paper to TURNITIN or other screening programs for verification.

Submit a detailed outline no later than Monday, October 22. This detailed outline will be graded like a case brief. The paper is due Monday, December 3.

- VIII. TYPE OF EXAMINATION: Part I consists of distinctions, definitions, specific responses, and hypothetical questions – a maximum of four points for each question. Choose any 20 out of 25 questions, for a total of 80 points. Part II features essay questions. Choose any three out of four questions – for a total of 60 essay points. Total number of points for the examination is 140. Grading is based on a soft curve, not on an absolute score.
- IX. MAKE-UP EXAMINATIONS: Except in emergency cases, make up exams will not be allowed unless the professor is informed of the absence ahead of time. These exams will be allowed only for legitimate reasons, as determined by the professor.
- X. CLASS ATTENDANCE: Expected and required. More than two absences without justification, as determined by the professor, will result in a lowering of the course grade or a failure.

XI. ACADEMIC DISHONESTY:

The Faculty of the College of Criminal Justice expects students to conduct their academic work with integrity and honesty. Acts of academic dishonesty will not be tolerated and can result in the failure of a course and dismissal from the University. Students who engage in academic dishonesty will be reported to the Dean and the Office of the Vice President for Student Life.

Academic dishonesty includes, but is not limited to, cheating on a test, plagiarism, collusion – the unauthorized collaboration with another person in preparing work offered for credit, the abuse of resource materials, and misrepresentation of credentials or accomplishments as a member of the college.

The University's policy on academic honesty and appeal procedures can be found in the manual entitled Student Guidelines, distributed by Division of Student Services. (Reference Section 5.3 of the SHSU Student Guidelines).

For the official university policy on academic honesty, see <http://www.shsu.edu/administrative/faulty/sectionb.html#dishonesty>.

XII. DISABLED STUDENT POLICY:

“Students with a disability which affects their academic performance are expected to arrange for a conference with the instructor in order that appropriate strategies can be considered to ensure that participation and achievement opportunities are not impaired.” The physically impaired may contact the Director of the Counseling Center as chair of the Committee for Continuing Assistance for Disabled Students by telephone (ext. 1720).

For services for disabled students, see <http://www.shsu.edu/schedule/>

### XIII. STUDENT ABSENCES ON RELIGIOUS HOLY DAY POLICY

“Section 51.91 (b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. A student whose absence is excused under this subsection may not be penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after the absence.

“University policy 861001 provides the procedures to be followed by the student and instructor. A day(s) shall present to each instructor involved a written statement concerning the religious holy day(s). This request must be made in the first fifteen days of the semester or the first seven days of a summer session in which the absence(s) will occur. The instructor will complete a form notifying the student of a reasonable time frame in which the missed assignment and/or examinations are to be completed.”

For the official university policy on student absences on religious holy days, see <http://www.shsu.edu/catalog/scholasticrequirements.html#holyday>.

## **WEEKLY ASSIGNMENT**

### **First Week, August 22: INTRODUCTORY SESSION**

Syllabus orientation.  
The World of Criminal Justice v. The World of Law  
Legal Research v. Social Science Research  
Diagnostic test.

### **Second Week, August 29 – LEGAL RESEARCH I**

Studying Law in Law School  
Lecture on Legal Research

Read the Elias & Levinkind text, Chapters 1-5.

Read: "Finding the Law: A Criminal Justice Guide to Basic Legal Research Techniques," by James R. Acker, *Journal of Criminal Justice Education*, Vol. 1, No. 2, Fall 1990, at 215-244 - class handout.

Read: Topics from Legal Research and Writing: Some Starting Points, by William Statsky – class handout:

- A. BOOKS OF LAW
- B. CATEGORIES OF RESEARCH MATERIALS
- C. GLOSSARY OF LEGAL RESEARCH TERMS AND SOURCES

The class will go to the library during the second half of this class session for a lecture on Internet legal materials and printed legal materials available in the library.

Note: Assignment for next week (to be submitted in writing and discussed in class): Assume you are writing a legally oriented paper on, "Legal Liabilities of Law Enforcement Officers and Supervisors." What sources will you use in your legal research, in what sequence, and what do you expect to find in each source? Submit a two-page response. Be ready to discuss your response in class next session.

### **Third Week, September 5 – LEGAL RESEARCH II**

The Case Method of Studying Law

The legally oriented paper

HOW TO BRIEF A CASE – A GENERAL GUIDE – class handout

LEGAL CITATION GUIDE FOR DUMMIES (OR GRADUATE STUDENTS),

by Jerry L. Dowling – class handout

Read the Elias & Levinkind text, Chapters 6-10

Class discussion and submission of second week assignment (see above).

### **Fourth Week, September 12 – LEGAL RESEARCH III**

Brief and discuss: *Atkins v. Virginia* (2002) –Is the execution of a mentally retarded offender constitutional?

Read the Elias & Levinkind text, Chapters 12 & 13. Skip Chapter 11 (How to Write a Legal Memorandum)

### **Fifth Week, September 19 – JUDICIAL PROCESS I**

Brief and discuss: *Carey v. Musladin* (2006) –Is the wearing of buttons during trial displaying the victim's image a violation of defendant's constitutional right?

A 6-3 vote.

Read the Abraham text, Chapters 1-3.

### **Sixth Week, September 26 – JUDICIAL PROCESS II**

Brief and discuss: *Scott v. Harris* (2007) - Are the police liable for ramming the car of a driver in a police chase? An 8-1 vote.  
Read the Abraham text, Chapters 4 & 5.

### **Seventh Week, October 3 – JUDICIAL PROCESS III**

Brief and discuss: *Ferguson v. City of Charleston* (2001) – Is drug testing pregnant women and using the result in criminal cases constitutional? A 6-3 vote.  
Read Abraham text, Chapters 7, 8, & 9 (Skip Chapter 6 on Courts Abroad).

Class handouts:

1. “The Judiciary is too Powerful,” by Clifford Taylor, *Judicature*, July-August, 1998.
2. “Judicial review is exercised property,” by Avern Cohn, *Judicature*, July-August, 1998.

**Eighth Week, October 10 – MID TERM EXAMINATION** (See VIII for examination format). – covering everything discussed or assigned thus far in the course.

### **Ninth Week, October 17 – CONSTITUTIONAL LAW I**

No case brief. Focus instead on your legal paper outline.

A detailed outline of your law-oriented publishable paper (at least two pages long, single space) is due today. This will be graded like a case brief and worth 20 points. Include specific sources you will use in your paper; do not simply say you will use the Internet or the ALR. Use the outline form for this submission (what are the main topics and what comes under each topic?), not just a general narrative of your paper.

Read the Davis & Peltason text, pp. 1-42. Skip pp. 43-273. These pages are from the Davis & Peltason book, 16<sup>th</sup> edition. The skipped pages are on the topics, “The Constitution and American Politics” to “The Bill of Rights, Amendment III.” Read the equivalent sections of the assigned pages if you are using another edition.  
Handout on John Locke and Thomas Jefferson.

### **Tenth Week, October 24 – CONSTITUTIONAL LAW II**

Brief and discuss: *Gonzales v. Carhart* (2007) –The latest case on abortion. The Court was split 5-4.  
Read the Davis & Peltason text, pp. 274 (The Bill of Rights II: Procedural Boundaries) to p. 426 (Affirmative Action).  
Skip pp. 427 (Equal Protection and Voting) to the end of the book.

### **Eleventh Week: October 31 – CRIMINAL PROCEDURE I**

Brief and discuss: United States v. Morrison (2000) – How far can Congress go under the Interstate Commerce Clause? The Court went on a 5-4 vote.  
Read the del Carmen text, Chapters 1-4.

**Twelfth Week, November 7 – CRIMINAL PROCEDURE II**

Brief and discuss: Morse v. Frederick (2007) – Can “Bong Hit 4 Jesus” banner be prohibited by school authorities? A 5-4 split.  
Read the del Carmen text, Chapters 5-8.

**Thirteenth Week, November 14 – CRIMINAL PROCEDURE III**

Brief and discuss: Samson v. California (2006) – Is a parolee’s waiver of the right against unreasonable searches and seizures constitutional? A 6-3 vote.  
Read del Carmen text, Chapters 9-12.

**November 21 (No Class. Thanksgiving Holiday)**

**Fourteenth Week, November 28 – CRIMINAL LAW I**

No case brief .  
Read the Emanuel text, Chapters 1, 2, 3, & 4.

**Your publishable legally oriented paper is due today.**

**Fifteenth Week, December 5 – CRIMINAL LAW II**

No case brief.  
Read the Emanuel text, Chapters 8 & 9. (Skip chapters 5, 6, & 7).

**FINAL EXAMINATION** – Monday, December 10 - Covering everything taken after the mid-term examination - ¼ of course grade.

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