



CJ 593: Legal Aspects of the Criminal Justice System

Spring, 2008

Phillip Lyons, J.D., Ph.D.

Thurs. 3:00-5:50: CJC—A205



I. Office

Room: CJC, C-217
Hours: Thurs. 1:00-3:00, 6:00-7:00,
and by appointment

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II. Course Description

This course explores "[a]spects of law which are relevant to and essential for a better understanding of the criminal justice system and its related processes."

A. Course Objectives

1. The student will acquire advanced knowledge about some of the classic cases in criminal justice.
2. The student will learn how to write case briefs.
3. The student will gain an understanding of and be able to undertake legal analysis and reasoning.
4. The student will obtain an advanced level of understanding of legal terminology and concepts (e.g., legal research, judicial process, criminal procedure, and constitutional law).
5. The student will develop advanced legal research skills using both printed materials and computer-assisted technologies in order to facilitate independent learning.
6. The student will learn to synthesize case holdings by writing a legal paper.

B. Required Readings:

Abraham, H. J. (1998). *Judicial process* (7th ed.). New York: Oxford University Press. [A]

del Carmen, R. V. (2007). *Criminal procedure: Law and practice* (7th ed.). Belmont, CA: Wadsworth. [dC]

Davis, S. & Peltason, J. W. (2008). *Understanding the Constitution* (17th ed.). Belmont, CA: Wadsworth/Thomson Learning. [DP]

Elias, S., & Levinkind, S. (2005). *Legal research: How to find and understand the law* (13th ed.). Berkeley, CA: Nolo Press. [EL]

Emanuel, S. (2003). *Emanuel law outlines: Criminal law*. New York: Aspen. [E]

III. Expectations of Students

A. Attendance

The attendance policy for this and other courses is described in the Graduate Catalogue. Excessive absences (more than two class periods) or tardies may result in a reduction of the final grade.

B. Readings

Students are expected to have read the assigned readings prior to each class.

C. Class participation

Students will be called on in class to provide feedback regarding topics under consideration.

D. Academic honesty

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.

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 the Division of Student Services (Reference § 5.3, ¶ VI, *Rules and Regulations*, Board of Regents of the Texas State University System).

E. Decorum

Students should keep distractions to a minimum (e.g., cell phones and pagers on vibrate mode, avoid noisy food, etc.).

F. 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.

G. Absences on Religious Holy Days Policy

Students will be excused 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 policy will not be penalized for the 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.

A student desiring to absent himself/herself from a scheduled class in order to observe (a) religious holy day(s) shall present to each instructor involved a written statement concerning the religious holy day(s). The 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 timeframe in which the missed assignments and/or examinations are to be completed.

IV. Student Evaluations

Four products will count equally toward your final grade. They are:

A. Mid-term examination (standard 100-point scale) consisting of two parts:

Part I will involve definitions, short answers, and perhaps multiple choice and/or true/false questions. It will be worth 50 points. You can choose to answer any 10 questions, worth 5 points each. Once you've answered 10 questions in this section, I will not evaluate subsequent answers in that section.

Part II will consist of essay questions. These questions will be worth 25 points each and you (obviously) will be required to answer two of (at least) three. Once you've answered those two questions in this section, I will not evaluate subsequent answers. The essay questions are integrative, and will require the ability to identify the legally-relevant issues to be addressed.

The scores from parts I and II will be summed, yielding a possible total of 100 points for the mid-term and 100 points for the final.

Makeups will be in essay format and will be offered during finals week.

B. Final examination (standard 100-point scale; see description for mid-term, above.)

C. Notes and Comments paper (standard 100-point scale)

This paper is similar to the kind of papers you write in other graduate courses except that it: a) addresses a legal topic, b) relies on statutes, decided cases, and legal writing, and c) incorporates legal analysis. The style manual for this paper is the most recent version of A uniform system of citation or, as it's more colloquially known, the "Bluebook."

D. Briefs/participation:

Each of 10 briefs will be awarded up to 10 points, for a possible total of 100. Nine of the briefs are assigned by me, the final one is

BYOB (bring your own brief.)

Your class participation will be evaluated on a standard 100-point scale (discussions that: a) reflect mastery of the substantive material, b) involve appropriate academic discourse, c) remain focused on the topic at hand, and d) show proper respect for others in the class will receive the highest number of points.)

These two scores (a & b, above) will be averaged for the overall Briefs/participation score.

Tentative Class Schedule

<u>CLAS S</u>	<u>REQUIRED READING</u>	<u>TOPIC</u>
1-17	None	Introduction
1-24	[EL] Chs 1-5; "Finding the Law," & "Legal Research on the Internet"	Legal Research I
1-31	[EL] Chs 6-10; "How to Brief a Case" & "Legal Citation Guide for Dummies"	Legal Research II
2-7	[EL] Chs 9-13; Atkins v. Virginia, 536 U.S. 304 (2002).	Legal Research III Notes & Comments Paper Topic
2-14	[A] Chs 1-3; Carey v. Musladin, 127 S. Ct. 649 (2006).	Judicial Process I
2-21	[A] Chs 4-5; Scott v. Harris, 127 S.Ct. 1769 (2007); "The Rule Of Law in America."	Judicial Process II Notes & Comments Paper Biblio.
2-28	[A] Chs 7-9; Miller-el v. Dretke, 545 U.S.231 (2005).	Judicial Process III
3-6	None	Mid-Term
3-13	None	Spring Break
3-20	[DP] Chs 1-2, 7-8; Lawrence v. Texas, 539 U.S. 558 (2003)	Constitutional Law I
3-27	[DP] Chs 9-10; Gonzales v. Carhart, 127 S.Ct. 1610 (2007)	Constitutional Law II, Notes & Comments Paper Draft
4-3	[E] .First half of the book	Criminal Law I
4-10	[E] Second half of the book	Criminal Law II
4-17	[dC] Chs 1-4; United States v. Morrison, 529 U.S. 598 (2000).	Criminal Procedure I
4-24	[dC] Chs 5-8; Morse v. Frederick, 127 S.Ct. 2618 (2007).	Criminal Procedure II
5-1	[dC] Chs 9-12; Samson v. California, 547 U.S. 843 (2007).	Criminal Procedure III Notes & Comments Paper Due
5-8	TBA	Catch up/Review/Topic TBA
5-15	None	Final Exam (5:00p - 7:00p)