

LEGAL ASPECTS OF THE CRIMINAL JUSTICE SYSTEM

CRJU 5393

SPRING, 2022

Contact Information

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Course Description

This course will examine the various aspects of the law and legal system that are relevant to a comprehensive understanding of the criminal justice system and its related processes at a level appropriate for graduate students. This will include obtaining a deeper understanding of the United States Constitution and its impact upon the functioning of the criminal justice system. The effects of Constitutional provisions and their interpretation by the U.S. Supreme Court upon both state and federal criminal justice procedures will be explored. Topics covered will include:

- 1) The interpretation of the U.S. Constitution through Supreme Court case law
- 2) Practical application of Supreme Court interpretation of acceptable arrest, search, seizure, interrogation, trial, and punishment provisions
- 3) Contemporary developments in the criminal justice system such as terrorism, electronic monitoring, capital punishment, plea bargaining, and other topics
- 4) Civil liability for criminal justice practitioners
- 5) Writing and utilizing case briefs
- 6) Performing legal research
- 7) Writing legal publications

Course Objectives

The primary objective of this course is to help you obtain a practical, working knowledge of the law and legal system. This knowledge should help you understand the protections, restrictions, and limitations of the law as they apply to a criminal justice practitioner. Students successfully completing this course will:

- 1) Have a more extensive awareness of the provisions of the U.S. Constitution and the ways that they have been interpreted by the Supreme Court
- 2) Have a strong ability to read, process, and interpret case law, particularly that which relates to the criminal justice system
- 3) Be able to address and understand the rights afforded to U.S. citizens under the Bill of Rights, particularly the 4th, 5th, 6th, 8th, and 14th Constitutional amendments, as well as what limits may be placed upon those rights by federal and state governments
- 4) Be able to address the various social and political issues that arise as a result of the government both expanding and limiting these rights
- 5) Have the ability to utilize court cases and legal/scholarly publications as a means of continuing education for criminal justice practitioners
- 6) Be able to write a case brief
- 7) Be able to perform sound legal research
- 8) Be able to write a legal research paper at a level that could be published in a peer-reviewed journal

Required Texts

1. Del Carmen, Rolando (2016). Criminal Procedure: Law and Practice (10th ed.) Wadsworth/Cengage.
2. Supplemental handouts

You are responsible for obtaining a textbook prior to the beginning of class. Please note that course assignments and deadlines will NOT be modified due to your failure to have access to a textbook and other applicable course materials.

Course Requirements

1) Discussion Questions

The discussion questions you respond to each week are a critical and integral portion of the course. This is where I can make the determination, or non-determination, that you are (1) reading, (2) comprehending, (3) applying, and (4) correlating the knowledge you obtain to other aspects of the course and your degree program in general.

For each discussion question asked, I am looking for a detailed and well thought-out answer that integrates the assigned reading, your knowledge, and your own thoughts, perspective, and analysis regarding the question posed. Your answers to discussion questions must utilize correct grammar, capitalization, and punctuation. When referencing outside material, proper APA citations must be given. If you have any questions on what constitutes a quality answer to a discussion question, please do not hesitate to contact me. Your own answer(s) to the discussion questions will count for 75% of each discussion grade.

In addition to your own answer(s) to discussion question(s), you must also respond to another student's response to one of the discussion questions one (1) time for each discussion assignment. Your response should contain critical comment/analysis of a classmate's response. Your response to a classmate must contain a **minimum of 200 words**. Your response to a classmate will count for 25% of each discussion grade. You only need to respond to a classmate's posting one time for each discussion assignment.

For each discussion assignment, you must submit: 1) your own answer to each discussion question asked; and 2) one (1) response to a classmate's posting. So if there is a discussion assignment with four (4) questions, you will submit five (5) postings for that assignment (4 of your own answers, and 1 response to a classmate's posting).

2) Examinations

Exams will consist of multiple choice, true/false, and essay questions based upon the readings and lecture notes. Each exam is open book and has a time limit. If there are any questions or concerns, please contact me **prior** to the exam.

3) Case Briefs

You will be required to submit five (5) case briefs on contemporary U.S. Supreme Court cases that deal with issues addressed in the course. These case briefs serve the purpose of allowing you to gain insight on recent legal developments; how these rulings apply to the criminal justice system; and what each ruling means for criminal justice practitioners both now and in the future. Specific information about what should be contained in the case briefs can be found in the document "How to Brief a Case." The full-text opinions of assigned U.S. Supreme Court cases can be accessed using the case citation at www.findlaw.com

4) Legal Research Paper

Your final project for this course is to develop and write an original legal research paper.

TASK: Drawing upon your education and your real-world experience, your assignment is to identify and explore an issue or problem associated with one of the Constitutional provisions relevant to the criminal justice system that we have covered in this course. In your paper, you should:

- 1) Define and explain the issue/problem
- 2) Summarize the case law that is applicable to this issue
- 3) Identify and explain the main effect(s) of the issue on the Criminal Justice system
- 4) Explain how decisions handed down by the U.S. Supreme Court have helped criminal justice professionals know what is and what is not permissible regarding the issue
- 5) Explain any gaps in knowledge about this issue that has yet to be clarified by the U.S. Supreme Court, and the resulting issue(s) that this presents

SCOPE: The length of your paper is 18-20 substantive pages (not including title page, references, and appendices). In other words, 18-20 pages **of your own writing**. When choosing a topic, be sure that there is adequate information to cover and discuss in an assignment of this scope. At the same time, be sure that your topic is **properly narrowed** to allow you to cover the various aspects of your issue thoroughly. You will be awarded more points for covering a few important points thoroughly than you will be awarded for skimming the surface of a large number of points.

A good paper will have:

- A concise thesis statement
- A clear organizational strategy
- Appropriate transition throughout the paper
- No errors that interfere with readability or professional presentation

Your paper must:

- Be 18-20 pages in length, excluding title pages, references, and appendices
- Be double-spaced, typed in 12-point Times New Roman Font, and have 1-inch margins
- Utilize a minimum of eight (8) **scholarly** (peer-reviewed) journal articles
- Discuss the application of a minimum of eight (8) U.S. Supreme Court cases

- Utilize APA format and referencing (if you have questions about research paper format and citations, Purdue University has an excellent website at <http://owl.english.purdue.edu/owl/resource/560/01/>)

REMINDER: Your research paper must be an original work, created and submitted *exclusively for this course*. Submitting a paper identical to or substantially similar to a paper submitted for any other course, or previously in this same course, will be considered an act of academic dishonesty.

One (1) letter grade will be deducted from the final research paper grade for each full or partial page that a paper is short of the total length requirement, and for any other assignment requirements that are not met. Likewise, one (1) letter grade will be deducted from the final paper grade for any component of the research paper assignment that is not submitted in a timely fashion and approved by the professor.

Your paper must have a **minimum** of eight (8) references from peer-reviewed journals. Four (4) of the references must have been written within **the last four (4) years**. Direct quotes should be limited and used only when a paraphrase or summary would cause the meaning to be lost. I would expect to see no more than one (1) direct quote for each page of your paper's text. Scholarly research should help you form your own points that will be developed in the paper. Even if they are cited appropriately, using the work of others as a substantial portion of your paper will result in a failing grade.

Uncited quotes or sources and other instances of academic dishonesty will result in an automatic grade of "F". Use **APA** citation style; Pages must be double-spaced, with 1-inch margins, Times Roman 12-point font. Your submission must have a cover page, with your title and your name and a Works Cited page at the end of the paper. Neither the cover nor reference pages count toward the total number of pages. Submit papers via the D2L dropbox.

Early submissions are welcomed and encouraged. **Late papers will not be accepted.**

By enrolling in this course, students expressly grant MSU a "limited right" in all intellectual property created by the student for the purpose of this course. The "limited right" shall include but shall not be limited to the right to reproduce the student's work product in order to verify originality and authenticity, and for educational purposes. Turnitin.com is available to the professor for the purpose of verifying the originality of a student's work.

5) Annotated Bibliography

You must submit an annotated bibliography of eight (8) scholarly journal articles that you will use in your research paper.

First, you must locate at least eight (8) scholarly (peer-reviewed) sources that will be used in your paper. The best place to do this is the MSU library. Explore the print collections and the online databases. Academic Search Complete is the database I recommend for this type of research.

Be sure to spend some time researching your topic and selecting good quality sources that will strengthen your research paper. You can add more sources as your paper progresses, but all 8 sources that are used in your annotated bibliography must be used in your research paper. Do not try to rush your research. You do not want to be stuck with sources that will not make a strong contribution to your final research paper.

FORMAT:

For each of your sources, you should include an entry with relevant publication information in APA format.

ANNOTATIONS:

Your annotations for each of your 8 scholarly sources should do the following:

- Summarize the source (chapter, book, article, or the like).
- Identify the piece's argument (or main point)
- Rely primarily on your own words—use summary and paraphrase.
- Describe in detail how this piece will contribute to your project. For instance, does the item offer a good introduction to the issue? Does the item deal with a particular aspect of the issue that is especially relevant to the problem you plan to address? Think about *what* this source contributes to your research and *why* this contribution is important.

Each annotation should be no more than 1 page, double spaced

Along with your annotated bibliography, you must also submit a basic outline of your paper. In your outline, include the major points that you intend to cover, and indicate where and how each piece of research will contribute to supporting these points.

Grading Policy

Discussions (10)	30%
Case Briefs (5)	20%
Exams (3)	20%
Legal Research Paper	30%
<u>Total</u>	<u>100%</u>

Failure to complete any of these assignments will result in a grade of F for the course

Contacting Me

I am available to answer any questions you may have about the course. When a question arises, you may contact me at laura.fidelie@msutexas.edu.

ALL COMMUNICATIONS WITH ME MUST COME FROM YOUR OFFICIAL MSU EMAIL ADDRESS OR THROUGH D2L EMAIL. ANY EMAILS FROM EXTERNAL EMAIL ADDRESSES WILL NOT BE READ OR RESPONDED TO.

Academic Integrity

Each student is expected to abide by the rules of ethical and academic honesty as defined by the student handbook. Cases of academic dishonesty will result in an automatic failing grade for the assignment and the course, as well as a letter to the Dean of the College of Health Sciences and Human Services requesting that you be withdrawn from the University. If there are any questions as to whether an action is academically dishonest, please consult with the professor.

Extenuating Circumstances

In the event of an extenuating circumstance such as illness, death in the family, etc, please get in touch with me as soon as possible. Assignments and deadlines may be modified on a case-by-case basis. Verifiable documentation of the circumstance may be required. The more quickly you let me know what is going on, the more options I will have for allowing you to complete the course.

I look forward to working with each of you this semester!

COURSE SCHEDULE

Weeks One and Two (due by 11:59 PM, Sunday, January 23)

- Read Course Syllabus and submit Syllabus Agreement (for the Syllabus Agreement, just send me an email stating that you have read the syllabus and agree to abide by its terms throughout the semester)
- Submit Biographical Information (under “Discussions”)
- Read: “How to Brief a Case”
del Carmen, Chapters 1 & 2
- Complete Weeks 1 & 2 Discussion

Week Three (due by 11:59 PM, Sunday, January 30)

- Read: del Carmen, Chapter 3
U.S. v. Arvizu, 534 U.S. 266 (2002)
- Complete Week 3 Discussion
- Complete Case Brief: *U.S. v. Arvizu*

Week Four (due by 11:59 PM, Sunday, February 6)

- Read: del Carmen, Chapter 4
- Complete Week 4 Discussion
- Complete Exam I: **available from 6 AM on Friday, February 4 until 11:59 PM on Sunday, February 6**

Week 5 (due by 11:59 PM, Sunday, February 13)

- Read: del Carmen, Chapter 5
Illinois v. Wardlow, 528 U.S. 119 (2000)
- Complete Week 5 Discussion
- Complete Case Brief: *Illinois v. Wardlow*

Week 6 (due by 11:59 PM, Sunday, February 20)

- Read: del Carmen, Chapter 6
Brigham City, Utah v. Stuart, 547 U.S. 398 (2006)
- Complete Week 6 Discussion
- Complete Case Brief: *Brigham City, Utah v. Stuart*

Weeks 7 & 8 (due by 11:59 PM, Sunday, March 6)

- Read: del Carmen, Chapters 7 & 8
“How to Conduct Legal Research”
- Complete Weeks 7 & 8 Discussion
- Complete Paper Proposal (The paper proposal is just a brief 1-2 paragraph explanation of the topic you are planning to research for your paper. Submit via the D2L Dropbox)
- Complete Exam II: **available from 6 AM on Friday, March 4 until 11:59 PM on Sunday, March 6**

Week 9 & 10 (due by 11:59 PM, Sunday, March 20)

- Read: del Carmen, Chapters 9 & 10
Arizona v. Gant, 556 U.S. 332 (2009)
- Complete Weeks 9 & 10 Discussion
- Complete Case Brief: *Arizona v. Gant*

Week 11 (due by 11:59 PM, Sunday, March 27)

- Read: del Carmen, Chapter 11 & 12
U.S. v. Patane, 542 U.S. 630 (2004)
- Complete Week 11 Discussion
- Complete Case Brief: *U.S. v. Patane*

Week 12 (due by 11:59 PM, Sunday, April 3)

- Read: del Carmen, Chapters 13 & 14
“How to Write a Legal Research Paper”
- Complete Week 12 Discussion
- Complete Annotated Bibliography and Paper Outline

Week 13 (due by 11:59 PM, Sunday, April 10)

- Read: del Carmen, Chapter 15
- Complete Week 13 Discussion
- Complete Exam III: **available from 6 AM on Friday, April 8 until 11:59 PM on Sunday, April 10**

Week 14 & 15 (due by 11:59 PM, Sunday, April 24)

- Complete Legal Research Paper