

University of North Texas at Dallas
Fall 2012
SYLLABUS

CJUS 4200D: CRIMINAL PROCEDURE (3 Hrs)

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| Department of | Urban and Public Leadership | Division of | Urban and Professional Studies |
| Instructor Name: | | <i>Gretchen H. Choe, J.D., M.S.C.J.</i> | |
| Office Location: | | <i>FH (DAL2) 317</i> | |
| Office Phone: | | <i>972-338-1840</i> | |
| Email Address: | | <i>Gretchen.choe@unt.edu</i> | |
| Office Hours: | M 10:00-12:00, 1:00-6:00; T 4:00-7:00; W 12:00-1:00, 4:00-5:00 and by appointment | | |
| Virtual Office Hours: | <i>By appointment</i> | | |
| Classroom Location: | <i>Founders' Hall (DAL2) 336</i> | | |
| Class Meeting Days & Times: | T 7:00-9:50 PM | | |
| Course Catalog Description: | This course examines the constitutional and statutory bases and judicial interpretations of the procedures governing the administration of criminal justice and police practices. | | |
| Prerequisites: | CJUS 2100 or equivalent | | |
| Co-requisites: | None | | |
| Required Text: | del Carmen, Rolando V. <i>Criminal Procedure: Law and Practice</i> . 8th ed. Wadsworth: 2009 | | |
| Recommended Text and References: | Texas Code of Criminal Procedure (available online); access to Lexis/Nexis or Westlaw through UNT Dallas library electronic resources | | |
| Access to Learning Resources: | UNT Dallas Library: phone: (972) 780-3625; web: http://www.unt.edu/unt-dallas/library.htm UNT Dallas Bookstore: phone: (972) 780-3652; e-mail: 1012mgr@fhcg.follett.com | | |
| Course Goals or Overview: | | | |
| | The goal of this course is to examine the constitutional and statutory bases and judicial interpretations of the procedures governing the administration of criminal justice and police practices. | | |
| Learning Objectives/Outcomes: At the end of this course, the student will be able to: | | | |
| 1 | Articulate and apply the different burdens of proof in the justice system, including scintilla of evidence, reasonable suspicion, probable cause, preponderance of the evidence, clear and convincing evidence, and beyond a reasonable doubt | | |
| 2 | Apply judicial opinions regarding constitutional issues involving arrests, searches and seizures | | |
| 3 | Articulate and apply laws and judicial opinions regarding interrogations and confessions | | |
| 4 | Articulate and apply laws concerning constitutional rights during trial | | |
| 5 | Explain and apply the potential consequences of unlawful police conduct, including exclusion of evidence | | |

Course Outline

This schedule is subject to change by the instructor. Any changes to this schedule will be communicated in class and via announcements or emails in Blackboard.

| TOPICS | TIMELINE |
|--|----------------------------------|
| Introduction, assignment discussion and group formation Ch. 1 – Court Systems and Sources of Rights Ch. 2 – Overview of the Criminal Justice Process | 9/4/2012 |
| Ch. 2 (con't.) Ch. 3 – Probable Cause and Reasonable Suspicion Ch. 4 – Exclusionary Rule | 9/11/2012 |
| Ch. 4 (con't., if needed) GROUP WORK #1 Exam Review | 9/18/2012 |
| EXAM 1 (first half of class) GROUP WORK #2 (second half of class) | 9/25/2012 |
| Ch. 5 – Stop and Frisk Ch. 6 – Arrests | 10/2/2012 |
| Ch. 7 – Searches and Seizures Ch. 8 – Motor Vehicle Stops, Searches and Inventories | 10/9/2012 |
| GROUP WORK #3 Exam Review | 10/16/2012 |
| EXAM 2 (first half of class) Ch. 9 – Searches and Seizures Not Fully Protected (second half of class) | 10/23/2012 |
| Ch. 10 – Lineups and Other Pretrial Identification | 10/30/2012 |
| Ch. 11 – Confessions and Admissions GROUP WORK #4 | 11/6/2012 |
| Ch. 12 – Constitutional Rights of the Accused During Trial Exam Review | 11/13/2012 |
| EXAM 3 (first half of class) GROUP WORK #5 – Mock trial preparation (second half of class) | 11/20/2012 |
| GROUP WORK #6 – Mock trial preparation | 11/27/2012 |
| GROUP WORK #7 – Mock trial presentations | 12/4/2012 |
| GROUP WORK #8 – Mock trial presentations | 12/11/2012 7:30-9:30 p.m. |

Course Evaluation Methods

This course will utilize the following instruments to determine student grades and proficiency of the learning outcomes for the course.

Exams

Group Assignments

Grading Matrix:

| Instrument | Value (points or percentages) | Total |
|-------------------|-------------------------------|-------------|
| Group Assignments | 25% | 25% |
| Exam 1 | 25% | 25% |
| Exam 2 | 25% | 25% |
| Final Exam | 25% | 25% |
| Total: | | 100% |

Grade Determination:

- A = 90% or better
- B = 80 – 89%
- C = 70 – 79%
- D = 60 – 69%
- F = less than 60%

Exam Policy:

The exams may consist of multiple choice, true-false, definitional, descriptive, listing, and/or short answer questions. There will be no make-up exams unless you have a university-recognized emergency, notify me prior to the exam that you will have to reschedule, and provide appropriate documentation of the emergency. If a make-up exam is permitted, the student must take it within one week of the original exam date.

NO CELL PHONES WILL BE PERMITTED DURING THE EXAMS. YOU WILL BE SUBJECT TO A 10-POINT DEDUCTION ON YOUR EXAM FOR A VIOLATION OF THIS RULE. THIS INCLUDES A RINGING OR AUDIBLY VIBRATING CELL PHONE OR THE USE OF TEXT MESSAGING. *As a courtesy, please do not bring food or drink to class during exams. During exams, ALL ITEMS other than what is needed to take the exam (exam, scantron, and a pencil) must be under your desk. You must provide your own scantron and #2 pencil.*

You will have an hour to complete the exam once it starts. No additional time will be given if you are late. There is typically a bonus question on each exam. However, if you are late for an exam that has a bonus question on it, you will forfeit the privilege to receive those points.

Assignment Policy:

Each student will be required to participate in in-class group assignments relating to different areas of criminal procedure. You can expect to complete assignments such as completing handouts, drafting a warrant, and ultimately preparing for your group to present a mock trial, which will be held at the end of the semester.

The group work consists of 25% of your final grade. Your individual grade for the group work will be based on the following criteria: 70% based on the output produced by the group throughout the semester, including content, accuracy, thoroughness, organization, spelling and grammar; 15% self-assessment and 15% peer-assessment. YOU MUST BE PRESENT AND PARTICIPATE IN GROUP WORK TO RECEIVE CREDIT FOR THE GROUP ASSIGNMENTS. You may drop one of the non-trial assignments if you are absent, but you may not drop the mock trial preparation or presentation group work (i.e., the final four class sessions). In other words, presence is mandatory for the last four classes. If you have a University-recognized emergency at the end of the semester and provide appropriate documentation, I will address those on a case-by-case basis.

Incompletes:

Pursuant to University policy, incompletes will not be given unless ALL of the following conditions have been met:

- (1) the student has completed 3/4 of the class*
- (2) the student is currently passing the course, and*
- (3) the request for an incomplete is pursuant to a University-recognized reason (medical emergency or military deployment).*

Extra Credit:

On occasion, I have assigned extra credit to various classes. It is a privilege and an opportunity, not a right or an obligation. If extra credit is assigned in class, depending on the nature of the assignment, turnitin.com may be used as a tool. An acknowledgement sheet is required to be submitted to me prior to any assignment due date if turnitin.com is used. I do not give individual extra credit opportunities under any circumstances.

University Policies and Procedures

Students with Disabilities (ADA Compliance):

The University of North Texas Dallas faculty is committed to complying with the Americans with Disabilities Act (ADA). Students' with documented disabilities are responsible for informing faculty of their needs for reasonable accommodations and providing written authorized documentation. Grades assigned before an accommodation is provided will not be changed as accommodations are not retroactive. For more information, you may visit the Student Life Office, Suite 200, Founders Hall (Building 2).

Student Evaluation of Teaching Effectiveness Policy:

The Student Evaluation of Teaching Effectiveness (SETE) is a requirement for all organized classes at UNT. This short survey will be made available to you at the end of the semester, providing you a chance to comment on how this class is taught. I am very interested in the feedback I get from students, as I work to continually improve my teaching. I consider the SETE to be an important part of your participation in this class.

Academic Integrity:

Academic integrity is a hallmark of higher education. You are expected to abide by the University's code of Academic Integrity policy. Any person suspected of academic dishonesty (i.e., cheating or plagiarism) will be handled in accordance with the University's policies and procedures. Refer to the Student Code of Academic Integrity at http://www.unt.edu/unt-dallas/policies/Chapter%2007%20Student%20Affairs,%20Education,%20and%20Funding/7.002%20Code%20of%20Academic_Integrity.pdf for complete provisions of this code.

In addition, all academic work submitted for this class, including exams, papers, and written assignments should include the following statement:

On my honor, I have not given, nor received, nor witnessed any unauthorized assistance that violates the UNTD Academic Integrity Policy.

Bad Weather Policy:

On those days that present severe weather and driving conditions, a decision may be made to close the campus. In case of inclement weather, call the UNT Dallas main voicemail number (972) 780-3600 or search postings on the campus website www.unt.edu/dallas. Students are encouraged to update their Eagle/Jag Alert contact information, so they will receive this information automatically.

Attendance and Participation Policy:

*The University attendance policy is in effect for this course. Class attendance and participation is expected because the class is designed as a shared learning experience and because essential information not in the textbook will be discussed in class. The dynamic and intensive nature of this course makes it impossible for students to make-up or to receive credit for missed classes. Attendance and participation in all class meetings is essential to the integration of course material and your ability to demonstrate proficiency. Students are responsible to notify the instructor if they are missing class and for what reason. Students are also responsible to make up any work covered in class. It is recommended that each student coordinate with a student colleague to obtain a copy of the class notes, if they are absent. **ATTENDANCE IS MANDATORY FOR THE FINAL FOUR CLASS SESSIONS.***

Diversity/Tolerance Policy:

Students are encouraged to contribute their perspectives and insights to class discussions. However, offensive & inappropriate language (swearing) and remarks offensive to others of particular nationalities, ethnic groups, sexual preferences, religious groups, genders, or other ascribed statuses will not be tolerated. Disruptions which violate the Code of Student Conduct will be referred to the Center for Student Rights and Responsibilities as the instructor deems appropriate.

Use of WebCT/Blackboard:

I utilize Blackboard extensively to communicate announcements, provide additional readings of interest, facilitate discussion topics, email individual students, and for other reasons as may be appropriate during the semester. It is your responsibility to check Blackboard regularly throughout the semester.

Use of Cell Phones, Laptops & other Electronic Gadgets in the Classroom:

I do not prohibit the use of electronics in the classroom as a general rule. I trust that most students are using these devices to further their education and for educational purposes during class. However, if it comes to my attention that these devices are creating a distraction to yourself or to other students, I reserve the right to change this policy by communicating such a change in class and through Blackboard.

Food & Drink in the Classroom:

I do not prohibit food or drink the classroom during classes, but as a courtesy to your fellow test takers, please do not bring food or drink during exams. If this becomes a distraction, I reserve the right to change this policy by communicating such a change in class and through Blackboard.

Disruptions:

I reserve the right to ask anyone who is creating a disruption during class to leave the room. Please be respectful of your fellow students. Come to class on time and stay until class ends. Students constantly coming into and leaving the classroom during class create a distracting environment for the other students as well as the instructor. While classroom questions and discussion are encouraged and assessed, continually interrupting lectures with commentary may also be disruptive.

Legal Questions:

In my capacity as the instructor of record for this course, it would create a potential conflict of interest if I were to render legal opinions regarding specific circumstances. As such, if you have personal questions of a legal nature, please seek appropriate legal advice. The UNT legal services office is available to UNT Dallas students, and the website is <http://studentlegal.unt.edu/>. You can also get referrals from the Dallas Bar Association if you live in Dallas County (<https://www2.dallasbar.org/referral/>) and through the State Bar of Texas referral service for outside of Dallas County (http://www.texasbar.com/AM/Template.cfm?Section=Other_Lawyer_Referral_Services). There are also clinical programs and law libraries at the courthouse and SMU and Texas Wesleyan University law schools that might have resources available to assist you.