

CCJS 400 CRIMINAL COURTS

Fall 2007

Mon & Wed, 1:30 pm-2:45pm, Bldg. 3

Professor Karla Smith

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Course Description

This course surveys the criminal justice system of the United States. We will examine and discuss the interplay between the different actors in the criminal justice system. We will also consider the origins of the American criminal justice systems, as well as its many strengths and weaknesses.

Required Reading

- ❖ NEUBAUER, David W. (2008) *America's Courts and the Criminal Justice System*, 9th edition.
- ❖ Occasional handouts.

Class Topics & Reading Assignments

Wed, 8/29 - Course overview and expectations.

Mon, 9/3 – Labor Day Holiday

Wed 9/5 – Guest Lecturer. Warden Robert Green, MCCF at Clarksburg. Tour of MCCF. Please wear business casual attire. Leave your personal belongings in your car.

Mon 9/10 – Guest Lecturer. Courts, Crime, and Controversy. NEUBAUER, Chapter 1

Wed 9/12 – Guest Lecturer. Anne Hoffman, Chief, Sexual Abuse Investigations, MC Child Welfare Service

Mon 9/17 – Law and Crime. NEUBAUER, Chapter 2

Wed 9/19 – Federal Courts. NEUBAUER, Chapter 3

Mon 9/24 – State Courts. NEUBAUER, Chapter 4

Wed 9/26 – The Dynamics of Courthouse Justice. NEUBAUER, Chapter 5

Mon 10/1 – Prosecutors. NEUBAUER, Chapter 6

Wed 10/3 – Defense Attorneys. NEUBAUER, Chapter 7

Mon 10/8 – Handouts: "A Moral Standard for the Prosecutor's Exercise of the Charging Discretion" by Bennett L. Gershman; "The Criminal Defense Lawyer: Zealous Advocate, Double Agent, or Beleaguered Dealer?" by Rodney J. Uphoff.

Wed 10/10 – Judges. NEUBAUER, Chapter 8

Mon 10/15 – Defendants and Victims. NEUBAUER, Chapter 9. Handout: "Recantation: Problems for Prosecutors Before, During, and After Trial" by John Jay Douglass.

Wed 10/17 – Handout: Police. Guest Speaker.

Mon 10/22 – No class to work on out of class assignment.

Wed 10/24 – Arrest to Arraignment. NEUBAUER, Chapter 10

Mon 10/29 – **Midterm Exam**

Wed 10/31 – Bail. NEUBAUER, Chapter 11

Mon 11/5 – Disclosing and Suppressing Evidence. NEUBAUER, Chapter 12

Wed 11/7 – Negotiating Justice and Pleas. NEUBAUER, Chapter 13; Handout: "A Judicial View of Plea Bargaining" by Rudolph J. Gerber

Mon 11/12 – Trials and Juries. NEUBAUER, Chapter 14

Wed 11/14 – Handout: "The Social Psychology of Jury Nullification" by John Clark; In class video: "OJ Simpson, A Story in Black and White"

Mon 11/19 – Sentencing Options. NEUBAUER, Chapter 15; Handout: "Capital Murder: A Prosecutor's Personal Observations on the Prosecution of Capital Cases" by Ronald J. Sievert

Wed 11/21 – **Paper Due at the beginning of class.** Sentencing Decisions. NEUBAUER, Chapter 16

Mon 11/26 – Appellate Courts. NEUBAUER, Chapter 17

Wed 11/28 – The Lower Courts. NEUBAUER, Chapter 18

Mon 12/3 – Juvenile Courts. NEUBAUER, Chapter 19; Handout: "Juvenile (In)Justice and the Criminal Court Alternative" by Barry C. Feld

Wed 12/5 – Gender, Age, and Race in the Criminal Courts. Handouts: "Something Not So Funny Happened on the Way to Conviction: The Pretrial Interrogation of Child Witnesses" by Jean Montoya; "Themes of Injustice: Wrongful Convictions, Racial Prejudice, and Lawyer Incompetence" by Bennett L. Gershman; "The Gender Gap Argument: Exploring the Disparity of Sentencing Women to Death" by Melinda E. O'Neil

Mon 12/10 – Finish Discussion from 12/5. Review for Final Exam.

Wed 12/19 – **FINAL EXAM: 1:00 pm. to 3:00 p.m., Bldg. 3, location to be announced**

Assignments, Exams, and Grading Standards:

1. **Reading Assignments**: You will be required to complete a reading assignment for each class. This means more than just reading the material, you must read the material and come to class prepared to discuss the assignment, critique the author, argue your position when required and present support for your position.
2. **Class Participation**: You will be required to participate in every class by being able to: answer questions regarding the reading assignments, present your own views on the topic discussed in class and critique the author's work, and appraise the strengths and/or weaknesses of ideas and theories proposed either in class or in the reading assignments. There may be several unannounced quizzes on the reading that will be counted towards the class participation.
3. **Class Discussion Facilitators**: Select students will be on-call each class. You will be advised at the end of class the week prior as to whether or not you will be on call the following week. Any student who is on-call will be expected to facilitate the discussion regarding the required reading for the week.
4. **Exams**: There will be a midterm exam and a final exam. The final exam will be cumulative. Each exam will take the form of essays, multiple choice, fill in the blank, and/or true/false questions. Tests must be taken on the scheduled dates. Only in extraordinary circumstances will a student be permitted to take a make-up examination. The decision to permit a makeup exam will be in the sole discretion of the instructor. The midterm exam shall be administered on October 23, 2006 at the regularly scheduled class time. The final exam shall be administered on December 20, 2006 from 1:00 p.m. to 3:00 p.m. in our classroom.
5. **Paper**: You will be required to write one paper during the semester. The paper will be based upon an out-of-class legal experience. During the semester you will be required to do one of the following: (a) attend one day of Court with either a prosecutor or public defender (observing an entire trial will suffice); (b) do a ride-along with the police; (c) spend a day with a law firm attorney; or (d) spend a day with a public advocacy or legislative attorney. Your paper shall describe in detail your experience as an observer of the legal process. You must do more than simply report your observations. You must also take into account the topics we have discussed in class and how those topics are relevant to your experience. The paper is due no later than November 22, 2006 at the start of the class. The paper shall be no less than 3 pages and no more than 5 pages. The paper should be typed, using a standard, 12-point *serif* font. *Serif* fonts include Times New Roman, Bookman Old Style (stretches out your paper), or Garamond (shrinks your paper). Use 1-inch top, bottom, and side margins, and double-space your paper. Attach a cover (title) page to your completed assignment, noting important information such as the course name, date,

assignment number, and your name. Papers missing either their title page or staple will be considered incomplete.

6. **Current Event Assignments:** You are required to come to each class prepared to discuss a law related issue that arose as a current event during the previous week. The issue can come from a variety of sources including but not limited to television, newspapers, and magazines.

GRADING:

Midterm Exam - 35%

Final Exam - 35%

Class Participation - 10%

Paper - 20%

STANDARDS:

A - All course requirements met, work shows full understanding of course and material and an original perspective on the subject.

B - All course requirements met, work shows full understanding of course material OR satisfactory understanding of course materials and an original perspective on the subject

C - All course requirements met, work shows satisfactory understanding of material

D - Work fails to meet minimum course requirements, either in full and timely completion of requirements or in satisfactory understanding of course material

F - Work falls far below minimum course requirements either in full and timely completion of requirements or in satisfactory understanding of course material

ACADEMIC INTEGRITY:

Cheating on any assignment or exam will result in the following disciplinary actions: (1) "XF" (a "cheating F") will be the grade earned for the *course*, and (2) possible expulsion from the UMCP's B.A. Program in Criminology & Criminal Justice at the Shady Grove Center, effective the following semester. All cases of academic misconduct will be referred to the Student Honor Council at UMCP. Examples of conduct meriting such disciplinary actions include, but are not limited to, the following: (1) cheating on an exam, either with or without the assistance of another student or students, (2) submitting as your own work a paper that is either wholly or partially plagiarized, such as purchasing a paper from an internet site or superficially rewriting the work of others without proper citation, or (3) collaborating with fellow students on assignments or take-home exams for which you were instructed to work alone.