

## **MCJ 6190: Legal Foundations of Criminal Justice**

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Office hours: Mon/Weds 11:30-12:15; Tues/Thurs 10:30-11:30; also by appointment

### **Catalog Description**

*MCJ 6190 Legal Foundations of Criminal Justice.* Broad Survey of foundational legal topics relevant to criminal justice, including: criminal law, search and seizure, bail, right to counsel, self-incrimination, lineups, responsibilities of courtroom legal actors, speedy trial, impartial jury, plea bargaining, double jeopardy, sentencing law, inmate rights, juvenile law, death penalty law, and basic rules of evidence.

### **Course Description**

Law one of the most important subjects in the field of criminal justice. Criminal justice professionals are expected to know the law. Thus studying the legal foundations of the criminal justice system not only has great practical value, but also teaches analytical thinking, critical thinking, and perhaps most importantly, ethical thinking. This course will expose you to the basics of many of the important legal topics listed in the catalog description. It will also require you to reflect upon how judges think about and justify the constitutional rules they mostly create themselves, with the input of legislatures and legal interest groups. This goal will be achieved mostly by reading U.S. Supreme Court cases, and as you come to understand the thinking of the justices on these legal issues, your own ability to question, assess, and critique their reasoning should be enhanced.

**Course Format and Requirements:** The format of this course is an online seminar. There are no lectures, so this class will be a heavily centered on reading and writing. Students will be responsible for carefully reading the assigned cases, then engaging in weekly writing assignments consisting of online discussions of the case readings. A typical week will look like this: there are assigned readings for each week on the syllabus (students are encouraged to read ahead). The instructor will announce on Canvas the discussion questions on Friday for the next week's readings. Students will provide an online discussion response to one of my questions by Thursday at 5:00 pm, and then a reaction to another student's response by Friday at 5:00 p.m. There will also be a midterm exam and a 20 page paper over a pending U.S. Supreme Court case. All of the midterm exam questions will be essay questions.

**Grading Policies:** The overall grade for the course will be determined as follows:

Online discussions	30%	94-100	A	77-80	C+
Midterm exam	30%	90-94	A-	74-77	C
Paper	40%	87-90	B+	70-74	C-
Total	100%	84-87	B	60-70	D
		80-84	B-	≤ 60	E

*Re-grading:* Instructors sometimes make mistakes in grading. For that reason, I will agree to re-grade a discussion post or mid-term exam, subject to a few restrictions. Please wait 24 hours after an item is returned to you before requesting a re-grade, and use that time to re-read the material covered by the post or exam. If, after re-reading the material, you feel that I misunderstood a point you made, I ask that you prepare a one paragraph written statement (e.g. email) with your request, detailing what you believe I have overlooked or how you feel the grade is unfair. I will never penalize a request for re-grade by lowering your grade.

*Online Discussion Board:* There will be an online discussion each week on Canvas, participation points are earned from both posting responses to my discussion questions (at least 500-750 words) by Thursday at 5:00 p.m. (20 points each week) as well as a reaction to a response posted by another student (at least 300-500 words—feel free to go over these expected ranges, but please not by more than 50%) by Friday at 5:00 p.m (10 points each week). Please attempt to post a reaction to a primary response from a different student each week (post a second reaction if you want to respond to a student you have replied to recently in the preceding 2-3 weeks). Late responses submitted within a week will be given partial credit.

To keep discussions from ranging off topic or becoming too contentious, after one primary response post to the discussion question by student x, a reaction to that post by student y, and a rebuttal to the reaction by student x, that discussion thread should end unless another student (e.g. student a, b, c, etc) makes a further inquiry or reaction to that thread. Additionally, except for the student writing the primary response post and answering questions about it or making rebuttals, a student should not post more than once within a particular thread each week. In short, while this is a discussion board, it should be collaborative feedback and exploration across the entire class, and I want to avoid discussion devolving into contentious debates and repeated back and forth arguments between the same two students. Students should be careful to avoid personal attacks, hyperbole, and exaggerated claims, maintaining respectful dialogue at all times. (See additionally Class Decorum section below on p. 4 of this syllabus)

*Exam:* The midterm exam will be administered in one of the WSU testing centers. It is required that you come to one of the WSU testing centers to take it, or if you live more than 50 miles from the nearest WSU testing center you will need to arrange for a proctor to administer the exam for you at a location such as a university or public library. For more information about the locations of WSU testing centers or on the use of a proctor to administer the exams, please see the following WSU webpage:

<http://departments.weber.edu/ce/distancelearning/testing.aspx>

Students should make arrangements for a proctor very early in the semester.

Paper: You will be writing a formal 20 page (double spaced) research paper. This assignment is designed for you to synthesize and critique the positions of the parties in a case pertaining to criminal justice currently pending before the U.S. Supreme Court. Assignment details will be posted on Canvas.

Student Code: All students are responsible for knowing and adhering to the Weber State University Student Code. Visit [http://www.weber.edu/ppm/Policies/6-22\\_StudentCode.html](http://www.weber.edu/ppm/Policies/6-22_StudentCode.html) for more information about the Weber State University Student Code. Violations of academic ethics and honesty include, but are not limited to, the following types of academic misconduct:

- Plagiarism, which is the unacknowledged (uncited) use of any other person's or group's ideas or work. This includes purchased or borrowed papers;
- Cheating, which includes copying another student's work or any actual or attempted use of materials or resources not authorized by the instructor for exams or assignments;
- Collusion, which is the unauthorized collaboration with another person in preparing work offered for credit;
- Falsification, which is the intentional and unauthorized altering or inventing of any information or citation in an academic exercise, activity, or record-keeping process.

Additional examples of plagiarism include, but are not limited to: failing to use quotation marks when directly quoting from a source; failing to document distinctive ideas from a source; and copying, without attribution, information from the Internet. Even if you provide a citation to a source at the end of lifted text, *you have still plagiarized if you haven't distinguished the material you've lifted from another text from you own words*. In other words, BOTH lifting text word for word AND paraphrasing too closely are forms of plagiarism. See <http://www.plagiarism.org/> for more information and further definitions/explanations of plagiarism. If you are in doubt regarding any of these issues, please see me during office hours.

Regarding the distinction between assistance and cheating: Asking a friend for assistance with a particularly difficult point, or discussing an out of class assignment together prior to writing it as individuals, as well as consulting on-line/published aids prior to writing or in order to edit your own work, can all constitute legitimate assistance so long as the submitted assignment is the product of your own work. However, copying work, sharing answers, and asking friends to complete assignments for you all constitute cheating.

During exams, all electronic devices, including cell phones, iPods, MP3 players, etc., must be turned off and completely stowed out of reach, along with any notebooks or papers. Please be aware that in this class cheating or plagiarism of any sort will result in a grade of zero on the assignment in question and may be grounds for failure of the course. Instances of academic misconduct will be documented in a memo and forwarded to the Chair of the Criminal Justice Department and Dean of Students for their records.

***Disability Services:*** Any student requiring accommodations or services due to a disability must contact Services for Students with Disabilities (SSD) in room 181 of the WSU Student Services Center. SSD can also arrange to provide course materials (including this syllabus) in alternative formats if necessary. See the SSD website for more information: <http://www.weber.edu/ssd/>

***Religious Observances:*** I will make every effort to reasonably and fairly deal with students who, because of religious obligations, have conflicts with exams or assignments. Please let me know in writing (email) of the conflict during the first two weeks of the semester if possible, or as soon as possible after becoming aware of the conflict.

**Class Decorum:** We will be discussing controversial subjects and you may vehemently disagree with something that is said by another student or perhaps even myself. However, part of respecting your colleagues is to honor differences in people, ideas, and opinions. Therefore, questions and comments by others should be treated with civility at all times. Your own opinions and arguments become stronger by considering alternative arguments seriously and it is only appropriate to address the substance of another person's argument, not the character of the person with which you disagree. Also, it is inappropriate to expect a student to explain or defend the views or positions of a racial, ethnic, religious, professional or political group with which they may be associated. I reserve the right to ask you to modify your behavior on the class discussion board if your comments are offensive or disruptive to the learning environment, deduct accordingly from your online discussion board grade, and delete such comments.

In addition please note that Weber State University is committed to providing an environment free from harassment and other forms of discrimination based upon race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of Veteran of the Vietnam era, sexual orientation or preference or gender, including sexual/gender harassment. Specifically the University policy on sexual harassment prohibits both unwelcome sexual contact and unwanted sexual comments/language and includes an anti-retaliation policy to protect complainants. If you have questions regarding the University's policy against discrimination and harassment you may contact the university's Affirmative Action/Equal Opportunity office (i.e. the AA/EO office) at 801-626-6239 if you face discrimination by faculty, staff or other students.

**Email and Contacting the Instructor:** If you have questions about the readings which are not addressed in the class discussion for that week (and are not a good fit for you to raise in your own response to my discussion question), please raise the question in the separate catch-all discussion board on Canvas labeled Questions for Instructor and Colleagues. If your question is not promptly answered there, please contact me. The best way to contact me with questions is by email or Canvas message. Feel free to also contact me by phone during office hours—or better yet, set up a time for a telephone appointment outside of office hours. I answer email within 48 hours, so if you do not receive a reply within that time, that means I did not get, or overlooked, your email and you should try to contact me again. E-mails written in a professional and courteous manner reflect well on you. Remember that an e-mail addressed to your professor is a different, more formal genre than an e-mail addressed to your friend. Remember to write in complete sentences with standard spelling and punctuation, and be polite.

**Counseling and Psychology Services:**

College is a stressful time in your lives. On top of academic stresses such as exams, papers, presentations, reading, etc. you may also be struggling to balance work and family obligations, and many of you may also be dealing with illnesses of family members. Please know that if you experience anxiety, depression, or grief there are University services available to assist you. Many of these services are free of charge to you as they are funded by student fees. The first step is just asking for help. So if you are struggling with depression, anxiety, relationship problems, academic or career uncertainty, identity confusion, loneliness, grief, or other concerns, the WSU Counseling & Psychological Services Center can help. Please call 801-626-6406 to schedule an appointment or visit <http://www.weber.edu/counselingCenter/> for more information.

**Missing an Exam:** If you absolutely must miss an entire exam window due to medical or family emergency please be in touch with me as soon as possible (scheduled exam make ups for religious or athletic reasons should be arranged with the instructor in the first two weeks of the semester). You should also plan to document your emergency excuse (i.e. with a hospital or doctor's note), although I may waive this requirement if contacted prior to the exam. Granting make-up exams *is completely at the discretion of the instructor* and is limited to the student's or immediate family's serious illness or injury (i.e. children, spouse, or parents). Even if a makeup is granted the instructor reserves the right to penalize taking an exam late up to 75% of your exam grade, especially if your request is after the fact, and is insufficiently explained and documented. Remember failure to take an exam will result in failing the course.

**Success in this Class:** *Students having trouble with the material should be proactive early in the term by asking questions of the instructor (and on the class discussion board) and making a telephone conversation appointment to address ways of improving course performance.*

**Course Texts and Materials:**

Weinreb, Lloyd L. (2012). Leading Constitutional Cases on Criminal Justice (2012 edition). New York: Foundation Press.

*All cases in Weinreb unless otherwise noted. The first page of the case is listed, but you should read the entire case unless otherwise noted. Additional cases and readings listed on the schedule below will be posted on Canvas.*

**Class Schedule and Readings:**

**Week One (week of August 31)**

Introduction to the Course

Read (all cases on syllabus are in Weinreb unless otherwise noted):

*Palko v. Conn.*

*Adamson v. Calif.* (concurring and dissenting opinions only)

- 1) Introduce yourself on Canvas discussion board
- 2) Answer Discussion Board Question on *Adamson v California*

**Week Two (week of Sept. 7)**

Due Process and begin Search and Seizure

Reading Assignments (all cases in Weinreb unless otherwise noted):

*Mapp v. Ohio* (p. 298)  
*United States v. Leon* (p. 325)  
*Atwater v. City of Lago Vista* (p. 69)  
*Knowles v. Iowa* (p. 152)  
*Riley v. California* (on Canvas)

**Week Three (week of Sept. 14)**

What is a Search?

*Calif. v. Greenwood* (p. 279)

Warrantless Searches

*Florida v. Bostick* (p. 225)  
*Georgia v. Randolph* (p. 245)  
*State v. Vogt* (on Canvas)

**Week Four (week of Sept. 21)**

Detentions on Less than Probable Cause

*Terry v. Ohio* (p. 392)  
*Florida v. J.L.* (p. 415)  
*Hiibel v. Sixth Judicial Dist.* (p. 445)  
*City of Indianapolis v. Edmond* (p. 459)  
*Navarette v California* (on Canvas)

**Week Five (week of Sept. 28)**

The Right to Counsel

*Gideon v. Wainwright* (p. 571)  
*Argersinger v. Hamlin* (p. 582)  
*Douglas v. Calif.* (p. 575)  
*Strickland v. Washington* (p. 608)  
*Faretta v. Calif.* (p. 640)

**Week Six (week of Oct. 5)**

Privilege Against Self-Incrimination

*Brown v Mississippi* (p. 647)  
*Miranda v. Arizona* (p. 722)  
*Rhode Island v. Innis* (p. 798)  
*Doyle v. Ohio* (p. 817)  
*Schmerber v. Calif.* (p. 836)

**Week Seven (week of Oct. 12)**

Fairness in Lineups

*United States v. Wade* (p. 891)

*Kirby v. Illinois* (p. 903)

*Simmons v. United States* (p. 908)

Preliminary Hearings

*Coleman v. Alabama* (p. 918)

Right to Bail

*Stack v. Boyle* (p. 936)

*United States v. Salerno* (p. 939)

**Week Eight (week of Oct. 19) MIDTERM EXAM, open until Oct. 24, 2015 at 9:00 p.m.**

Law and Prosecutors

*United States v. Armstrong* (p. 950)

Law and Defense Attorneys

*Nix v. Whiteside* (p. 631)

**Week Nine (week of Oct. 26)**

Right to a Speedy Trial

*United States v. Marion* (p. 963)

*Barker v. Wingo* (p. 969)

Types of Plea Bargains

*Brady v. United States* (p. 979)

*North Carolina v. Alford* (p.987)

*Bordenkircher v. Hayes* (p. 991)

**Week Ten (week of Nov. 2)**

Jury Size

*Williams v Florida* (on Canvas)

Jury Selection

*Batson v. Kentucky* (p. 996)

*J.E.B. v. Alabama Ex Rel. T.B.* (p. 1008)

*Georgia v. McCollum* (p. 1016)

Harmless Error Doctrine

*Sullivan v. Louisiana* (p. 1023)

**Week Eleven (week of Nov. 9)**

Fair Trials

*Illinois v. Allen* (p. 1027)

*Sell v. United States* (p. 1033)

*Estelle v. Williams* (p. 1041)

*Crawford v. Washington* (p. 1081)

*United States v. Agurs* (p. 1098)

**Week Twelve (week of Nov. 16)**

Law of Sentencing

*United States v. Grayson* (p. 1144)

*Ewing v. Calif.* (p.1165)

*United States v. Booker* (p. 1185)

**Week Thirteen (week of Nov. 23 —Thanksgiving on Nov. 26)**

Double Jeopardy

*Ashe v. Swenson* (p. 1119)

*Illinois v. Somerville* (p. 1130)

**Week Fourteen (week of Nov. 30)**

Cruel and Unusual Punishment

*Brown v. Plata* (p. 1205)

*Roper v. Simmons* (p. 1226)

*State v. Houston* (on Canvas)

**Week Fifteen (week of Dec. 7) Paper Due Dec. 2<sup>nd</sup>**

**No readings—Work on Paper!**

**Paper will be due Saturday, December 12, 2015 at 11:59 p.m.**

*This syllabus is intended to give the student guidance in what will be covered during the course, and will be followed as closely as possible. However, this syllabus is subject to revision at the discretion of the instructor by making announcements on Canvas.*