COURSE DESCRIPTION: This course focuses on criminal justice process and procedure concerning the investigative, adjudicatory, and punishment phases of a criminal case. We will explore these areas generally and through United States Supreme Court decisions interpreting them.

COURSE OBJECTIVES: Through this course, students should gain:

1) An understanding of the constitutional and judicial parameters of governmental authority to search and seize individuals and property and collect testimonial evidence.
2) An understanding of the constitutional and judicial parameters of the adjudication and punishment process.
3) An awareness of the federal and Texas judicial and legislative “outputs” and basic legal research methods to locate them.

REQUIRED READING:


COURSE REQUIREMENTS: Final course grades will be based on performance on the following activities in the following proportions: midterm examination (30% of final course grade); final examination (30% of final course grade); research paper (35% of final course grade); and class participation (5% of final course grade). Each of these activities will be evaluated on a 100-point scale.

GRADING SCALE:
A=90-100
B=80-89
C=70-79
D=60-69
EXAMINATIONS: Both examinations will consist of definitional, descriptive, and/or essay questions. The midterm examination is tentatively scheduled for Wednesday, March 22, 2017. The final examination will be given from 1:00-3:50 p.m. on Wednesday, May 10, 2017. There will generally be no make-up exams.

RESEARCH PAPER: Each student will select a specific topic concerning criminal justice process or procedure (for example, search warrants, jury selection, or restitution). Each student will then prepare a research paper concerning the topic chosen. The text of this paper should be 16-18 typed pages long (with 10 or 12 point font and no more than 1.5 spacing). The paper should include:

1) A detailed description of the topic generally (for example, its underlying concepts, its role in our notions of criminal justice, its historical evolution, its extent of use, its use in other criminal justice systems, etc.). This section should include references to at least 9 scholarly sources (for example, scholarly journals, books, research studies, government statistics, etc.); textbooks from other courses can be used as references in your paper, but will not count as part of your required number of sources.

2) A description of your topic’s application/implementation in the federal and Texas state criminal justice systems. This section should include (a) descriptions of the current federal and Texas state constitutional provision(s)/statute(s)/rule(s) relating to the topic chosen and (b) descriptions of 2 federal cases and 2 Texas state cases decided in the last 10 years interpreting your topic. Try to find the most recent and/or authoritative court decisions concerning your topic (for example, a decision by the Texas Court of Criminal Appeals (as opposed to one by the Texas Court of Appeals) or by the United States Supreme Court or United States Court of Appeals (as opposed to the United States District Court).

3) A comparison of and a discussion of the strengths and weaknesses of the federal and Texas state approaches to your topic and suggestions for improving their effectiveness. This section should include a reference to at least 1 scholarly source (other than those used in the “description” section); and

4) Parenthetical references to sources and a bibliography containing the sources cited in the paper, both in standard MLA format.

No more than 2 students may do their papers on the same topic. Topics will be chosen on a first come-first served basis, but all students must identify in writing the topic on which their paper will be based by the beginning of class on Wednesday, February 15, 2017. These paper proposals will not be graded, but will be reviewed by the instructor and returned with comments. Any major change in the topic should be approved by the instructor. The final paper will be due at the beginning of class on Wednesday, April 26, 2017. Each student should submit a “hard” copy of the paper and an electronic copy via Blackboard to TurnItIn.com. A copy of the cases discussed in part 2) of the paper should be turned in with the paper. Any late papers will be penalized.
CLASS PARTICIPATION: The class participation component of each student’s grade will be based on the number of times that the student actually participates in the discussions of class material. Students may volunteer to participate and they will be called upon to participate. A student will be awarded up to 5 points each time that the student participates in class, up to a maximum of 100 points for the semester. No points will be deducted from or added to the student’s class participation score if the student gives an incorrect answer, is unable to respond to a question in class, or asks a question in class.

ATTENDANCE: No specific records will be kept regarding student attendance. Attendance, however, will strongly affect course grades because 1) at least 30% of each exam will be drawn from class presentations, 2) class presentations will elaborate on and review text materials, 3) class participation evaluations will be based on participation in class, and 4) each student will be responsible for the content of all class presentations, as well as for any announcements, schedule changes, etc. that are made in class.

ACADEMIC HONESTY: The university rules and policies regarding cheating and plagiarism will be strictly enforced.

SPOT: As part of the university-wide assessment of teaching, students are strongly encouraged to complete the Student Perceptions of Teaching (SPOT) online evaluations for this and all of their classes. Your input is valued.

ADA STATEMENT: The University of North Texas complies with Section 504 of the 1973 Rehabilitation Act and with the Americans with Disabilities Act of 1990. The University of North Texas provides academic adjustments and auxiliary aids to individuals with disabilities, as defined under the law. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disability. If you believe that you have a disability requiring accommodations, please see me and/or contact the Office of Disability Accommodation at 940-565-4323 during the first week of class. Please notify me and your other instructors regarding any recommended accommodations as soon as possible.

COURSE SCHEDULE

The following reflects the approximate schedule for required readings in the Whitebread and Slobogin text (WS) and supplement; students should also read the United States Supreme Court cases identified below that accompany the text materials and that can be found in the Weinreb text
or that the instructor will supply. Tentative dates for examinations and other assignments are also included.

<table>
<thead>
<tr>
<th>Date</th>
<th>Class Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Introduction; Court Structure/Legal Materials/Assignment Preparation</td>
</tr>
<tr>
<td>25</td>
<td>General Concepts of Criminal Procedure; General Concepts of Search and Seizure; Stop and Frisk</td>
</tr>
<tr>
<td></td>
<td>WS chs. 1, 4, 11</td>
</tr>
<tr>
<td></td>
<td>United States v. Jones; United States v. Drayton (hand-out); Terry v. Ohio</td>
</tr>
<tr>
<td>February</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Probable Cause; Arrest; Search and Seizure (with warrant)</td>
</tr>
<tr>
<td></td>
<td>WS chs. 3, 5</td>
</tr>
<tr>
<td></td>
<td>Illinois v. Gates; Atwater v. City of Lago Vista; Payton v. New York</td>
</tr>
<tr>
<td>8</td>
<td>Plain View; Hot Pursuit; Search Incident to Arrest</td>
</tr>
<tr>
<td></td>
<td>WS chs. 10, 8, 6; p. 271</td>
</tr>
<tr>
<td></td>
<td>Horton v. California; Minnesota v. Dickerson; Riley v. California (hand-out); Maryland v. Buie</td>
</tr>
<tr>
<td>15</td>
<td>Vehicle Stops/Searches; Consent; Miscellaneous Exceptions to the Warrant Requirement</td>
</tr>
<tr>
<td></td>
<td>WS ch. 7; pp. 264-71; chs. 12, 9; pp. 283-85</td>
</tr>
<tr>
<td></td>
<td>City of Indianapolis v. Edmond; California v. Acevedo; Schneckloth v. Bustamonte; New Jersey v. T.L.O (hand-out)</td>
</tr>
<tr>
<td></td>
<td>** Identification of Paper Topic Due</td>
</tr>
<tr>
<td>22</td>
<td>Exclusionary Rule; Confessions/Admissions</td>
</tr>
<tr>
<td></td>
<td>WS pp. 17-42, 60-61, 351-52; ch. 16 (pp. 355-71, 396-412)</td>
</tr>
<tr>
<td></td>
<td>Mapp v. Ohio; United States v. Leon; Herring v. United States; Colorado v. Connelly; Brewer v. Williams</td>
</tr>
<tr>
<td>March</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Confessions/Admissions (cont.)</td>
</tr>
<tr>
<td></td>
<td>WS ch. 16 (pp. 371-96, 412-17)</td>
</tr>
<tr>
<td></td>
<td>Miranda v. Arizona; Berghuis v. Thompkins; United States v. Patane</td>
</tr>
</tbody>
</table>
Identification Procedures; Review
WS chs. 17, 18
Neil v. Biggers

Spring Break

*** Midterm Examination

Court Players
pp. 668-69, 511-12; ch. 31; pp. 864-65
United States v. Armstrong; Gideon v. Wainwright

April
5
Pretrial Process
WS chs. 20, 22, 23; pp. 574-75
United States v. Salerno; United States v. Williams

12
Pretrial and Trial Process
WS pp. 798-99; chs. 25, 26, 27
Bordenkircher v. Hayes; Barker v. Wingo; Batson v. Kentucky

19
Trial and Post-Trial Process
WS ch. 28; pp. 756-57, 922-24
Crawford v. Washington

26
Sentencing (generally, death penalty, incarceration)
Gregg v. Georgia (hand-out); Ewing v. California; O’Lone v. Shabazz (hand-out); Hudson v. McMillian (hand-out)
*** Research Paper Due

May
3
Sentencing (community-based sentences); Review
Greenholtz v. Inmates of the Nebraska Penal and Correction Complex; Gagnon v. Scarpelli; Bearden v. Georgia; United States v. Bajakajian (hand-outs)

*** Final Exam