**PSCI 3100: Rights of Criminal Defendants**

Spring 2013; Sage 176; Monday/Wednesday 3:30 – 5:00

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| **Instructor:** |  | |
| Dr. Wendy Watson | Office: | 129 Wooten Hall |
| e-Mail: wendy.watson@unt.edu | Office Hours: | M, 10:00-1:30;  T, 9:00-12:00 and 1:30-5:00;  W, 10:00-12:00  and by appointment |

**TA: Rodney Gill**

**Course Description:**

This course provides an in-depth examination of the constitutional rights and liberties enjoyed by defendants in the criminal justice process. Specifically, we will explore the U.S. Supreme Court’s interpretation of constitutional guarantees as that interpretation has developed through the evolution of case law. While we will necessarily focus a fair amount of attention on what the law is, we will also pay considerable attention to how the law has changed; why the law is the way it is (both the Court’s stated rationale for its decisions and the political and social pressures that may have played a role in the Court’s decision making); and what the law ought to be (occasionally drawing on empirical studies of human behavior for support).

The course requires a significant amount of reading, and the reading is dense. Do not take this class if you do not care to read. If you know you are not good at time management, this is not the class for you. Finally, this class will require critical thinking and writing skills; while I will help you develop those skills, you need to be willing to put in serious effort. If you are looking for a class in which material will be spoon-fed to you or in which you can skate by with little work, look elsewhere.

**Course Materials:**

There is only one text for this class:

Israel, Kamisar, LaFave, King, and Primus, *Criminal Procedure and the Constitution*, 2012 Edition.

Because the caselaw (and even topics) included in this book change from edition to edition, it is important for you to get the 2012 Edition. All other reading materials will be available on Blackboard Learn (learn.unt.edu).

**Assignments and Grading:**

Your grade in this course will be based on the following components:

Two Hypotheticals (15% each) 30%

Unannounced Quizzes 15%

Participation and Professionalism 5%

Brief Pick-Ups 10%

Final Exam 40%

Total 100%

There is no curve in this class. It is thus possible that everyone in the class will receive an A. It is also possible that no one will receive an A. Grades will be based upon the following scale:

A: 90-100

B: 80-89

C: 70-79

D: 60-69

F: anything below 60

I will not round in this class. You actually need a 90% or higher to get an A. An 89.999% is still a B. Incompletes will only be given to students who provide documentation of a serious illness or family emergency that prevents them from completing course requirements in a timely fashion.

**Briefing Cases:**

During the first week of class, I will explain how to brief a case. Essentially, a brief is a stylized outline of the key elements of a court decision. You will be expected to brief all cases we read. Briefing does **not** mean copying portions of cases or using a brief you find on the Internet. Your briefs should be in your own words (if you use an occasional sentence from a case, that is fine . . . but it must be in quotes). Put your name at the top of each of your briefs.

You may work with one or more students to divide the labor of briefing the cases. That may sound like an attractive idea, but keep in mind the potential pitfalls: if one of your colleagues doesn’t get you a brief in time for class, you may miss quiz questions or appear unprepared in class. Similarly, if one of your colleagues doesn’t do a good job of briefing cases, you may end up heading into the final with misinformation. Finally, if your colleague does not have a brief prepared on the day we collect it, no one in the group will get credit.

Periodically, at the end of class, I will ask you to hand in a single brief. If you do not have a brief, then you get a “0”; if you have a brief, but it is subpar, you will receive a .8; if you have a solid brief, you will receive a 1. The TA and I will also be checking to make sure you are writing your briefs yourself and not copying from an online source. If we find that you have plagiarized your brief(s), the author of the brief will face an allegation of academic misconduct (and no one will get credit for it). You may use your briefs in answering questions in class, during unannounced quizzes, and on the final exam.

If you **do** decide to work with a group, the names of all group members should be on the briefs, with the brief’s actual author highlighted or in bold. I would also recommend that, if you work with a group, you exchange briefs electronically by a certain point so that everyone in the class can arrive with a printed version of the briefs for use on quizzes, etc.

**Participation and Professionalism:**

This grade will be assigned at the end of the term. I will take into consideration (1) your attendance and promptness for class (yes, we will take attendance); (2) your preparation for class; (3) your ability to work with your classmates; and (4) your respectful attitude (this includes your attitude and professionalism in e-mails). Unlike other components of this class, you start with this 5% and lose it for being late, skipping class, coming to class unprepared, being rude, and being unprofessional.

How will I know if you are prepared? At the beginning of the term, I will create a deck of playing cards, one card for each of you. I will shuffle the cards and call on people starting at the top of the deck. I will expect you to be able to answer questions about the cases we have read. If you are unable to answer those questions, I will make a note of it, and return your card to the middle of the deck. If you are successful, your card will be pulled until everyone has been called on; at which point I will shuffle and begin again.

**Unannounced Quizzes:**

I will give four unannounced quizzes during the term. I will drop your lowest quiz score at the end of the semester. There are no make-ups for quizzes unless you are on a university-sponsored trip.

**Hypotheticals:**

Instead of giving a midterm in this class, I will give you two hypotheticals (dates on the syllabus). A hypothetical is a made-up scenario that raises a number of legal issues. Your job is to spot those issues and tie them to the cases we have read in class. Your response to each hypothetical will be a 5-7 page paper (absolutely no more than 7 pages, 1-inch margins, 12-point font, double-spaced) Think of these as take-home essay exams.

**Final Exam**

The final exam will require you to apply concepts from class to new situations; in other words, you will be expected to show conceptual mastery of the material, not just a facility with spitting back facts. The exam will consist of objective questions (multiple choice, true false, matching, identification, fill-in-the-blank), and more subjective short answer questions. You will be able to use your case briefs during the exams. You may only use your own case briefs, not those of another student.

Some Important Information:

Course drop information: see schedule at

<http://essc.unt.edu/registrar/schedule/scheduleclass.html>

Policies on academic dishonesty:

<http://www.vpaa.unt.edu/academic-integrity.htm>

**Department Statement of ADA compliance**

The Political Science Department cooperates with the Office of Disability Accommodation to make reasonable accommodations for qualified students with disabilities. Please present your written accommodation request on or before the sixth class day (beginning of the second week of classes).

**University of North Texas -- Department of Political Science**

**POLICY ON CHEATING AND PLAGIARISM**

The UNT Code of Student Conduct and Discipline defines cheating and plagiarism as the

use of unauthorized books, notes, or otherwise securing help in a test; copying others' tests,

assignments, reports, or term papers; representing the work of another as one's own; collaborating without authority with another student during an examination or in preparing academic work; or otherwise practicing scholastic dishonesty.

Normally, the minimum penalty for cheating or plagiarism is a grade of "F" in the course.

In the case of graduate departmental exams, the minimum penalty shall be failure of all fields of

the exam. Determination of cheating or plagiarism shall be made by the instructor in the course,

or by the field faculty in the case of departmental exams.

Cases of cheating or plagiarism on graduate departmental exams, theses, or dissertations

shall automatically be referred to the departmental Graduate Studies Committee. Cases of

cheating or plagiarism in ordinary coursework may, at the discretion of the instructor, be referred

to the Undergraduate Studies Committee in the case of undergraduate students, or the Graduate

Studies Committee in the case of graduate students. These committees, acting as agents of the

department Chair, shall impose further penalties, or recommend further penalties to the Dean of

Students, if they determine that the case warrants it. In all cases, the Dean of Students shall be

informed in writing of the case.

Students may appeal any decision under this policy by following the procedures laid

down in the UNT Code of Student Conduct and Discipline.

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**POLICY ON ACADEMIC INTEGRITY**

The Political Science Department adheres to and enforces UNT’s policy on academic integrity (cheating, plagiarism, forgery, fabrication, facilitating academic dishonesty and sabotage). Students in this class should review the policy (UNT Policy Manual Section 18.1.16), which may be located at <http://policy.unt.edu/sites/default/files/untpolicy/pdf/7-Student_Affairs-Academic_Integrity.pdf>. Violations of academic integrity in this course will addressed in compliance with the penalties and procedures laid out in this policy. Students may appeal any decision under this policy by following the procedures laid down in the UNT The UNT Policy Manual Section 18.1.16 “Student Standards of Academic Integrity

**Acceptable Student Behavior**

Student behavior that interferes with an instructor’s ability to conduct a class or other students' opportunity to learn is unacceptable and disruptive and will not be tolerated in any instructional forum at UNT. Students engaging in unacceptable behavior will be directed to leave the classroom and the instructor may refer the student to the Center for Student Rights and Responsibilities to consider whether the student's conduct violated the Code of Student Conduct. The university's expectations for student conduct apply to all instructional forums, including university and electronic classroom, labs, discussion groups, field trips, etc. The Code of Student Conduct can be found at [www.unt.edu/csrr](http://www.unt.edu/csrr).

**Course Schedule**

Jan. 14: Introduction, How to Brief a Case

Jan. 16: Chapter 2

Due: Brief of *District Attorney’s Office v. Osborne*

**Search and Seizure**

Jan. 23: Chapter 3(2)

Jan. 28: Chapter 3(3) and 3(4)

Jan. 30: Chapter 3(5) and 3(6)

Feb. 4: Chapter 3(7)

Feb. 6: Chapter 3(8)

Feb. 11: Chapter 3(1)

**Interrogation and Confession**

Feb. 13: Chapter 6(1), 6(2), and 6(3)

Feb. 18: Chapter 6(4)(1), (2), (3), (5), (6), (7)

Feb. 20: Chapter 6(5), (6), and (7)

First Hypothetical Distributed

Feb. 25: In Class Film: The Confessions

**Right to Counsel**

Feb. 27: Chapter 5

Mar 4: Chapter 17(1)

Mar. 6 Chapter 17(2), (3), and (4)

First Hypothetical Due

SPRING BREAK!

**Pretrial Procedures**

Mar. 18 Wells, Gary. 2006. Eyewitness Identification: Systemic Reforms. *Wisconsin Law Review* 2006:2, 615-643.

Mar. 20 Chapter 7

Mar. 25 Chapter 8

Mar. 27 Chapter 10

**Resolving Criminal Cases**

Apr. 1 Chapter 14

Apr. 3 In-Class Simulation of Plea Bargaining

Apr. 8 Chapter 15(1)

Apr. 10 Chapter 15(2)

Apr. 15 Chapter 18(1) and 18(2)

Second Hypothetical Distributed

Apr. 17 Chapter 18(3) and 18(4)

**After the Trial**

Apr. 22 Chapter 19(1)

Apr. 24 Chapter 19(2) and 19(3)

Apr. 29 Chapter 20

Second Hypothetical Due

May 1 REVIEW Q&A

**FINAL EXAM \* Monday, May 6, 1:30 – 3:30 PM**