**PSCI 3100: Rights of Criminal Defendants**

Fall 2014; Wooten 319; Monday/Wednesday 2:00 – 3:20

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| **Instructor:** |  | |
| Dr. Wendy Watson | Office: | 129 Wooten Hall |
| e-Mail: wendy.watson@unt.edu | Office Hours: | M/W, 10:00-11:30;  T, 11:00-2:00;  and by appointment |

**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.

Note that there is a 2013 edition of this book, but I have assigned the 2012 edition (so you may purchase a used book). Because the case law (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:

Final 40%

Hypotheticals (2 @ 15% each) 30%

Quizzes 20%

Professionalism 10%

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. Briefing does **not** mean copying portions of cases or using a brief you find on the Internet. I recommend that you brief every case; your briefs will be most useful if they are complete and in your own words.

You may use your briefs when answering questions in class, during unannounced quizzes, and on the final exam. Again, briefs that you have copied will not help you nearly as much as briefs that you have written yourself. While you may use any notes you have taken, in any form, the formal brief structure is a time-honored and well-tested means of organizing notes on a court case.

Because you are allowed to use your briefs and notes on quizzes and the final, you should have them with you in hard copy; you will NOT be allowed to use your laptop during quizzes or the final.

**Professionalism:**

This grade will be assigned twice during the term (once, for 5 percentage points, approximately midway through the term and again at the end of the term). I will take into consideration (1) your attendance and promptness for class (yes, I 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 10% 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 six 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 no more than 8 pages (1-inch margins, 12-point font, double-spaced). Think of these as take-home essay exams. While they are open book and open note, you may not consult with other members of the class in drafting your response.

**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), short answer questions (graded with a rubric), and one take-home essay question. You will be able to use your case briefs during the exams. You will need to have all briefs and notes printed out as hard copies; you may not use your laptop during the exam.

**A Note About Grading:**

To ensure fairness in grading, I will grade blind. That means that your names will not be on the hypotheticals, the take-home final essay, or your final exam; instead, you will mark them with your student ID number. After I have graded all submissions for an assignment, I will match student IDs with names for purposes of recording grades and returning materials.

**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**

Aug. 28: Introduction, How to Brief a Case

Sept. 4: Chapter 2

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

**Search and Seizure**

Sept. 9: pp. 51 - 87

Sept. 11: pp. 87 - 117

Sept. 16: pp. 117 - 147

Sept. 18: pp. 147 - 179

Sept. 23: pp. 179 - 194

Sept. 25: pp. 194 - 226

Sept. 30: pp. 226 - 261

First Hypothetical Distributed

**Interrogation and Confession**

Oct. 2: In Class Film: The Confessions

Oct. 7: pp. 334 - 371

Oct. 9: pp. 371 - 407

Oct. 14: pp. 407 - 429

First Hypothetical Due

Oct. 16: pp. 434 – 466

**Eyewitness Identification**

Oct. 21: pp. 466 - 486

**Adjudication of Guilt**

*Plea Bargains*

Oct. 23: In Class Film: The Plea

Oct. 28: pp. 618 - 644

*Juries*

Oct. 30: pp. 644 – 652

Nov. 4: pp. 652 – 684

Second Hypothetical Distributed

*Trials*

Nov. 6: pp. 804 - 835

Nov. 11: pp. 835 - 860

**The Right to and Role of Counsel**

Nov. 13: pp. 303 - 334

Nov. 18: pp. 735 – 782

Second Hypothetical Due

Nov. 20: pp. 782 - 804

**Retrials**

Nov. 25: pp. 860 - 889

Nov. 27: pp. 889 – 908

Final Essay Distributed

**Sentencing**

Dec. 2: pp. 908 - 941

Dec. 4: pp. 941 - 983

**FINAL EXAM \* Wednesday, December 11, 1:30 – 3:30 PM**