

PBJ 201 – AMERICAN CRIMINAL COURTS & JUDICIAL PROCESS

T/Th 9:35 – 10:55 a.m.
Mahar Hall – Room 102
Fall 2016

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Office Hours: M 3:00 – 4:30 p.m., TH 11:00 am – 12:30 p.m., or by appointment

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COURSE DESCRIPTION

This course provides an introduction to the philosophy and process of American criminal courts. It will examine the functions, structures, and processes of the trial and appellate courts and examine the role and influence of the U.S. Supreme Court on the administration of justice. It will explain the legal actors involved and the different perspectives each brings to the court process.

COURSE LEARNING OBJECTIVES

By the end of this semester, you will be able to:

- Describe the function and structure of criminal courts in the U.S. and how they relate to other parts of the criminal justice system.
- Discuss the role courts play as agents of social control.
- Explain the role of judges, juries, lawyers, witnesses, etc. in the administration of justice.
- Explain the various stages and processes of a felony trial.
- Explain the process of appeal and the role of the appellate court.
- Identify the basic theories of judicial decision-making.
- Analyze the mechanisms through which law evolves via the process of adjudication.
- Analyze the role of the U.S. Supreme Court.

REQUIRED TEXTBOOK

Spohn, C., & Hemmens, C. (2012). *Courts: A text/reader* (2nd ed.). Thousand Oaks, CA: Sage Publications. **ISBN-13: 978-1-4129-9718-8**

NOTE: Additional readings or resources will be assigned throughout the course of the semester. These will be made available to students via Blackboard at no additional charge.

COURSE POLICIES

Attendance and Participation

Attendance and class participation is mandatory and will be taken into consideration in the grading process. Students should come to each class prepared to engage in class exercises and discussions, and having completed the assigned readings. Attendance is defined as coming to class, prepared, on time, and staying for the duration of the entire class period. Participation means actively engaging in the course discussion and contributing over the course of the semester. The material covered in class will come from a variety of sources beyond just your textbook readings. Therefore, poor attendance and/or participation will have a negative impact on your grade.

Attendance: You are expected to attend every class. If you do miss a class, please make sure that you obtain the information covered from a classmate.

Excused absences must be arranged for in advance or documented in writing. Examples of excused absences are illness; family emergencies; obligations beyond your control, such as a job interview; and participation in SUNY Oswego athletic events. You will be required to provide satisfactory documentation of such absences.

Arriving Late/Leaving Early: Late attendance and leaving early is discourteous to the instructor and other students and demonstrates a lack of responsibility. Please do not come in late or leave early without prior approval from the instructor. If you arrive to class more than ten (10) minutes late or leaving early without prior arrangement, this will be deemed an unexcused absence.

Blackboard System

This course makes use of the Blackboard system. Over the course of the semester, I will post announcements, the syllabus, PowerPoints, review sheets, class handouts, related media discussed in class, and assignments on Blackboard. Some items are set to release on certain dates. Please inform me as soon as possible of any technical difficulties not remedied by Blackboard's help feature. To be successful in the course, you will need access to reliable internet service.

When you submit an assignment, you will receive a confirmation message on your screen after a successful submission. Save this confirmation receipt (either print it or save to your computer as a PDF). If I do not receive an assignment, and you cannot provide this confirmation, you will not receive credit for the assignment. Be sure to allow yourself adequate time to complete the assignment. Technology failure is not an accepted excuse for missing an assignment.

Cell Phone Policy

Cell phones will be turned off during class and will be placed face down on the desk in front of you. There will be NO text messaging. If there is an exigent circumstance in which a student is expecting an urgent call or message, see me before class to discuss this. Cell phones will be relinquished to the professor while students take exams if found to be in use.

Students who use cell phones or other electronic devices in class, in violation of this policy, will have 2 points deducted from their final course average for each day that a violation occurs.

Use of Laptop Computers

Laptop computers, iPads, and other forms of computers and electronic devices are strictly prohibited in class. See above cell phone policy regarding violations.

Assignments and Assigned Readings

Please make sure that you have completed all assigned readings prior to the assigned class period. All assignments will be due at the beginning of the class period on the assigned date. Any assignments turned in after the start of the class period will be considered late. Late assignments will not be accepted unless prior arrangements have been made.

Your Grade

Please do not wait until the semester is over to be concerned about your grade. If you are concerned about your grade at any point, please do not hesitate to come discuss this with me during office hours or by making an appointment. I am happy to meet with you to discuss your performance and help you work towards your desired grade, or you may contact me via Blackboard course mail. Grades will not be discussed through your personal email account.

Office Hours

Office hours are available for you to address questions, concerns, and any issues you may wish to discuss about the course. Please do not hesitate to take advantage of this time, especially if you are experiencing a problem with the course. The sooner we address a problem, the more likely we are to resolve it favorably. If you are unable to meet during the office hours for any reason, please feel free to contact me to arrange an appointment.

Contacting Me

Email is the best way to get in touch with me as I am not always on campus or available by phone. Please be sure to include your name and course name in the subject line, and use professional language. I do check email regularly and multiple times per day, and will respond to you within 24 hours unless you have been notified prior that I will be unavailable. If for any reason you do not get a response within 24 hours, I most likely did not receive your email. Please feel free to resend your email or speak with me at the end of class or during office hours. At times, I may forward those messages that deal with class content to the TAs if it can ensure faster response time. I will not forward any with sensitive information without your consent.

Your Email Address

From time to time, I will e-mail the class with important information (i.e., instructions for an assignment, announcements, etc.). Emails, especially containing confidential information, only will be sent to a student's SUNY Oswego email account or via the mail tool in Blackboard. Please also be sure you make my e-mail address a safe address on your account so that my e-mails are received and not sent to junk mail.

Retention of Graded Material

Education requires evaluation, both of individual students' performance, as well as the performance of an academic program as a whole. Work you submit for grading in this course may be retained by the Department in order to assess the quality of curriculum we offer to students of Public Justice.

UNIVERSITY POLICIES

Intellectual Integrity

The College Policy on Cheating and Plagiarism applies to all assignments and exams in this course. This also includes academic dishonesty and cheating on the taking of attendance. You should familiarize yourself with that policy, which is reproduced in the College Catalogue and can be accessed in its entirety at the website address below. If it is determined that you have cheated or plagiarized on an assignment or exam in this course, the professor reserves the right to assign a grade of E for that assignment or exam, or a grade of E for the course, depending on the circumstances.

"Intellectual integrity on the part of all students is basic to individual growth and development through college course work. When academic dishonesty occurs, the teaching/learning climate is seriously undermined and student growth and development are impeded. For these reasons, any form of intellectual dishonesty is a serious concern and is therefore prohibited."

(http://catalog.oswego.edu/content.php?catoid=26&navoid=1803#inte_inte)

Disability Services

If you have a disabling condition which may interfere with your ability to successfully complete this course, please contact the Disability Support Services (DSS) located at 155 Campus Center, phone (315) 312-3358, dss@oswego.edu. Please also see me after class or during office hours to discuss your needs.

The Office of Disability Services (ODS) provides support services and adaptive technologies to students who have a legally documented disability or students who suspect that they may have a disability. Students must contact the office before adaptive services can begin. Certain services, such as alternative testing, require advanced notice and are contingent upon the student initiating the process in a timely fashion. Alternative testing may occur at a time other than the time the rest of the class is taking the exam.

University Closings

School closings will be communicated through the SUNY Oswego homepage and local media. Students can call the Oswego Information Line at (315) 312-3333. SUNY Oswego participates in the New York Alert emergency messaging system. This system allows University Police and the SUNY Public Affairs office to contact students in the event of emergencies, including campus-wide closing due to inclement weather. Participation in this system can be set up through the personal information page of students' myOswego accounts. If I must cancel class, I will post a sign on the door, add a message on our course website (ANGEL), and/or send a class email as soon as possible.

Non-Discrimination Policy

SUNY Oswego values the contributions to learning for its members that result from maintaining a diverse student body, faculty, and staff. The goal of SUNY Oswego is to nurture members' abilities and capacities for appreciation of living and working together in a diverse learning environment. Members must not expose others to discriminatory acts of any form related to gender, race, nationality, ethnicity, sexual orientation, marital status, age, or disability since such acts, either active or passive, create a hostile environment.

Members of the college community who experience or observe discrimination, an incident of sexual discrimination, sexual assault, harassment, violence, or exploitation, whether occurring on or off campus, should immediately report the incident. For further information on this policy, and reporting procedures, access the following link:

<http://www.oswego.edu/about/titleix/discriminationpolicy.html>

GRADING

You will be expected to complete 4 exams throughout the semester. You also will be expected to submit a legal analysis paper. Finally, you will be expected to brief two court cases over the course of the semester. Details for all assignments are below.

Exams (4 @ 100 points each):	400 points
Legal Analysis Paper:	100 points
Court Case Briefs (2 @ 25 points each):	50 points
Discussion and Participation:	50 points

Final grades will be calculated as follows:

A	94% - 100%	B	83% - 86%	C	73% - 76%	D	63% - 66%
A-	90% - 93%	B-	80% - 82%	C-	70% - 72%	D-	60% - 62%
B+	87% - 89%	C+	77% - 79%	D+	67% - 69%	E	0% - 59%

Exams

There will be 4 exams throughout the course of the semester. The final examination will not be cumulative but will be held during the final examination period. Each exam may be composed of multiple choice, fill in the blank, matching, or short answer/essay questions. Students will be advised of the exam format prior to the distribution of the actual exam. All material covered in class (lectures, court cases, supplemental materials, etc.), as well as your assigned readings, is subject to be on the exam.

No textbooks or notes may be used on the exam. I will provide you Scantron forms for the exams. Both the exam and Scantron must be turned in. Failure to turn in the original exam with your name on it will result in a zero (0) for the test.

Promptness is important on exam days, as it is both distracting and unfair to your fellow students. If you arrive more than ten (10) minutes from the start of the class period on exam days, you will not be permitted to take the exam. Further, you will not be permitted to make up the exam without verifiable documentation of an emergency (at the instructor's discretion), and will receive a zero (0) for the exam.

If you miss an exam without a prior arrangement, you must provide me with verifiable proof for your reason within 24 hours of missing the exam, and the verifiable proof must be dated the day of the exam. It is also your responsibility to set up a time to take a make-up exam. Please note that not all excuses for a missed exam warrant the opportunity to take a make-up exam. If I deem the circumstances warrant a make-up exam, the make-up exam must be completed within one week of the original test date. If you do not follow this policy, or cannot provide me with a verifiable reason for missing the exam, you will receive a score of zero (0) for the exam.

Legal Analysis Paper

You will be expected to write a legal analysis paper over the course of the semester. You will select a hypothetical Supreme Court challenge from a list and will discuss, based on previous case law, how you expect the Supreme Court to decide the case. You also will include discussion of the potential public policy arguments that could stem from the Court's decision. Your analysis should include several key components. You must include discussion of at least two (2) precedent cases that the Court would rely on in making their decision. A list of landmark decisions will be provided with each scenario, and you must select the two best to supplement your position.

Each paper must be a minimum of 3 full pages but no more than 5 pages long, not counting your references and cover page. All papers must be typed, double-spaced, with a standard 1" margin and 12-point font. You must also include a cover sheet formatted in APA style, including the title of the paper and your name. I will provide a rubric for you so that you know how these papers will be graded prior to handing them in.

Your final papers are due by the start of class on the date they are due. All papers must be uploaded through the Dropbox feature in the Learning Modules tab on the Blackboard course website. **You must upload a Microsoft Word document file with the appropriate extension included in the file name (.doc or .docx). Your last name must appear in the file name. Papers in incorrect file formats will be returned and marked late.** Any assignments submitted after the start of class time will be deducted ten (10) points for each day late, up to three (3) days after the due date. Papers submitted more than three (3) days late will not be graded.

First Draft

One of the goals of a writing intensive course is to improve your writing skills. Any successful writer will tell you that editing and working on multiple drafts are integral parts of the writing process. In order to help you improving your writing, and to satisfy the writing intensive course requirement at Oswego, you are **required** to submit a draft version of your paper.

As an incentive, I will return the graded draft with comments on how to improve the paper, and if your final version improves, your grades will be averaged. For example, if your initial draft receives a grade of 80 and your final paper receives a grade of 90, you will receive an 85 on the paper, rather than the 80 that your initial paper received.

Your initial draft MUST be a finalized version of your paper. This means that it should be a fully proofread and complete paper. Your paper draft is due at the date noted on the course schedule and must be a complete draft in order to be eligible to average your paper grades. Failure to submit a draft will result in significant penalties to your paper and overall course grade.

Court Case Briefs

Over the course of the semester, you will be required to brief court cases. There will be a total of eight (8) cases posted in Blackboard. You will be required to brief two (2) of these cases of your choosing – one from Group A and one from Group B. All briefs must be typed, using a standard font (e.g., 12 point, Arial or Times New Roman). Your brief should be approximately one full page, single-spaced and should include **all** concurring and/or dissenting opinions. Case briefs are to be submitted through Blackboard in the respective dropboxes. Due dates are listed on the course schedule on the following pages. **No late assignments will be accepted.**

COURSE SCHEDULE

DATE	TOPIC	READING / ASSIGNMENT DUE
WEEK 1		
T 8/30	Class Introduction	
TH 9/1	Writing 101 / Briefing Court Cases Legal Analysis Paper Discussion / Research	
WEEK 2		
T 9/6	Section 1: Introduction to Courts	Section 1
TH 9/8	Section 2: Perspectives on Courts	Section 2 Readings 1 & 2
WEEK 3		
T 9/13	Section 3: Prosecutors and Defense Attorneys	Section 3 Readings 5 & 7
TH 9/15	Section 4: Judges and Jurors	Section 4 Reading 11
WEEK 4		
T 9/20	*** EXAM 1 (Sections 1 – 4) ***	
TH 9/22	Section 5: Pretrial Proceedings	Section 5 Reading 13
WEEK 5		
T 9/27	Section 6: Plea Bargaining and Trial Proceedings	Section 6 Reading 19
TH 9/29	Section 7: Sentencing	Section 7 Reading 22 GROUP A CASE BRIEF DUE
WEEK 6		
T 10/4	*** ROSH HASHANAH – NO CLASSES ***	
TH 10/6	Section 8: After Sentencing	Section 8 Reading 24
WEEK 7		
T 10/11	*** EXAM 2 (Sections 5 – 9) ***	
TH 10/13	Fourth Amendment	Fourth Amendment Cases (on Blackboard)
WEEK 8		
T 10/18	Fourth Amendment	
TH 10/20	*** CJANYS – NO CLASS / RESEARCH DAY ***	

WEEK 9

T 10/25 Fourth Amendment
 TH 10/27 Fifth Amendment

PAPER DRAFT DUE

Fifth Amendment Cases (on Blackboard)

WEEK 10

T 11/1 Fifth Amendment
 TH 11/3 Fifth Amendment

WEEK 11

T 11/8 ***** EXAM 3 (Fourth and Fifth Amendments) *****
 TH 11/10 Sixth Amendment

Sixth Amendment Cases (on Blackboard)

WEEK 12

T 11/15 Sixth Amendment
 TH 11/17 ***** ASC MEETING – NO CLASS / RESEARCH DAY *****

WEEK 13

T 11/22 Sixth Amendment
 TH 11/24 ***** THANKSGIVING BREAK – NO CLASSES *****

PAPER DUE**WEEK 14**

T 11/29 Eighth Amendment
 TH 12/1 Eighth Amendment

Eighth Amendment Cases (on Blackboard)

WEEK 15

T 12/6 Eighth Amendment
 TH 12/8 Course Wrap-Up

GROUP B CASE BRIEF DUE

TH 12/15 8:00 a.m. * FINAL EXAM (Sixth and Eighth Amendments) *****

SYLLABUS DISCLAIMER

This syllabus is tentative and may change due to unforeseen circumstances. The best way to stay informed is to check e-mail and to attend class. If there are any changes to the syllabus, I will notify you in writing via Blackboard and will provide you with an updated copy.

It is important for you to keep up with your syllabus and refer to it regularly to keep up with the course schedule and policies. If you lose your syllabus, please e-mail me and I'll send a copy to you via e-mail. A copy of the syllabus is also available on the Blackboard course site. Please note that losing your syllabus does not constitute an excuse for missing assignments or noncompliance with course policies.