

Marshall University

Course Syllabus

Course Title/Number	CJ 323: Criminal Procedure
Semester/Year	Spring, 2016
Days/Time	TR 9:30 – 10:45 am
Location	SH 418
Instructor	Margaret Phipps Brown
Office	Smith Hall 735, Marshall University, One John Marshall Drive, Huntington, WV 25755
Phone	304-696-3086; 304-696-3085 (fax)
E-Mail	brownmp@marshall.edu
Office/Hours	Tuesday & Thursday 8:30 – 9:30 am; 1:00 – 2:00 pm; 3:30 – 4:30 pm. Appointments at other hours are available by request.
University Policies	By enrolling in this course, you agree to the University Policies listed below. Please read the full text of each policy by going to www.marshall.edu/academic-affairs and clicking on “Marshall University Policies.” Or, you can access the policies directly by going to http://www.marshall.edu/academic-affairs/?page_id=802 Academic Dishonesty/ Excused Absence Policy for Undergraduates/ Computing Services Acceptable Use/ Inclement Weather/ Dead Week/ Students with Disabilities/ Academic Forgiveness/ Academic Probation and Suspension/ Academic Rights and Responsibilities of Students/ Affirmative Action/ Sexual Harassment

Course Description: From Catalog

Admissibility of evidence and confessions, recent civil rights decisions, reconciling individual rights and community interest in law and order. (PR: CJ 200)

The table below shows the following relationships: How each student learning outcomes will be practiced and assessed in the course.

Course Student Learning Outcomes	How students will practice each outcome in this Course	How student achievement of each outcome will be assessed in this Course
Students will be able to describe and apply the Constitutional concepts of criminal procedure, including: <ul style="list-style-type: none"> • Probable cause • Exclusionary rule • Arrest, search & seizure • Pretrial identification • Confessions & admissions • Constitutional rights during trial 	<ul style="list-style-type: none"> • Readings in the textbook • Classroom discussion • Homework assignments 	<ul style="list-style-type: none"> • Homework assignments • Exam questions

Students will be able to discuss and apply Constitutional rights at sentencing	<ul style="list-style-type: none"> • Readings in the textbook • Classroom discussion • Homework assignments 	<ul style="list-style-type: none"> • Homework assignments • Exam questions
Students will be able to define bases of civil liability of law enforcement officers	<ul style="list-style-type: none"> • Readings in the textbook • Classroom discussion • Homework assignments 	<ul style="list-style-type: none"> • Homework assignments • Exam questions
Students will be able to describe the Constitutional and statutory regulation of electronic search and seizure	<ul style="list-style-type: none"> • Readings in the textbook • Classroom discussion • Homework assignments 	<ul style="list-style-type: none"> • Homework assignments • Exam questions
Students will be able to read, interpret, and brief appellate court opinions	<ul style="list-style-type: none"> • Homework assignments • Readings in the textbook 	<ul style="list-style-type: none"> • Homework assignment • Exam questions

Required Texts, Additional Reading, and Other Materials

del Carmen, R.V. & Hemmens, C. (2015). *Criminal procedure: Law and practice* (10th ed.) + LMS Integrated for MindTap(r) Criminal Justice, 1 term (6 months) Printed Access Card. Boston: Cengage. ISBN: 9781337127936 and
del Carmen, R.V. & Walker, J.T. (2015). *Briefs of leading cases in law enforcement* (9th ed.). New York, Routledge. ISBN: 9780323353984

Course Requirements / Due Dates

1. Homework assignments are due on the date indicated in the assignment. Late assignments may not be made up and will not be accepted, without university excuse.
2. Exam 1 will take place on **February 18, 2016**.
3. Exam 2 will take place on **March 31, 2016**.
4. Final exam will take place on **Tuesday, May 3, 2016 @ 8:00 am**.

Grading Policy

Exam 1 - 100 points	90-100% = A
Exam 2 – 100 points	80-89% = B
Homework – up to 150 points	70-79% = C
Final Exam (comprehensive) – 200 points	60-69% = D
Class participation – 50 points	Below 60% = F
TOTAL POINTS POSSIBLE – up to 600	

Once assignments/exams are returned to students, it is the responsibility of the students to maintain those documents in case there is a discrepancy between my grade book and your actual grade. Please maintain your graded papers until you receive your final grade.

Academic Dishonesty
All students must be familiar with the university’s policy concerning academic dishonesty. Academic

dishonesty includes cheating, fabrication and falsification of data or information, plagiarism, bribes/favors/ threats, and complicity with any of these activities. Students who violate this policy face sanctions included in the Academic Dishonesty Policy, including lowering of a grade on an assignment, lowering of a final grade, or failing the course.

Attendance Policy

Attendance will be recorded daily. Poor attendance will have an adverse effect on your class participation because ***you can't participate if you're not here!*** For classes that meet twice per week 7.5 points are taken off for each unexcused absence (classes meeting three times are 5 points each). These points are deducted from a total possible 100 points. Unexcused absences are those that do not fall into the list of excused categories identified in the university catalog: (1) university sponsored activities; (2) absences as a result of personal illness or a death in the family; and (3) absences resulting from major religious holidays. For a more detailed explanation of these categories, please see the undergraduate catalog under the heading of "Class Attendance." All excused absences must be presented to the professor with proper documentation. ***No excuses will be accepted after the class period immediately following the class that was missed.***

If you miss an exam with no legitimate documented excuse, a zero will be given for that test with no make-up test. If you are ill or know in advance that you will miss an exam for a legitimate excuse, you (or your representative) must notify me ***BEFORE*** the scheduled exam time (if I am not notified before the exam, you will be given a zero regardless of the excuse). For those students who do contact me and have a legitimate excuse (as defined in the preceding paragraph), an alternative time to take the exam will be determined. The format of the make-up exams will be left to my discretion. In addition, students who are late on exam day will not be permitted to take the exam if another student(s) has already completed the exam and has left the classroom; the exam in this case has been compromised. In other words, you will ***NOT*** be able to take the exam or take a make-up exam.

There are no make-ups for pop quizzes or in-class assignments with or without an excuse; however, if a valid documented excuse is presented [and accepted by the professor] the score will be waived, but it is the student's responsibility to notify the professor regarding a missed quiz (i.e., "I will not hunt you down"). Also, as stated previously, no excuses will be accepted after the class period immediately following the class that was missed.

Classroom Rules

1. Be on time.
2. Be prepared.
3. Respect each other.
4. Never, ever cheat.
5. Put your cell phones away. This includes earphones.
6. Do not sleep in my class.

Violation of any of these rules will result in you being asked to leave the classroom for the remainder of the class period.

COURSE SCHEDULE*

Please note: This is a tentative outline. EXAMS WILL BE GIVEN on the dates scheduled.

WEEK OF	CONTENT	PAGES
WEEK 1 1/11/16	The Court System, Sources of Rights, and Fundamental Principles <i>Jan 11 – 15: Late Registration/Schedule Adjustment</i>	1-31
WEEK 2 1/18/16	Overview of the Criminal Justice System <i>Jan 18: Martin Luther King, Jr. Day, University Closed</i> <i>Jan. 19 – Mar. 18: "W" Period</i>	32-65
WEEK 3 1/25/16	Probable Cause and Reasonable Suspicion	66-87
WEEK 4 2/1/16	The Exclusionary Rule <i>Feb. 5: Applications for May Graduation Due in Dean's Office</i>	88-116
WEEK 5 2/8/16	Stop and Frisk and Stationhouse Detention <i>Feb. 12: Last Day to Drop 1st Eight Weeks Courses</i>	117-147
WEEK 6 2/15/16	REVIEW EXAM 1 (2/18/16)	
WEEK 7 2/22/16	Arrests and Use of Force	148-185
WEEK 8 2/29/16	Searches and Seizures of Things <i>Mar. 7: Midterm, 1st Eight Weeks Courses</i> <i>March 3: 2nd Eight Weeks Courses Begin</i>	186-225
WEEK 9 3/7/16	Motor Vehicle Stops, Searches, and Inventories <i>Mar 7: Freshman/Sophomore Grades Due</i>	226-261
WEEK 10 3/14/16	Plain View, Open Fields, Abandonment, and Border Searches Lineups and Other Means of Pretrial Identification <i>Mar. 14: Students should schedule appointments with advisors to prepare for advance registration for summer and fall</i> <i>Mar. 18: Last Day to Drop an Individual Course</i>	262-325
WEEK 11 3/21/16	SPRING BREAK. CLASSES DISMISSED. <i>Mar. 21-Apr. 29: Complete Withdrawals Only</i>	
WEEK 12 3/28/16	REVIEW EXAM 2 (3/31/16) <i>Mar. 28: Recommended Date to Apply for December Graduation</i> <i>Mar. 28 – Apr. 29: Advance Registration for Summer Session</i>	
WEEK 13 4/4/16	Confessions and Admissions: <i>Miranda v. Arizona</i>	326-367
WEEK 14 4/11/16	Basic Constitutional Rights of the Accused during Sentencing Sentencing, the Death Penalty, and other Forms of Punishment <i>Apr. 11 – 22: Advance Registration for Fall Semester</i>	368-431
WEEK 15 4/18/16	Legal Liabilities of Law Enforcement Officers	432-462
WEEK 16 5/2/16	FINAL EXAM: Tuesday, May 3, 2016 @ 8:00 am. <i>May 7: Commencement</i>	

