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Date created: April 2013
C & GE Approved: May 13, 2013
Board Approved: June 12, 2013
State Approved: July 4, 2013

Administration of Justice (ADMJ) 1503 Criminal Court Process (3 Units) CSU

Prerequisite or Co-requisite: None

Advisory: Successful completion of English 1500 strongly recommended

Total Hours: 48 hours lecture

Catalog Description: This course provides an examination and analysis of due process in criminal proceedings from pre-arrest through trial and appeal utilizing statutory law and state and constitutional law precedents. C-ID: AJ 122

Type of Class/Course: Degree Credit

Text such as: Samaha, Joel. *Criminal Procedure*. 9th ed. Independence, KY: Cengage Learning, 2012. Print.

Additional Required Materials: None

Course Objectives:

By the end of the course, a successful student will be able to:

1. Identify and describe the stages in the trial process,
2. Identify and critically analyze the concepts of due process as found in the 6th, 8th, and 14th amendments, including right to counsel, bail, jury trial, and due process,
3. Describe the history and application of the exclusionary rule in shaping criminal procedure,
4. Describe application of the right to counsel in a criminal case,
5. Describe application of the right to a jury trial,
6. Critically analyze the constitutionality of searches, seizures, admissions and confessions,
7. Describe what constitutes an unreasonable search and seizure, and
8. Describe the Miranda decision and the privilege against self-incrimination.

Course Scope and Content:

- Unit I Introduction
- A. Review of goals of the justice system
 - B. The justice system structure and process
 - C. Concepts of due process including right to counsel, bail, jury trial, and due

process

- a. Fourth amendment,
- b. Sixth amendment
- c. Eighth amendment
- d. Fourteenth amendment

Unit II

The Court System, Source of Rights

- A. Constitution and due process
 - a. Fourth amendment,
 - b. Sixth amendment
 - c. Eighth amendment
 - d. Fourteenth amendment
- B. Structure of the court system
- C. The effect of judicial decisions
- D. Jurisdictions, venue, writs

Unit III

Overview of the Justice Process

- A. Legal authorization for the system
 - a. Constitution and State codes
 - b. Legislative action
- B. Continuity of procedures, pre-arrest, et cetera
- C. Extradition

Unit IV

Pre-Arrest

- A. The exclusionary rule
- B. Changes in due process lead cases
 - a. Weeks v. U.S.
 - b. Silver Platter Doctrine
 - c. Wolf v. Colorado
 - d. Mapp v. Ohio
- C. Exceptions
- D. Probable cause
 - a. Vehicle stops and searches

Unit V

Arrests, Searches, and Seizures

- A. Arrests defined
- B. Identification and interrogation
- C. Force in effecting arrest
- D. Arrest by private person
- E. Hot pursuit
- F. Summoning assistance
- G. Immunity from arrest

Unit VI

Post-Arrest Process

- A. Confessions and admissions
- B. Due process changes through case decisions
 - a. McNabb v. United States
 - b. Mallory v. United States
 - c. Escobedo v. Illinois

- d. Miranda v. Arizona
- e. Thompson v. Keohane
- f. Dickerson v. United States
- g. Cases leading to Miranda Decision
- C. Advisement of rights
- D. Booking procedure and rights
- E. Criminal complaint

Unit VII Bail

- A. Historical development of bail
- B. Form and amount of bail, writs
- C. Forfeiture of bail
- D. Release without bail

Unit VIII The Arraignment

- A. Charges
- B. Constitutional rules and rights advertisements
 - a. counsel
 - b. fair and impartial trial
 - c. jury of peers randomly chosen from the community
 - d. speedy trial
 - e. right to compel witnesses
 - f. public trial
 - g. face accusers
- C. The grand jury processes
- D. Entering pleas
 - a. types and time
 - b. inability to stand trial
- E. Plea bargaining

Unit IX The Preliminary Hearing

- A. Prosecution presents probably cause case
- B. Defense rights during hearings and trial
- C. Witness production
- D. Post prelim plea bargaining

Unit X Trial Process

- A. Constitutional safeguards, pre-trial motions
- B. Jury selection
- C. Opening statements
 - a. prosecution
 - b. defense
- D. Case in chief prosecution
 - a. testimony
 - b. non-testimonial evidence
 - c. cross examination
- E. Defense case
 - a. testimony
 - b. non-testimonial evidence
 - c. cross examination

- F. Rebuttal
- G. Closing arguments
- H. Charging jury, deliberations, and verdict

- Unit XI Research Methodology, Case Law
- A. Referencing the law library
 - B. Methods of case study
 - C. Writing briefs and a case report

Learning Activities Required Outside of Class:

The students in this class will spend a minimum of 6 hours per week outside of the regular class time doing the following:

1. Studying textbook (s)
2. Completing required reading including case studies
3. Completing required written exercises
4. Library research
5. Internet research

Methods of Instruction:

1. Lectures
2. Class discussions
3. Audio/Visual presentations
4. In- class scenarios
5. Group discussion
6. Research and study of materials

Methods of Evaluation:

1. Substantial writing assignments including:
 - a. Essay exams
 - b. Research Paper using APA or a generally accepted Social Science format
2. Objective and subjective examinations/quizzes
3. Case analysis
4. Projects
5. Homework assignments
6. In class exercises/presentations
7. Forum responses and interaction with other students based on assigned readings from criminal justice literature/or internet sites