

GOVERNORS STATE UNIVERSITY
COLLEGE OF ARTS AND SCIENCES
DIVISION OF LIBERAL ARTS

COURSE SYLLABUS

Index Number: CJUS 460
Course Title: Judicial Process & Constitutional Issues In
Criminal Justice
Professor: Robbin E.L. Washington, Jr.
Phone: (773) 955-2859
Credit Hours: 3.0
Trimester: Fall 1997
Day/Time: Wednesday 6:00-8:50pm
Office Hours:

GSU ARCHIVES
CJUS 460

CJUS 460

TEXTS:

1. Weinreb, L., Leading Constitutional Cases in Criminal Justice, West, 1997.
2. Neubauer, David W., Judicial Process: Law, Courts & Politics in the U.S., Brooks/Cole, 1997.

CATALOG DESCRIPTION:

Includes a survey of jurisdiction, organization, policies, and procedures of courts and the judicial system. Analyzes issues related to the administration of criminal justice from arrest to incarceration or release.

PREREQUISITES: Criminal Justice 310 or permission

COURSE RATIONALE:

The Courts, through an integral part of the criminal justice system are the least understood institution in that system. Cloaked in tradition, steeped in jargon and procedure and frequented by an exclusive cliche of practitioners their everyday workings are largely incomprehensible to those non-legally trained persons who conduct business in their chambers.

While some legal training is necessary to unveil that aura of ceremony and ritual, that training can be provided in an undergraduate course and such training is essential for criminal justice personnel who would fully comprehend the system in which they interact.

A basic explanation of the court system should focus on three particular areas of court functioning. First, the American judiciary was created out of a philosophical context which continues to shape the decisions courts issue today. For example, the notion of federalizing and dual sovereignty are often reflected in the common practice of judicial self-restraint. An understanding of these concepts is requisite to an informed analyses of the court's decisions.

Secondly, while each case presents a unique fact situation for the court to decide, the legal doctrines which will be used to resolve those issues are a part of historical process, a continuum of decisions whose foundations rest in the judgment which preceded them. To that end, an intensive analysis of the substantive and procedural tools the United States Supreme Court uses to decide a particular case is an essential exercise for those who would comprehend that process.

Finally, courts operate within a structure, a system which assigns certain responsibilities to one court and other responsibilities to another. Some courts are trial courts while others have appellate jurisdiction. Some courts are created and funded by a State while others are designated as Federal Courts. A review of this structure helps explain why a case is filed in one particular court and how it moves from one court to another. Knowledge of the movement of the case from one forum to another is a prerequisite for a basic understanding of court hierarchies.

Knowledge of the judicial process is more than mere intellectual surplusage. Equipped with this knowledge, criminal justice personnel will be better able to function within the court system. Their functioning will be enhanced because not only will they be able to understand the judicial process but they will also be able to predict how that process will affect those cases which they bring before the courts.

INTENDED AUDIENCE:

Criminal Justice majors and those students who wish to get an understanding of the judicial system and constitutional law as it relates to criminal justice.

EXPECTED STUDENT OUTCOMES:

Upon completion of this course the student is able to:

1. Comprehend the evolution structure and functioning of the judicial system in the United States from the passage of the Judiciary Act of 1789 through the present refinement.

2. Comprehend the principles of judicial review, federalism and judicial philosophy of the United States Federal Court system.
3. Comprehend and analyze the structure and function of Felony Courts, lower Criminal Courts, Juvenile Courts and Appellate Courts for one state, e.g. Illinois.
4. Comprehend and analyze the prosecution and defense function through all stages of the judicial process.
5. Comprehend, analyze and apply the due process and equal protection clauses of the Fourteenth Amendment to criminal justice issues arising from the time of arrest through consideration of post-conviction relief.
6. Read, understand and write legal briefs of leading constitution cases in criminal justice.

COURSE ASSIGNMENTS:

1. Student will brief and keep brief notebook of selected court cases. (Need not be typewritten)

Facts: What happen in cases
Issues: Legal question before court
Decision: Yes or no answer to issue
Rule of Law: The legal reason for the decision
Reason: The legal reason for the Rule of Law

2. Student will make an in-class oral presentation on a topic approved by instructor. Topic must deal with either federal, state or local judicial system on a constitutional issue. (Instructor must see your manuscript or notes)
3. Student will review current judicial and constitutional issues by writing short summaries of two current magazine articles. Student will also identify by date, source and short summary of 15 items from newspapers (September 2, 1997) which relate to the judiciary or constitutional issues. (Must be typewritten)
4. Student will take both mid-term and final examination.

GRADING/EVALUATION:

A = 90-100
B = 80-89
C = 70-79
D = 60-69
F = Below 60

All assignments have a top value of 100 points.

All outside readings and materials are testable.

Students doing below "C" work will be encouraged to drop the class.

Assignments not completed on time will lose 5 points for each day (class meeting) until assignment is received.

TOPICAL OUTLINE AND TENTATIVE SCHEDULE:

- Week 1 Introduction to Course
 Chapter 1 - Law, Courts and Politics (Neubauer)
 Chapter 2 - Law and Legal Systems (Neubauer)
- Week 2 Chapter 3 - Federal Courts (Neubauer)
 Chapter 4 - State Courts (Neubauer)
 Chapter 5 - Lawyers and Legal Representation
 (Neubauer)
- Week 3 Chapter 6 - Judges (Neubauer)
 Chapter 7 - Mobilizing the Law Litigants, Interest
 Groups, and Court Cases (Neubauer)
 Chapter 8 - Trial Courts: The Preliminary Stages of
 Criminal Cases (Neubauer)
- Week 4 Chapter 9 - Trial Courts: Bargaining and Sentencing
 in Criminal Cases (Neubauer)
 Chapter 10 - Trial Courts and The Transformation of
 Civil Disputes (Neubauer)
 Chapter 11 - Trial Courts: Dispositions of Civil Cases
 (Neubauer)
 Assignment #3 Due
- Week 5 Chapter 12 - Trial (Neubauer)
 Chapter 13 - The Appellate Process (Neubauer)
 Chapter 14 - The Supreme Court: Deciding What to
 Decide (Neubauer)
 Assignment #2 Due
- Week 6 Chapter 15 - The Supreme Court: The Justices and Their
 Decisions (Neubauer)
 Epilogue - Courts, Controversy and Change (Neubauer)
 Assignment #2 Due
- Week 7 Chapters & Review for Mid-Term Examination
 Assignment #2 Due
- Week 8 Mid-Term Examination
- Weeks 9 through 15 - Selected cases from Weinreb
- Week 15 Review for Final Examination

Week 16 Final Exam and Assignment #1 Due
(Brief Notebook)

*Date of assignments and examinations may change, but students will be given prior notice.

RECOMMENDED BOOKS ON LIBRARY RESERVE:

1. Abadinsky, Howard, Law and Justice, Nelson-Hall, 1993.
2. Holten, N. Gary and L. Lamar, The Criminal Courts, McGraw-Hill, 1991.
3. Madex, James L., Constitutional Law, Cases and Comments, West, 1979.
4. Mendelson, Wallace, America's Constitution and The Judicial Process, Dorsey, 1980.
5. Krislov, S., Judicial Process: A Lab Manual, P-H, 1980.