

GOVERNORS STATE UNIVERSITY  
College of Business and Public Administration

COURSE TITLE: JUDICIAL PROCESS & ISSUES FOR CRIMINAL JUSTICE  
COORDINATOR: JAGAN LINGAMNENI  
SESSION: BLOCK I, FALL 1990  
DAY/TIME: MONDAY/WEDNESDAY 11 a.m. - 12:15 p.m.  
INDEX: CJUS 340  
UNITS: THREE

**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 cliché 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

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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.

#### **COURSE COMPETENCIES:**

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.

#### **TEXTS:**

1. Weinreb, L. Leading Constitutional Cases in Criminal Justice, West, 1989
2. Abadinsky, H., Law and Justice, Nelson-Hall, 1988.

Supplemental research will be done in the University Library.

#### **RECOMMENDED BOOKS ON LIBRARY RESERVE**

1. Jacob, Herbert, Justice in America, Little Brown, 1978.
2. Madex, James L., Constitutional Law, Cases and Comments, West, 1979
3. Mendelson, Wallace, America's Constitution and the Judicial Process, Darcey, 1980.

4. Miller, Franklin W. and others, Prosecution and Adjudication, Foundation 1982.
5. Rubin, Ted, Courts: The Fulcrum of the Justice System, Goodyear, 1983.

**COURSE ASSIGNMENTS:**

1. By the tenth week of class prepare five (5) to seven (7) page legal research paper on a topic to be selected in consultation with the instructor.
2. Prepare briefs for cases assigned and make class presentations in the following class sessions. Format for these briefs will be discussed in class.

**EVALUATIONS:**

1. One test and a final exam on the core content and substantive material for 55% of the course grade.
2. Briefs and class presentations on selected Court decisions as assigned in class for 15% of the course grade.
3. Analysis and application of judicial review and the judicial philosophy as they relate to Criminal Justice to be submitted in a legal research paper for 20% of the course grade.
4. Evaluation of regular class participation and discussion for 10% of the course grade.

**GRADING POLICY:**

1. Students doing below C work will be encouraged to drop the class.
2. Students who elect to take an "I" (Incomplete) will be required to repeat the class.
3. Assignments not completed on time will have their grades reduced one level. Example: "A" paper if late will be a "B" paper.
4. Assignments and examinations not completed by the last night of class will result in an automatic "U".
5. Modifications of these procedures or requirements must be discussed in advance with the instructor. Only extreme emergencies will be accepted for consideration.

## COURSE OUTLINE AND LECTURE DISCUSSION TOPICS

- First to  
third week      The nature of Judicial System in the U.S.--  
Structure and Functioning of the System  
The Judiciary Act of 1789  
Judicial Review, Federalism and the Judicial  
Philosophy of the Federal Court System  
Marbury vs. Madison  
Aaron Burr vs. U.S., Gibbons  
MuCullough vs. Maryland  
Rubin, Ch. 1; Maddex, Ch. 1; Abadinsky, Chs. 1 & 2
- Fourth and  
Fifth week      The Development, Structure and Function of Lower  
Courts (State court systems)--  
Lower Trial Courts  
Felony Courts  
Appellate Courts  
Special Juvenile Courts  
Rubin, Chs. 2,3,4,6; Abadinsky, Chs. 4 & 5
- Sixth and  
Seventh week      The Nature of our Legal System and Judicial  
Process in the Criminal Courts--  
Prosecution and Defense Functions  
Rubin, Chs. 7, 8; Abadinsky, Chs. 6 & 7
- Eighth to  
Twelfth week      The Due Process and Equal Protection clauses in  
the U.S. Constitution; Judicial Process from  
Arrest to Sentencing  
Palko vs. Connecticut; Griswold vs. Connecticut  
Benton vs. Maryland  
Roe vs. Wade; Dred Scott vs. Sandford  
Cox vs. Louisiana; Williams vs. Illinois  
Weeks vs. U.S.; Wolf vs. Colorado  
Mapp vs. Ohio; McNabb vs. U.S.  
Chimel vs. California; Terry vs. Ohio  
U.S. vs. Matlock; Stone vs. Powell  
U.S. vs. Proctor and Gamble; Brady vs. Maryland  
Jencks vs. U.S.; Miranda vs. Arizona  
Brown vs. Mississippi; Escobedo vs. Illinois  
Harris vs. New York; Oregon vs. Mathiason  
Powell vs. Alabama; Gideon vs. Wainright  
Brewer vs. Williams; Murphy vs. Florida  
U.S. vs. Marion; Duncan vs. Louisiana  
Boykin vs. Alabama; North Carolina vs. Alford  
Baldwin vs. New York; Williams vs. Florida  
Johnson vs. Louisiana; Taylor vs. Louisiana  
Griffin vs. California; Sheppard vs. Maxwell  
Ashe vs. Swenson; Illinois vs. Sommerville  
Price vs. Georgia; Morrissey vs. Brewer  
Wyatt vs. Stickney; Robinson vs. California  
Furman vs. Georgia; Gregg vs. Georgia  
Woodson vs. North Carolina; Roberts vs. Louisiana

Thirteenth to  
Fifteenth  
Week

Administration of Criminal Courts and Reform of  
our Courts in contemporary Criminal Justice.  
Abadinsky, Ch. 8  
Rubin, Chs. 9 and 10  
North vs. Russell; Tumey vs. Ohio  
Argersinger vs. Hamlin; Tate vs. Short

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