SYLLABUS
CJUS 5200.001
LEGAL ASPECTS OF THE CRIMINAL JUSTICE SYSTEM
SPRING 2021

Professor P. Tobolowsky
Office: Chilton Hall, Room 265
W: 1:00 – 3:50 pm
Email: peggy.tobolowsky@unt.edu and
Email: peggy.tobolowsky@unt.edu
Office Hours: W: 4:00-5:00 p.m. on Zoom
Office Hours: W: 4:00-5:00 p.m. on Zoom
& by appointment
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COURSE DESCRIPTION: This course focuses on criminal justice process and procedure
concerning the investigative, adjudicatory, and punishment phases of a criminal case. We will
explore these areas generally and through United States Supreme Court ("Court") decisions
interpreting them.

COURSE OBJECTIVES: Through this course, students should gain:
1) An understanding of the constitutional and judicial parameters of governmental
authority to search and seize individuals and property and collect testimonial evidence.
2) An understanding of the constitutional and judicial parameters of the adjudication and
punishment process.
3) An understanding of the origin, evolution, implementation, and effectiveness of an
illustrative constitutional provision concerning criminal procedure through targeted
research.

REQUIRED READING:
Whitebread, Charles H., and Christopher Slobogin. Criminal Procedure: An Analysis of

COURSE REQUIREMENTS: Final course grades will be based on performance on the following
activities in the following proportions: midterm examination (30% of final course grade); final
examination (30% of final course grade); research paper (35% of final course grade); and class
participation (5% of final course grade). Each of these activities will be evaluated on a 100-point
scale. Disregard the point and percentage totals shown in Canvas because they do not reflect the
different weights assigned to the different assignments. I will apply these weights when I calculate your final grades.

GRADING SCALE:
A=90-100
B=80-89
C=70-79
D=60-69
F=0-59

CLASS FORMAT: If offered in person this semester, the class would have been offered on Wednesday afternoons from 1:00 – 3:50 p.m. Due to COVID, the class is being offered remotely via Zoom at the scheduled class times. We will follow a similar schedule regarding the class materials as if the class had met in person. By 11:00 a.m. each class day, I will post on our Canvas site the class outline and PowerPoint materials for that day’s class session. I will record our class sessions and the recordings will be available to you after the session. Additional class materials will be posted on our class Canvas site. I will remain on Zoom from 4:00 – 5:00 p.m. each class session as office hours if students have questions over the class materials. I will also schedule individual appointments with students, on request, that can be conducted via phone or Zoom.

EXAMINATIONS: Both examinations will consist of definitional, descriptive, and/or essay questions. These exams will be “take home” exams and will be submitted in the Assignments section of our Canvas site. Students will have up to 2 weeks to complete each exam. The midterm examination will be available on Wednesday, February 24, and will be due no later than Wednesday, March 10 at 10 p.m. The final examination will be available on Wednesday, April 14, and will be due no later than Wednesday, April 28 at 10 p.m. Late exams will generally not be accepted.

As in a classroom environment, I expect these exams to reflect your individual and independent work. Therefore, I expect you to take these exams without assistance from any other person. I further expect you not to assist any other person in taking these exams in any way. The university rules regarding academic dishonesty will be strictly enforced.

RESEARCH PAPER: Each student will select a specific constitutional provision concerning criminal procedure (for example, the self-incrimination prohibition, right to counsel, right to jury trial, excessive bail prohibition, or cruel and unusual punishment prohibition). Each student will
then prepare a research paper concerning the constitutional provision chosen. The text of this paper should be 16-18 typed pages long (with 10 or 12 point font and no more than 1.5 spacing). The paper should include:

1) A description of the origin/history of the provision before its inclusion in the Bill of Rights (for example, predecessor provisions in English or other law, adoption by specific colonies, and consideration by the drafters of the Bill of Rights);

2) A description of the evolution of the Court’s interpretation of the constitutional provision and current interpretation, including identification and description of specific Court decisions and the rationale(s) that the Court articulated in reaching its conclusions;

3) A description and discussion of the implementation and effectiveness of the constitutional provision in the American criminal justice system;

4) References to at least 8 Court decisions and at least 8 other scholarly sources (for example, scholarly journals, books, research studies, government statistics, etc.); our text and textbooks from other courses can be used as references in your paper, but will not count as part of your required number of sources; and

5) Parenthetical references to sources and a bibliography containing the sources cited in the paper, both in standard MLA format.

No more than 2 students may do their papers on the same constitutional provision. Provisions will be chosen on a first come-first served basis, but all students must identify in writing the provision on which their paper will be based by the beginning of class on Wednesday, February 10. Any major change in the topic should be approved by the instructor. The final paper will be due no later than Wednesday, April 14 at 10 p.m. Students should submit their papers both in the Assignments section of our Canvas site by attaching a file copy compatible with Word and an electronic copy via Canvas to TurnItIn.com. Late research papers will generally not be accepted.

CLASS PARTICIPATION: The class participation component of each student’s grade will be based on the number of times that the student actually participates in the discussions of class material. Students may volunteer to participate and they will be called upon to participate. A student will be awarded up to 5 points each time that the student participates in class, up to a maximum of 100 points for the semester. However, up to 30 of the class participation points will be based on each student’s presentation of up to 3 assigned cases in class (i.e., up to 10 points for each case presentation). No points will be deducted from or added to the student’s class participation score if the student gives an incorrect answer, is unable to respond to a question in class, or asks a question in class.

ATTENDANCE: No specific records will be kept regarding student attendance. Attendance, however, will strongly affect course grades because 1) at least 30% of each exam will be drawn
from class presentations, 2) class presentations will elaborate on and review text materials, 3) class participation evaluations will be based on participation in class, and 4) each student will be responsible for the content of all class presentations, as well as for any announcements, schedule changes, etc. that are made in class.

REMOTE CLASS CONSIDERATIONS: This class is being offered remotely on Zoom due to COVID. Your research paper due date and exam dates are specified in this syllabus. Late research papers and exams will generally not be accepted and a zero will generally be awarded for any work that is not submitted in the time period provided in this syllabus.

Students with absences that are authorized pursuant to University Policy 06.039 (Student Attendance and Authorized Absences) and that impact the timeliness of their work (for example, by covering the entire time period during which an exam or your research paper could be done) should contact me and provide documentation prior to any due date in order for any absence to receive any consideration.

Because the class is being offered remotely, you will, of course, need to use a personal computer, laptop, or other device that is compatible with the UNT Canvas system. Individual technical or technological difficulties in completing an exam or your research paper in a timely manner (e.g., computer crashes or viruses or interrupted internet connections) do not constitute a basis to request to submit a late exam or research paper. To avoid such issues, I encourage you not to wait until the final available hours or minutes to complete exams or assigned work.

Because we will be relying exclusively on our Canvas site for class content delivery and research paper and exam submission, I encourage you to use the most reliable computer or laptop with the most reliable internet connection that you are able to access for your class work, including your exam and research paper submission. The university also recommends that you submit exams and assigned work through a supported web browser on a computer or laptop rather than an iPad or other electronic device. In the event that you are not able to access a computer or laptop with internet connection, as you know, an alternative option is to access Canvas through your phones. If you do not have computer or laptop/internet access and need to use your phone to complete the semester's work, and have not accessed Canvas through your phone previously, I strongly encourage you to make sure that you are able to access Canvas on your phone via the Canvas app.

Finally, remote classes also require some basic technological skills to access course materials and submit exams and assignments. UNT has a variety of resources to assist you with the technological aspects of navigating this and other remote classes. One of the most important of these resources is the help desk. It can be reached by email at helpdesk@unt.edu and via phone at 940-565-2324. Personnel at the help desk can assist you with issues concerning access to Canvas and other
technological issues. Obtain a “ticket number” reflecting your attempt to resolve your issue with the help desk staff member. Please also let me know about these issues and provide the “ticket number” reflecting your conversation with the help desk. Online student resources are also available in the Help tab on the left side of the screen of our course Canvas site.

**COMMUNICATION**: Because much of the communication in this course will occur online, you will need to make sure that you keep up with the class communications. I will use the Announcement page to communicate with the class as a whole. You should check this page frequently. These announcements will also be sent to your UNT email address or the alternative email address that you have indicated in Canvas. Make sure to check this email address frequently throughout the semester for class announcements.

If you wish to communicate with me other than during our Zoom class sessions and office hours, the best way for you to initiate communication with me this semester with any questions about the course content or otherwise is via email. If you wish to send me an email, you can use the Inbox communication function in Canvas or send me an email via my unt.edu email address: peggy.tobolowsky@unt.edu. If you email me directly at my unt.edu email, you should use your UNT email account. Include in your email a phone number where I can reach you. Depending on the subject of your email, I will respond by return email or phone call within 48 hours. If you do not receive a response from me during that period, assume that I did not receive your communication and contact me again. You are, of course, also welcome to schedule an appointment to talk with me via phone or Zoom.

**ACADEMIC HONESTY**: The university rules and policies regarding cheating and plagiarism will be strictly enforced.

**SPOT**: As part of the university-wide assessment of teaching, students are strongly encouraged to anonymously complete the Student Perceptions of Teaching (SPOT) online surveys for this and all of their classes. Your input is valued. This semester’s SPOT will be available near the end of the semester.

**ADA STATEMENT**: The University of North Texas makes reasonable academic accommodation for students with disabilities. Students seeking reasonable accommodation must first register with the Office of Disability Access (ODA) to verify their eligibility. If a disability is verified, the ODA will provide you with a reasonable accommodation letter to be delivered to faculty to begin a private discussion regarding your specific needs in a course. You may request reasonable
accommodations at any time, however, ODA notices of reasonable accommodation should be provided as early as possible in the semester to avoid any delay in implementation. Note that students must obtain a new letter of reasonable accommodation for every semester and must meet (by phone or email this semester) with each faculty member prior to implementation in each class. For additional information, refer to the Office of Disability Access website at http://www.unt.edu/oda. You may also contact ODA by phone at (940) 565-4323.
COURSE SCHEDULE

The following reflects the approximate schedule for required readings in the Whitebread and Slobogin text (WS); students should also read the Court cases identified below that accompany the text materials and that can be found in the Weinreb text or that the instructor will post on Canvas. **Due to COVID, there will not be a Spring Break recess during the semester. This class will proceed continuously for 15 weeks followed by the submission of your final exam during the following exam week.** Tentative dates for assigned work are also included.

<table>
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<tr>
<th>Date</th>
<th>Class Topic</th>
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<tr>
<td><strong>January</strong></td>
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| 13     | Introduction; Legal Materials/Assignment Preparation; General Concepts of Criminal Law and Procedure  
WS ch. 1 |
| 20     | General Concepts of Search and Seizure; Stop and Frisk                       
WS chs. 4, 11 (except 11.06) 
*United States v. Jones; United States v. Drayton (Canvas); Terry v. Ohio* |
| 27     | Probable Cause; Arrest; Search and Seizure (with warrant)                   
WS chs. 3, 5 
*Illinois v. Gates; Atwater v. City of Lago Vista; Payton v. New York* |
| **February**                                                                                      |
| 3      | Plain View; Hot Pursuit; Search Incident to Arrest                          
WS chs. 10, 8, 6; p. 280 
*Horton v. California; Minnesota v. Dickerson; Riley v. California (Canvas); Maryland v. Buie* |
| 10     | Vehicle Stops/Searches; Consent; Miscellaneous Exceptions to the Warrant Requirement  
WS ch. 7; pp. 272-80; chs. 12, 9; pp. 291-93  
*City of Indianapolis v. Edmond; California v. Acevedo; Schneckloth v. Bustamonte; New Jersey v. T.L.O (Canvas)* |

**Identification of Paper Topic Due**
Exclusionary Rule; Confessions/Admissions
WS pp. 17-42, 61-62; ch. 16 (pp. 363-72, 404-21)
*Mapp v. Ohio; United States v. Leon; Herring v. United States; Colorado v. Connelly; Brewer v. Williams*

Confessions/Admissions (cont.); Review
WS pp. 359-60; ch. 16 (pp. 373-404, 421-25)
*Miranda v. Arizona; Berghuis v. Thompkins; United States v. Patane*

March
3
Identification Procedures
WS chs. 17, 18
*Neil v. Biggers*

10
***Midterm Examination due by 10:00 p.m.***

17
Court Players
pp. 681-82, 519-20; ch. 31; pp. 883-84
*United States v. Armstrong; Gideon v. Wainwright*

24
Pretrial Process
WS chs. 20, 22, 23; pp. 584-85
*United States v. Salerno; United States v. Williams*

31
Pretrial and Trial Process
WS pp. 816-17; chs. 25, 26, 27
*Bordenkircher v. Hayes; Barker v. Wingo; Batson v. Kentucky*

April
7
Trial and Post-Trial Process
WS ch. 28; pp. 772-74, 943-45
*Crawford v. Washington*
14  Sentencing (generally, death penalty, incarceration); Review
Gregg v. Georgia (Canvas); Ewing v. California; O’Lone v. Shabazz (Canvas); Hudson v. McMillian (Canvas)

*** Research Paper due by 10:00 p.m.

21  Sentencing (community-based sentences); Review
Greenholtz v. Inmates of the Nebraska Penal and Correction Complex; Gagnon v. Scarpelli; Bearden v. Georgia; United States v. Bajakajian (all on Canvas)

28  *** Final Exam due by 10:00 p.m.