**CARLOS L MARTINEZ JR**

**COURTS & CRIMINAL PROCEDURE**

**SYLLABUS 2017-2018**

**Instructor:** CARLOS L Martinez JR

Room E-114

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Conference:

**TEXTBOOK:** America’s Courts and the Criminal Justice System by David W. Newbauer.

We will be focusing in different areas of the textbook therefore look at your syllabus for chapters and pages.

**COURSE DESCRIPTION:**

The Judiciary in the criminal justice system; this course focuses on the structure of the American Court System; prosecution; right to counsel; pre-trial release; grand jury; adjudication process, types and rules of evidence and sentencing.

**COURSE OBJECTIVES:**

Demonstrate ability to communicate orally and in writing with others.

Demonstrate ability to work with others in a team effort.

Demonstrate ability to apply critical thinking techniques to concepts and problems.

Basic understanding of the U.S. constitution and the Bill of Rights as it pertains to the

criminal justice system.

Demonstrate basic understanding of the criminal disposition process.

Understanding of the courtroom work group with particular focus on the primary

actors.

Working knowledge of the general duties and responsibilities of the Texas criminal

courts and their jurisdiction; prevention and suppression of offenses; venue; arrest;

bail; commitment; criminal trials; and justice and municipal courts.

Basic understanding and working knowledge of the Texas Family Code especially

involving parent-child relationships, reporting child abuse, consent to medical

treatment of a minor, the general provisions of Title 3, and officer-juvenile-parent

interaction.

The student will describe the American judiciary system and its structure; identify the

roles of judicial officers; identify the trial processes from pretrial to sentencing; and

interpret the role of evidence.

**TEACHING METHODS:**

1. Classroom lecture

2. Audio-visual-aids

3. Reading assignments

4. Multimedia

5. Guest speakers

6. Field trip to observe a trial in progress

**EVALUATION METHODS:**

1. Written assignments

2. Notes

3. Examination

4. Multi-media

5. Questions at the end of selected chapters

6. Chapter quizzes will be unannounced

- Final examination is comprehensive.

- Tests are multiple choice, true/false, short answer, or essay

**STUDENT RESPONSIBILITY:**

Please inform the instructor if you will be absent or if you will be out for more than two days so someone can pick up homework assignments.

**COURSE INSTRUCTIONS:**

**ATTENDANCE POLICY:**

**1. State law requires you to attend school.**

You are responsible for making up work that ismissed. All late work must be handed

in the following day, as soon as you come in to class. If you fail to turn in the work,

you will be deducted points each day the work is late.

If you were absent for a test you will be given an essay test within five days after your

return. You must contact your instructor for details.

**2. Tardies:**

If you are late for class sit in the desk designated for late students. Do not disrupt the rest of the class with your arrival. You will follow the tardy policy:

1st Tardy: VERBAL WARNING

2nd Tardy: WRITTEN WARNING

3rd  Tardy: NOTIFY PARENTS

4th  Tardy: PARENT CONFERENCE

5th  Tardy: ISS

**Academic Honesty:** BISD code of ethics and policies on scholastic dishonesty

will be strictly observed. This encompasses all aspects of cheating, copying the work of others and plagiarism. Academic honesty is at the very core of what this program is about. Plagiarizing means: “A piece of writing that has been copied from someone else or preciously written and is presented as if it was your own.”

**Materials needed:**

**Please get these supplies by the end of the week! If any student has any problems getting these items, please see me.**

**NOTEBOOK**: 2 INCH BINDER-HARD COVER

**PEN**: BLACK OR BLUE (you may use any color other than red for assignments, but the work must be legible)

**PACK OF DIVIDERS**

**NOTECARDS**

**FLASHDRIVE** (Please get the flash drive as soon as possible. You may want to get together with another student and split the cost. It’s best you don’t get a device that slides in and out as this device tends to not work after a while and your work will be lost. You will not be given credit for your work done.)

**NOTEBOOK PAPER**

**NEWSPAPER OR INTERNET ACCESS**

**HIGHLIGHTER**

**ALL STUDENTS ARE EXPECTED TO TAKE NOTES DURING CLASS.**

Daily work grades will be taken from the notes. I will be checking your notebook every six weeks and you will get a daily grade for your notebook. There will be times that I will take the notebook as a test grade. Therefore you must always turn in a binder. I will let you know when the binder is due, but expect to turn in your binder the Monday before the six weeks are up.

**Due dates for projects and tests are tentative and subject to change as unforeseen circumstances may arise.** I will let you know if dates need to be changed in advance, so if I do not let you know of any changes, please adhere to the indicated dates.

**Students will be required to bring in a current event (follow the current event outline format provided) every week related to topics being discussed that particular week. You may use articles from any newspaper or internet website. The articles need to be current therefore;. Please use the following format:**

1. **Name of article:**
2. **Source of article:**
3. **Date of article:**
4. **Law related terminology**
5. **Terminology you did not understand (define word or words)**
6. **Charges filed**
7. **Disposition of case**
8. **Reason you chose the article (I don’t want for an answer “ The article was given to me by the teacher”, or “this was the only article I could find.”**

**The current event needs to be typed, 12 inch font, double spaced….the first time we will do the current event in class and I will provide the newspapers and articles. It will not need to be typed. After this time you will be required to type the current event and it will be a weekly homework assignment. Since this is a weekly assignment, please be aware if you do not do these assignments you will get a zero and it will not be made up. The only time the current event will be accepted late is if you were absent, and the current event needs to be turned in immediately upon your return. Note: You are responsible for all work missed in class due to an absence, whether you were sick or you had a UIL event, etc.**

**GRADING RUBIC:**

**TESTS: 67**

**DAILY WORK: 33**

**NOTEBOOKS, WORKSHEETS, NOTES, ROLEPLAYING, QUIZZES, SOME CURRENT EVENTS =DAILY WORK**

**EXAMS, ESSAYS, MOCK TRIAL, SOME CURRENT EVENTS, SPECIAL PROJECTS, = TESTS**

**COURSE OUTLINE & CALENDER**

**125.115(C)(2)(C,D,E)(3)(A,B,C,D,E,F,G,I,J)(5)A,B,C,D,E R/LA-W-SS**

The first item to be addressed will be safety as well as the BISD Student Code of Conduct and Student-Parent Handbook.

* **SAFETY IN THE CLASSROOM (handout) 125.115 C(C) (E) (4) (A) (B)/R1W123**
  1. TYPES OF ACCIDENTS
  2. WHY ACCIDENTS OCCUR
  3. WHAT TO DO IN CASE OF ACCIDENT
  4. EMERGENCY PROCEDURES
  5. TORNADO WATCH/TORNADO WARNING
  6. FIRE DRILLS

We will also be discussing the following topics:

* Leadership in our school, community
* SKILLSUSA
* MOCK TRIAL
* SPORTS/BAND/ESTUDIANTINA/DANCE/

WORKSHEET:

**SAFETY TEST**

DISCUSS/REVIEW THE OVERVIEW OF THE CRIMINAL JUSTICE PROCESS

1. Vocabulary
2. Criminal Justice & Law Overview
3. Emergency Preparedness of local government
4. Politics and the community
5. Duties and Roles of Local Community Leaders

**-** –Read and complete assignments.

**125.115(C)(2)(C,D,E)(3)(A,B,C,D,E,F,G,I,J)(5)A,B,C,D,E R/LA-W-SS**

I. The Judiciary in the Criminal Justice System Chapter 3 page 58

A. Historical Development

B. Role of Courts in Society

II. Structure of American Court System

A. The Dual Court System

1. Federal

2. State

a. Misdemeanor

b. Felony

B. Courts of Limited Jurisdiction

C. Courts of Record

----**the student will explore who the misdemeanor and felony court judges for Cameron County and the local community leaders. Hint: Look in the internet, phone book, etc. Assignment EXAM**

1. County Courts

2. District Courts

3. District Attorney

4. County Judge

5. Governor

6. Sheriff

7. Police Chief

8. Presidential/Vice-Presidential Candidates

D. Juvenile Court System ….chapter 19 **125.115(C)(2)(C,D,E)(3)(A,B,C,D,E,F,G,I,J)(5)A,B,C,D,E R/LA-W-SS**

**Handout. Test on juvenile court system**

1. Differences between adult and juvenile court

A. emphasis

b. doctrine of parens patraie

c. Age a child can be taken to court

2. Incarceration of juveniles

3. Parent responsibility

4. Status offenses

5. Child-victim

E. The Appellate Structure Chapter 2 **125.115(C)(2)(C,D,E)(3)(A,B,C,D,E,F,G,I,J)(5)A,B,C,D,E R/LA-W-SS**

**Work sheet**

1. Appellate courts as a rule-making system

2. Incremental change in the law

a. Basis of Law

b. Statutes

c. Rights of accused-**Bill of Rights Exam**

F. Court Officers-Dynamics of Courthouse Workgroup Chapter 6 page

**R/LA-W-SS**

**125.115(C)(1)(A,B,C,D,E)(2)(A,B,C,D,E)(3)(A,B,C,D,E,F,G,I,J)5(A)**

**Work sheet**

1. Courthouse Actors

a. Law Enforcement

b. Courts

c. Corrections

d. Public

EXAM

**125.115(C)(1)(A,B,C,D,E)(2)(A,B,C,D,E)(3)(A,B,C,D,E,F,G,I,J)5(A)**

**R/LA-W-SS**

III. Prosecution

Chapter 6, Page 121 **Worksheets**

**EXAM**

A. Attorney General, District Attorneys, City Attorneys

1. Duties

2. Types of cases

A. list attorney general

B. list Cameron County District Attorney

c. City attorney

B. The Scope of Prosecutorial Discretion

C. Plea Bargaining

D. Court Officer vs. Police Officer Roles

1. Roles of court personnel

2. Actual roles vs. T.V. drama

A. list television programs involving court room drama

B. watch program and compare that particular episode to actual court room

roles**.** (type one page essay, double spaced, 12 inch font, on the program watched and list the similarities (if any) and differences of actual court room demeanor.) **Homework assignment**

**125.115(C)(1)(A,B,C,D,E)(2)(A,B,C,D,E)(3)(A,B,C,D,E,F,G,I,J)**

**R/LA-W-SS**

IV. Right to Counsel Chapter 7 page 143

**Worksheet**

A. Public Defender System

1. Legal authority

2. Organization and staffing

B. Relevant Case Law

1. prior to arraignment

2. for petty offenses

3. in the sentencing/correction process

**EXAM**

**125.115(C)(2)(A,B,C,D,E)(3)(A,B,C,D,E,F,G,I,J)(5)A,C,G**

**R/LA-W-SS**

V. Arrest to Arraignment-Chapter 10 page 207

Bail System

A. Types of Bail

1. List five bail bond agencies in Cameron County

2. Describe what happens if defendants don’t show up to court (failure

to appear)

B. Diversion

C. Release on Recognizance

1. Who qualifies

D. Relevant Case Law

E. Social and Political Issues

**EXAM**

**THANKSGIVING HOLIDAY**

**125.115(C)(2)(A,B,C,D,E)(3)(A,B,C,D,E,F,G,I,J)(5)A,C,G**

**R/LA-W-SS**

VI. Grand Juries Chapter 10 page 216

A. Functions

B. Proceedings

C. True Bill-No Bill **Exam**

VII. Adjudication Process Chapter 14 page 348 Worksheet

A. Accusatory Pleadings

B. Jurisdiction and Venue

C. Arraignment and Preliminary Examination

**EXAM**

D. Trial Proceedings

1. Motions

2. Role of judge and jury

3. Jury selection

4. Issues of fact

5. Verdict

E. Post Conviction Remedies

F. Variations in Juvenile Procedure **EXAM**

**CHRISTMAS HOLIDAYS-----**

**HAVE A GREAT HOLIDAY AND SEE YOU NEXT YEAR!**

***SEMESTER EXAM TO BE ANNOUNCED***

Welcome Back----We will be focusing on mock trial procedures this semester. Once we complete this section of the rules of evidence, it is time to put into practice what we have learned. Once the mock trials begin, you must be in court room attire. Part of your grade will be the use of courtroom attire. We will have parent presentations for open house.

VIII. Types and Rules of Evidence Chapter 14 page 357 worksheets due weekly

A. Evidence Defined

B. Forms of Evidence

1. Real

2. Documentary

3. Testimonial

4. Judicial notice Exam

C. Types of Evidence Worksheets due weekly for each section

1. Direct

2. Circumstantial

3. Cumulative

4. Corroborative Exam

D. Sentencing

A. Pre-sentence Investigations

B. Judicial Discretion

C. Variations in Sentencing Statutes

1. Mandatory

2. Determinant

3. Indeterminate

4. Presumptive

D. Juvenile Sentencing

FOR THE REMAINDER OF THE SEMESTER WE WILL BE WORKING ON MOCK TRIAL CASES. YOU WILL BE ISSUED A HANDOUT ON THE MOCK TRIAL RULES…….USE YOUR HANDOUT TO COMPETE THE WORKSHEETS FOR THE FOLLOWING RULES:

A. Lack of Personal Knowledge

B. Assuming Facts not in evidence

C. Testimony of Lay and Expert Witnesses

D. Admissibility

1. Relevancy

2. Materiality

3. Exclusionary rule

E. Witnesses and Privileged Communications

F. Hearsay Rule and Its Exceptions

G. Procedure for Introduction of Exhibits

FOR THE REMAINDER OF THE SEMESTER YOU WILL BE PREFORMING MOCK TRIALS USING CASES ASSIGNED. YOU MUST USE THE RULES AND DRESS ACCORDINGLY.

Note: You will receive daily work based on you preparing for the case trials. Students playing the part of the prosecutors and defense attorneys, it is your responsibility to complete direct and cross questions for your witness. Witnesses, it is your responsibility to learn your statements and be prepared to get directed and crossed by both parties. All trials will be test grades so all students must be prepared.

All statements need to by typed and a copy needs to be turned into the instructor prior to the case beginning. Witnesses are responsible for their own direct and cross questions, and these must be typed by the witnesses. Attorneys make sure your witnesses have their questions typed, and it is your responsibility your witnesses have their statements and questions. You must have a copy of all the statements in your file, rules, questions for each witness you will be directing and crossing, etc. I will check attorney folders before the trial starts and you will receive a test grade on the material. Every assignment regarding the trial needs to be typed, 12 inch font.

**COURTS AND CRIMINAL PROCEDURE**

I have read the syllabus and

***(Please print your name clearly)***

attendance policy for this course, on and completely understand the syllabus and attendance policy.

(Student Signature)

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(Parent Signature)