EMPORIA STATE UNIVERSITY
SO 335 – Criminal Court Process
Spring 2015
TR 2:00 – 3:20 PM   BC 117

CLASS SYLLABUS

INSTRUCTOR:  Mrs. Mary Halleran
OFFICE:  BC 115C
PHONE:  (620) 341-5321
OFFICE HOURS:  Tuesdays & Thursdays, 8:00 AM – 9:30 AM, 11:00 AM – 12:30 PM, and by appointment
E-MAIL:  mhaller1@emporia.edu

CLASS SCHEDULE
(Subject to Change)

Class 1:  Thursday, January 22, 2015
Introduction

Class 2:  Tuesday, January 27, 2015
Read:  Chapter 1 – Introduction:  Law and the Judicial Function

Class 3:  Thursday, January 29, 2015
Read:  Chapter 2 – Sources of Law

Class 4:  Tuesday, February 3, 2015
Read:  Chapter 2 – Sources of Law (continued)

Class 5:  Thursday, February 5, 2015
Read:  Chapter 3 – Types of Law

Class 6:  Tuesday, February 10, 2015
Read:  Chapter 4 – Court Organization and Structure

Class 7:  Thursday, February 12, 2015
Read:  Chapter 4 – Court Organization and Structure (continued)

Class 8:  Tuesday, February 17, 2015
VIDEO – Supreme Court

Class 9:  Thursday, February 19, 2015
Review Section 1 (Chapters 1-4)

Class 10:  Tuesday, February 24, 2015
EXAM #1

Class 11:  Thursday, February 26, 2015
Read:  Chapter 5 – Prosecutors

Class 12:  Tuesday, March 3, 2015
Read:  Chapter 6 – Defense Attorneys

Class 13:  Thursday, March 5, 2015
GUEST SPEAKERS – Prosecution and Defense
Class 14: Tuesday, March 10, 2015
Receive and review movie paper information.
Read: Chapter 7 – Judges

Class 15: Thursday, March 12, 2015
Read: Chapter 8 – Criminal Defendants and Crime Victims

**SPRING BREAK – No classes March 17 & 19, 2015**

Class 16: Tuesday, March 24, 2015
GUEST SPEAKER – Victim Witness Coordinator

Class 17: Thursday, March 26, 2015
Read: Chapter 9 – The Jury

Class 18: Tuesday, March 31, 2015
VIDEO – Jury

Class 19: Thursday, April 2, 2015
Review Section 2 (Chapters 5-9)

Class 20: Tuesday, April 7, 2015
EXAM #2

Class 21: Thursday, April 9, 2015
Read: Chapter 10 – Pretrial Procedures

Class 22: Tuesday, April 14, 2015
Read: Chapter 11 – The Criminal Trial

Class 23: Thursday, April 16, 2015
VIDEO – Trial

Class 24: Tuesday, April 21, 2015
Read: Chapter 12 – Sentencing

Class 25: Thursday, April 23, 2015
Read: Chapter 13 – The Appellate Process

Class 26: Tuesday, April 28, 2015
Read: Chapter 13 – The Appellate Process (continued)

Class 27: Thursday, April 30, 2015
Read: Chapter 14 - Specialized Courts

Class 28: Tuesday, May 5, 2015
Movie papers due.
VIDEO – Juvenile Court

Class 29: Thursday, May 7, 2015
Review Section 3 (Chapters 10-14)

Class 30: Thursday, May 14, 2015, 8:00 AM – 9:50 AM
FINAL EXAM (Exam #3 – non-comprehensive)
GRADING CRITERIA

1. Exams 1-3 (50 points each; 150 total)
Exams will occur after the completion of each section of the text. There will be a review before each exam. Questions will be multiple choice and true/false. The Final Exam will be Exam #3 and will occur during finals week. It will be non-comprehensive. No books or notes are allowed for exams and no make-up exams will be given without prior approval.

2. Movie Paper (50 points)
A short paper will be written comparing a criminal court issue as observed in court and as portrayed in a movie. Specific requirements and grading criteria will be reviewed at a later date.

4. Current Events (3 points extra credit per occasion)
Current events involving aspects of Criminal Courts and The Criminal Justice System will be discussed at the beginning of each class period. The instructor will call volunteers to present. Presentation is worth 3 extra credit points. Each student will have the opportunity to earn 3 extra credit points during the semester.

   GRADED SCALING - 200 Points possible
   A 90 - 100%  180 +
   B 80 - 89%  160 – 179.99
   C 70 - 79%  140 – 159.99
   D 60 - 69%  120 – 139.99
   F 59.99% or below  119.99 and below

Sociology/CDS/Anthropology majors and Sociology/CDS/Anthropology minors MUST have a minimum grade of “C” in this class to satisfy his/her degree plans with the department of Sociology, Anthropology, and Crime and Delinquency Studies.

ITEMS OF SPECIAL INTEREST

1. ATTENDANCE/WITHDRAWAL: All ESU policies regarding attendance and behavior will be enforced.

   PLEASE NOTE: Three (3) unexcused absences from this course are considered excessive and may result in a conference with the offending student and/or said student being dropped from class. Faculty reserves the right to allow a student’s choices to determine the final grade.

   If a student’s absences from class, disruptive behavior, lack of prerequisites, or academic dishonesty become detrimental to the student’s progress or that of other students in the class, the faculty member may advise the student to withdraw from the class. Withdrawal may also be advised if the student is inappropriately enrolled in the class. This notification will be copied to the department chair and Academic Affairs office to serve as the request for withdrawal. If efforts to contact the student have been unsuccessful, or unacknowledged, the faculty member shall then seek the aid of the Academic Affairs office in contacting the student. The Academic Affairs office shall provide the student with information about the existing appeals procedures. Upon receiving a written request for withdrawal from the faculty member, the Academic Affairs office may initiate a student withdrawal from the class. None of the above implies or states that faculty members are required to initiate any student withdrawal.
2. UNIVERSITY POLICIES

Disability Services: Emporia State University will make reasonable accommodations for persons with documented disabilities. Students need to contact the Director of Disability Services and the professor as early in the semester as possible to ensure that classroom and academic accommodations are implemented in a timely fashion. All communication between students, Disability Services, and the professor will be strictly confidential.

Academic Dishonesty Policy (3D.0701): (FSB 95002 approved by President 1/31/96; FSB 03002 passed by Faculty Senate 1/20/04; approved by President 2/9/04; FSB 05002 passed by Faculty Senate 1/17/06; approved by President 2/7/06; title update approved by President of the Faculty 8/22/2010; FSB 10007 passed by Faculty Senate 3/15/2013; approved by President 3/21/2013).

Academic dishonesty, a basis for disciplinary action, includes but is not limited to activities such as cheating and plagiarism (presenting as one’s own the intellectual or creative accomplishments of another without giving credit to the source or sources). The faculty member in whose course or under whose tutelage an act of academic dishonesty occurs has the option of failing the student for the academic hours in question, or for any components or requirements for that course. Departments, schools, and colleges may have provisions for more severe penalties. Emporia State University may impose penalties for academic dishonesty up to and including expulsion from the student’s major or from the University. In addition, acts of academic dishonesty shall be grounds to deny admission to a department or program. In addition to the penalties above, the faculty member shall notify in writing his/her department chair and the registrar of the infraction. The department chair shall forward a report of the infraction to the Provost and Vice President for Academic Affairs and Student Life. The registrar shall block the student from withdrawing from the course to avoid the penalties that result from the infraction. The Provost and Vice President for Academic Affairs and Student Life shall act as the record keeper for student academic infractions. The Provost and Vice President for Academic Affairs and Student Life will notify the student in writing that an infraction has been reported and inform the student of the right to appeal and of the appropriate appeal procedures. The Provost and Vice President for Academic Affairs and Student Life shall notify the student, the department chair, and the faculty member that initiated the proceedings, of any additional action taken beyond those already imposed by the faculty member. Should a single infraction be so egregious, or should a student have a record of multiple infractions, the Provost and Vice President for Academic Affairs and Student Life may impose additional penalties, including expulsion of the student from the University. The student has the right to appeal the charge of academic dishonesty (see Student Conduct section). If after an appeal it is found that the student did not commit an act of academic dishonesty, no penalties will be imposed on the student.

A chair of a department of director of a program may request from the Provost and Vice President for Academic Affairs and Student Life a list of all currently enrolled ESU students within that major or program who have committed acts of academic dishonesty. This request may be a standing request to be filling automatically during each semester until the request is rescinded by the chair or director. In addition, a chair of a department or director of a program may submit to the office of the Provost and Vice President for Academic Affairs and Student Life a list of applicants to a program or major and the chair or director may be informed if any of the applicants has committed any acts of academic dishonesty. Prior to the beginning of the next academic year, the office of the Provost and Vice President for Academic Affairs and Student Life shall send to the Chair of the Academic Affairs Committee of the Faculty Senate a list containing nonspecific student identifiers, such as Student 1, Student 2, etc., their specific academic infraction(s) reported to the Provost’s office, the total number of infractions that have been reported for each student, and any actions taken by the Provost and Vice President for Academic Affairs and Student Life.

Student Conduct (3D.07): (FSB 01011 approved by President, 4/29/02)

Excessive absenteeism is defined as a number of absences beyond which the faculty member has determined on his/her syllabus that a student cannot complete the course without the academic integrity of the course being compromised. Emporia State University is committed toward development of sensitive and responsible individuals and believes this goal is best achieved through a sound educational program and reasonable policies concerning student conduct, both in and out of the classroom. Operating from this concept, recognition is given to the importance of an honest approach to learning which ideally is shared by the instructor and the student. Faculty members may make the disposition of any cases of disruptive behavior, excessive absenteeism, or academic dishonesty within their classes as they deem appropriate. Following such cases, the faculty member shall make available to the chair of the department and to the office of the Vice
President for Student Affairs a record of such student absenteeism or disruptive behavior and the action taken by the faculty member. (This information will be helpful in dealing with those students who may have had similar problems in other classes or departments.) If the problem is not settled between the faculty member and the student, assistance will be given from the office of the Vice President for Student Affairs. If the problem cannot be resolved at this point the student may request a hearing. This request must be in writing. If a case of dishonesty, excessive absenteeism, or disruptive behavior also involves a disagreement regarding a grade, the student may be referred to the committee which hears academic appeals.

If the behavior is such that broader disciplinary action by the school/college is recommended, a hearing board shall be established by the President of the University to make disposition of the case. (In all cases of disciplinary action the office of the Vice President for Student Affairs is available for assistance.) At any point where student conduct directly interferes with the health, safety, or well-being of individuals in the campus community, the University may apply sanctions or take other appropriate action. Since the University is responsible for the subsidiary duties of maintaining property, keeping records, providing living accommodations, and sponsoring a variety of nonclassroom activities, it is necessary that a climate supportive of such duties be maintained. Student status will not be a basis for any special consideration from the University when a community, state, or national law has been violated, although every effort will be made to assist with the rehabilitation of a student violating such laws. This is done by working with law enforcement or other agencies, and ordinarily further sanctions are not applied after such a case is closed. No disciplinary sanction as serious as suspension, probation, or adverse notation on permanent records (available to other than official personnel of the college) will be imposed without proper notification given to the student in writing. This notification will state the charges and will give the accused the opportunity to appear alone, or with appropriate representation before the proper committee, judicial council, court, or official. Included will be the nature and source of evidence and the encouragement for the student to present evidence in turn. Following this review final disciplinary action will be taken by the University. Students may also request that such 3-64 appearance before committees, councils, courts, or officials be waived and the case be determined in conference with appropriate campus officials. The University conduct policy commits all individuals serving on any of the above named groups dealing with student problems to a code of confidence. Failure to comply may lead to sanctions from student, faculty, or administrative governing bodies, or officials. Students, faculty, and administration shall have the opportunity to participate fully in the formulation of policies and rules and their enforcement. Penalties for men and women shall be based equally; like penalties following like violations.

**Voluntary or Involuntary Withdrawal from the University (3P.11):** At times students engage in seriously disruptive behavior that requires swift intervention. “Seriously disruptive behavior” is defined as behavior that is disruptive to the maintenance of the academic environment, destructive to University property, or constitutes a threat to the well-being of the student or others. In such cases, the procedures outlined in the policy manual should be followed.

### 3. SIMPLE COURTESY

**PLEASE** – As a simple courtesy to your classmates, to the instructor, and to any guest speakers, **turn off or silence** all cell phones, pagers, and other electronic devices. PLEASE NO TEXTING OR EARBUDS DURING CLASS!

### 4. EMERGENCY PLANS: All Information is taken from the ESU Emergency Operations Plan, January 2013.

**Emergency Mass Exit**

- **DO NOT USE ELEVATORS DURING AN EMERGENCY EXIT!**
- **NEVER** re-enter a building until an "all clear" announcement is given by a uniformed police officer or fireman. The silencing of the fire alarms is **NOT** an indication that it is safe to enter the building.

**Faculty**

- Immediate response is important at all times. Teaching faculty will review aloud the university’s policy related to evacuation and exiting within the first 2 weeks of classes.
- Teaching faculty must supervise any actual emergency mass exit evacuation and immediately evacuate the building. In all cases the faculty’s prime responsibility is to supervise the majority of students during an emergency mass exit evacuation. Identify individuals with disabilities and assist according to university policy as set forth in the policy manual.
Any person evidencing confusion, disorientation, or hysteria must be assigned assistants and escorted to safety. Classroom windows and doors must be closed. Doors must not be locked because individuals with disabilities may need to use the classroom as an Area of Refuge and to promote easy access by emergency personnel.

**Individuals with Disabilities**
- Able-bodied persons using reasonable care who assist in evacuating individuals with disabilities may be protected from liability under the Kansas Tort Claims Act and Good Samaritan Act.
- The less preferred method of emergency mass exit evacuation for individuals with disabilities is to be assisted to a Safe Room (any room or office with a door and telephone far removed from the source of emergency). The person assisting shall dial 911 and contact the local emergency operator and relay the location of the individual with disabilities, then leave the building and notify an emergency responder of the location.
- In the event that the assistant determines that his or her personal safety would be jeopardized by leaving the Safe Room, the emergency operator should be advised to contact the emergency first responders and University Police and Safety and advise them that people are remaining in the Safe Room.

**Tornado Shelter and Guidelines**
- When sirens sound, proceed immediately to the designated tornado shelter.
  - Butcher Education Center: Tunnel area basement hallway, south end, room 001 (main office has key) away from windows.
  - Brighton Lecture Hall (Science Hall): Lower hallway area (north/south hallway) away from windows.
- When you evacuate to these areas, kneel and cover your head with your arms.
- Do not emerge until the all clear is given.

**Armed or Violent Behavior**

**General Guidelines:**
- Try to remain calm. Get as far away from the violence as quickly as possible. Utilize any and all cover and concealment available as you flee for safety. Warn others as you escape. If you encounter law enforcement personnel, follow their orders explicitly. Officers may not have a good description of the suspect(s). Give officers as much information as possible regarding the situation and the violence and the best possible description of the suspect(s).
- If it appears that fleeing may place you in significant danger, consider sheltering in place. Each individual must personally evaluate the circumstances and make decisions regarding the most prudent course of action. Taking calculated risks may be the difference between life and death.
- Close, lock, and barricade doors when possible and DO NOT answer the door, respond to voice commands, or leave unless or until you can verify that there is a law enforcement officer at the door.
- Keep quiet, turn off lights and radios. Silence cell phones.
- Close windows and blinds when possible. Consider placing signs in exterior windows to assist responders in locating victims. Because erected signs can be viewed by suspects as well as responders, this is a potential risk which must be considered and weighed prior to erecting signs.
- Remain as quiet as possible and keep yourself and others out of sight. Attempt to obtain cover and concealment behind walls, desks, file cabinets, etc.
- If running or sheltering in place cannot be accomplished because of close proximity to the incident and/or suspect(s), try to remain calm. Do nothing to provoke the suspect(s) or draw attention to yourself. If others are injured or dead, consider “playing dead.” As a last resort, when there is no chance of escape, you may be forced to attempt negotiation or fight for your life.
- Whenever it is safe and possible to do so, call 911 or notify University Police and Safety. Give as much specific information as possible. Describe the situation, the location, and the suspect(s). Try to give communications personnel descriptions of clothing and detailed personal characteristics of assailants such as tattoos, hair color/length/style and facial hair (when present), race/gender, and type of weapon(s) deployed. Clear, concise, and accurate information relayed to emergency responders in a timely manner may have a significant impact on the overall resolution of an incident.