

SYLLABUS

CRIMINAL COURTS (CRIM 408, Section 001)
GEORGE MASON UNIVERSITY
CRIMINOLOGY, LAW & SOCIETY
FALL 2019

Instructor: Randy I. Bellows, Adjunct Professor

Email: rbellow@gmu.edu

Class Schedule: Friday from 4:30-7:10

Classroom: Robinson Hall B203

COURSE GOALS AND OBJECTIVES

Criminal cases are in the news every day and the outcome of criminal trials often have profound consequences, not only for the actual participants but for society in general. Whether you are considering a career in criminal justice or are simply seeking a better understanding of the strengths and weaknesses of our criminal justice system, an understanding of how our courts operate in criminal cases is critical. Once an arrest is made, it is our criminal courts that determine whether justice is achieved.

The goals of this course are four-fold. The first goal is to give students an overview of the structure of our criminal court institutions: state and federal criminal courts, juvenile courts, and appellate courts. The second goal is to give students an understanding of how the criminal justice system operates at each stage of a criminal proceeding, from the initial processing of an arrestee, to pre-trial suppression motions, to the trial itself before either a judge or jury, to the sentencing hearing, and to post-conviction appeals. We will not only cover the key terminology commonly used in criminal courts but focus on the critical events in the life of a criminal case that will largely determine its outcome. The third goal is to give students an appreciation of the strengths and frailties of our criminal courts, with particular focus on the ultimate question of how well our courts achieve justice. Are the guilty usually convicted? How frequently do innocent persons get convicted? What are the goals of sentencing and are they actually achieved? What are the differing perceptions of defendants, victims and witnesses? The final goal is to give students an understanding of the roles played by each of the five key players who work in the criminal courts: prosecutors, defense attorneys, judges, jurors, and probation officers. What are their strengths, weaknesses and special challenges? What changes might make these individuals more effective in the performance of their duties?

At the completion of this course, you should have a solid grounding in the structure and operation of our criminal courts. This should be helpful in deciding

what role you might wish to play in the criminal justice system and in exercising your own responsibility as a member of a community committed to the rule of law.

COURSE MATERIALS

REQUIRED TEXTBOOK: America's Courts and the Criminal Justice System, **13th Edition**

ISBN 13: 978-1-337-55789-4

Authors: David W. Neubauer and Henry F. Fradella

Publisher: Cengage Learning

You can obtain a hard copy or digital e-book version of the textbook, whichever works best for you.

Make sure you get the 13th Edition.

POWER POINT

I use Power Point slides in each class. The Power Point slides are based on the textbook, Supreme Court case law, and additional material I have added. I will make the Power Point available to you for review and study outside of class. You may access the Power Point for your personal use only in connection with this course and you may not duplicate or share the Power Point with other individuals. Should you wish to do so, you may print out a copy of the Power Point for your personal use in connection with this course. You may not post or otherwise disseminate the Power Point slides. The Power Point is no substitute for good note taking or for attending class.

ATTENDANCE & PARTICIPATION

As is stated in George Mason University's Attendance Policy, "Students are expected to attend the class periods of the courses for which they register. In-class participation is important not only to the individual student, but also to the class as a whole. Because class participation may be a factor in grading, instructors may use absence, tardiness, or early departure as de facto evidence of nonparticipation."

I do not use class lectures to simply repeat what is in the textbook. Rather, class lectures will use the textbook and power point slides as a starting point to explore various topics in greater depth. Attendance is vitally important in order for you to understand the course, be prepared for the examinations, participate in class, and have the full benefit of class discussion and lectures. Thus, an unexcused absence from a class will lower your class attendance and participation grade and several unexcused absences from class will lower your class attendance and participation grade significantly.

I take attendance through the use of a sign-in sheet. It is solely your responsibility to make sure you sign in for each class. You may not have anyone else sign in for you at a class. I rely on the sign-in sheet in determining whether a student attended a particular class or is marked as absent.

I expect all students to actively participate in class discussion. I will call on students and I also encourage students to volunteer answers and ask questions.

10% of your grade is based on class attendance and participation. Arriving late or leaving early is very disruptive. I expect you to sign in at the beginning of the class and remain until the end of the class. If you do not attend the full class, you should not expect to get full credit for having attended that class.

I recognize that there are occasions when illness, a family or personal emergency, religious observation or other extenuating circumstances, prevents you from attending a class. If you request to have an excused absence, please **email** me in **advance** of the class.

The assignment of a grade for class attendance and participation is solely in the instructor's discretion.

GRADING

The possible grades and associated points are as follows:

A+	97-100
A	94-96
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D	65-69
F	64 or Below

Please note that in calculating your final grade, any grade that is .5 or above will be rounded up and any grade that is .4 or below will be rounded down. For example, if your final grade calculation is 83.6, your final grade will be an 84 (or a B). If your final grade is 83.4, your final grade will be an 83 (or a B-).

Your grade will have five components:

1. Class Attendance & Participation: 10%
2. Court Observation & Paper: 10%
3. Exam 1: 25%
4. Exam 2: 25%
5. Final Exam: 30%

IN ADDITION, THERE WILL BE ONE EXTRA CREDIT PROJECT THAT CAN RAISE YOUR FINAL GRADE UP TO THREE POINTS.

Additional notes on grading:

- **Exam 1: September 27, 2019 (Covering Weeks 1-4 and Chapters 1-5)**
- **Exam 2: November 1, 2019 (Covering Weeks 5-9 and Chapters 6-10)**
- **Final: December 13, 2019 (Covering Weeks 10-14 and Chapters 11-15).**
- Exam 1 and 2 will be given during class, usually during the last hour of class.
- Exam 1 and 2 and the Final Exam will consist of multiple choice questions.
- The exams are not cumulative, although there will be some overlap.
- **All three of the exams will be closed book/closed notes. In other words, you must not use textbooks, power point slides, other reference material, or notes. Use of any supplemental material during an exam is unauthorized and would constitute an Honor Code violation. You must rely solely on your own memory and reasoning ability.**
- You will need to bring Scantron testing cards to each exam, including the Final Exam. The Scantron testing card is 882-E and they are available for purchase at the GMU Bookstore.
- Makeup exams will be allowed only for personal or family illness or an emergency that prevents you from taking the exam as scheduled.

TEST REVIEWS

There will be three test reviews. Each will take place in class, generally during the last hour of class. The three test reviews will be on the following dates:

- **Test Review # 1: September 20, 2019**
- **Test Review # 2: October 25, 2019**
- **Final Exam Review: December 6, 2019**

CRIMINAL COURT OBSERVATION & PAPER

To fully understand the criminal justice system, and the role of criminal courts, it is important that you spend some time actually observing criminal proceedings. Therefore, each student is required to observe criminal proceedings for at least three hours and answer a series of questions about your observations. **GIVEN THAT THIS IS A COURSE ABOUT CRIMINAL COURTS, PLEASE NOTE THAT YOU MUST OBSERVE CRIMINAL OR TRAFFIC PROCEEDINGS, NOT CIVIL PROCEEDINGS.**

The Fairfax Courthouse is located within walking distance of GMU and, on any given day, there are multiple criminal proceedings taking place. Depending on the day, this may include traffic proceedings, misdemeanor bench trials, felony jury trials, and guilty pleas. You do not need to stay in the same courtroom for the whole three hours; rather, you can spend some time in several different courtrooms.

You may also do your observation in any other courthouse (e.g., Arlington, Alexandria, Loudoun) where criminal proceedings are underway.

Here is some advice if you choose to do your observations at the Fairfax Circuit Court or Fairfax General District Court. Both courts are located in the Fairfax Courthouse, which is at 4110 Chain Bridge Road, Fairfax, Va. The General District Court, which handles a variety of criminal and traffic matters – including misdemeanors, preliminary hearings on felony cases, bond motions, and traffic cases – is located on the First and Second Floor. The Circuit Court, which handles felony jury trials, criminal pleas, and misdemeanors that are appealed from the General District Court, is located on the Fourth and Fifth Floor of the Courthouse. The best time to arrive at the Courthouse is around 10 a.m. You can go to the Courthouse any week day. In the Circuit Court, felony jury trials are generally held only on Monday through Thursday. On Fridays, there will be four to five Circuit Court judges with either a sentencing/revocation docket or criminal motions.

The questions you are to answer are as follows:

- Date of your observation.
- Court location (Example: Fairfax, Arlington, Alexandria).
- Courtroom(s) attended (Example: Courtroom 4G, Fairfax Circuit Court).
- Nature of proceedings (e.g., traffic, misdemeanor trial, felony trial, jury or judge trial, suppression motion, guilty pleas, sentencings).
- Generally describe the proceedings and the issues before the court and/or jury.
- What did you observe that illustrated some of the problems which

we have identified in the criminal justice system and criminal courts?

- What did you observe that was consistent with what you expected to observe from the readings and lectures regarding criminal courts and criminal procedure?
- What did you observe that was different than what you expected to observe from the readings and lectures regarding criminal courts and procedure?

All papers must be:

- **Double-spaced;**
- **12-point type;**
- **Stapled;**
- **A paper copy provided to me in class on the due date;**
- **Length: Not less than two pages nor more than three pages.**
- **Your paper may be double-sided or single-sided.**
- **You may do your paper in essay form or by responding to each question posed above.**

The deadline for turning in the Criminal Court Observation Paper is:
October 18, 2019.

EXTRA CREDIT PROJECT

The extra credit project can add up to **THREE** points to your final grade. The project is to read one **non-fiction book about a criminal trial** and write a short paper that answers the following questions:

1. Description of the trial: location, court system, name of victim or victims, name of defendant or defendants, crime charged, and name of prosecutor, defense attorney and judge.
2. What was the prosecutor's theory of the case?
3. What was the defendant's defense? (Example: insanity, self-defense, misidentification)
4. What was the outcome? Do you agree or disagree with the outcome, and why?
5. What was the key evidence that either led to the defendant's conviction or to the defendant's acquittal?
6. If you had been the prosecutor or the defense attorney, what would you have done differently?
7. Was the criminal justice system, as depicted in the book, fair and just to both the defendant and the prosecution?
8. Has reading the book made you more interested or less interested in working in the criminal justice system?

I must approve the book you select, so let me know as soon as you decide on the book you would like to read. The book must be one that you have not previously read.

All papers must be:

- **Double-spaced;**
- **12-point type;**
- **Stapled;**
- **A paper copy provided to me in class on the due date;**
- **Double-sided or single-sided paper;**
- **Your paper may be in essay form or by responding to each question posed above.**
- **Length: Not less than two pages nor more than three pages.**

The deadline for turning in the extra credit paper is **November 22, 2019**.

OFFICE HOURS

I am available to meet with you by appointment. The best way to schedule an appointment is by emailing me.

TECHNOLOGY

Students may use computers, tablets, etc., in the classroom, but only for the purpose of taking notes or accessing course material. **No audio or video recording in class.** Please insure that your cell phones do not ring during class.

CLASS AGENDA

Note: I reserve the right, if it becomes necessary, to alter the agenda, including the exam dates. For example, class assignments or subject matters to be discussed may need to be adjusted if inclement weather requires a class to be cancelled.

WEEK 1 (AUGUST 30, 2019)

Course Introduction
Law, Crime, Courts, and Controversy
Readings: Chapter 1

WEEK 2 (SEPTEMBER 6, 2019)

Federal Courts
Readings: Chapter 2

WEEK 3 (SEPTEMBER 13, 2019)

State Courts and Juvenile Courts

Readings: Chapter 3 and 4

WEEK 4 (SEPTEMBER 20, 2019)

The Dynamics of Courthouse Justice

Readings: Chapter 5

TEST REVIEW #1

WEEK 5 (SEPTEMBER 27, 2019)

Prosecutors

Readings: Chapter 6

Exam 1 (Covering Weeks 1-4 and Chapters 1-5)

WEEK 6 (OCTOBER 4, 2019)

Defense Attorneys

Readings: Chapter 7

WEEK 7 (OCTOBER 11, 2019)

Judges

Readings: Chapter 8

WEEK 8 (OCTOBER 18, 2019)

Defendants, Victims and Witnesses

Readings: Chapter 9

COURTROOM OBSERVATION PAPER DUE

WEEK 9 (OCTOBER 25, 2019)

Arrest, Bail and Arraignment

Readings: Chapter 10

TEST REVIEW #2

WEEK 10 (NOVEMBER 1, 2019)

Disclosing and Suppressing Evidence – Part 1

Readings: Chapter 11

Exam 2 (Covering Weeks 5-9 and Chapters 6-10)

WEEK 11 (NOVEMBER 8, 2019)

Disclosing and Suppressing Evidence – Part 2

Plea Bargaining and Guilty Pleas

Readings: Chapter 12

WEEK 12 (NOVEMBER 15, 2019)

Trials and Juries

Readings: Chapter 13

WEEK 13 (NOVEMBER 22, 2019)

Sentencing

Readings: Chapter 14

EXTRA CREDIT PAPER DUE TODAY

WEEK 14 (DECEMBER 6, 2019)

Appeals and Habeas Corpus

Readings: Chapter 15

FINAL EXAM TEST REVIEW

**FINAL EXAM: Friday, December 13, 2019 from 4:30 pm to 7:15 pm.
(Covering Weeks 10-14 and Chapters 11-15)**

UNIVERSITY POLICIES

Campus On-Line Resources

Student Support: <http://ctfe.gmu.edu/teaching/student-support-resources-on-campus/>

General University Information/Weather: www.gmu.edu

Writing Center: <http://writingcenter.gmu.edu>

Counseling and Psychological Services: <http://caps.gmu.edu>

University Catalog: <http://catalog.gmu.edu>

University Policies: <http://universitypolicy.gmu.edu>

Mason Diversity Statement

George Mason University promotes a living and learning environment for outstanding growth and productivity among its students, faculty and staff. Through its curriculum, programs, policies, procedures, services and resources, Mason strives to maintain a quality environment for work, study and personal growth.

An emphasis upon diversity and inclusion throughout the campus community is essential to achieve these goals. Diversity is broadly defined to include such characteristics as, but not limited to, race, ethnicity, gender, religion, age, disability, and sexual orientation. Diversity also entails different viewpoints, philosophies and perspectives. Attention to these aspects of diversity will help

promote a culture of inclusion and belonging, and an environment where diverse opinions, backgrounds and practices have the opportunity to be voiced, heard and respected.

The reflection of Mason's commitment to diversity and inclusion goes beyond policies and procedures to focus on behavior at the individual, group and organizational level. The implementation of this commitment to diversity and inclusion is found in all settings, including individual work units and groups, student organizations and groups, and classroom settings; it is also found with the delivery of services and activities, including, but not limited to, curriculum, teaching, events, advising, research, service and community outreach.

Acknowledging that the attainment of diversity and inclusion are dynamic and continuous processes, and that the larger societal setting has an evolving socio-cultural understanding of diversity and inclusion, Mason seeks to continuously improve its environment. To this end, the University promotes continuous monitoring and self-assessment regarding diversity. The aim is to incorporate diversity and inclusion within the philosophies and actions of the individual, group and organization, and to make improvements as needed.

Students with Disabilities

If you are a student with a disability and you need academic accommodations, please see me and also contact the Office of Disability Resources at 703-993-2474. All academic accommodations must be arranged through this office.

Honor Code Policy

George Mason University has an Honor Code, which requires all members of this community to maintain the highest standards of academic honesty and integrity. Cheating, plagiarism, lying, and stealing are all prohibited. All violations of the Honor Code will be reported to the Office of Academic Integrity (oai.gmu.edu). See this excerpt from oai.gmu.edu:

“The Honor Code at George Mason University shall be specifically concerned with cheating or attempted cheating, plagiarism, lying, and stealing in the academic setting. Examples of these infractions include but are not limited to the following:

1. Use of unauthorized material.
2. Use of unauthorized assistance.
3. Duplicate use of student's prior work.
4. Violation of syllabus requirements regarding integrity.

5. Self-plagiarism.
6. Inadequate citation.
7. False citation.
8. Failure to adhere to citation forms set by the professor.
9. Failure to quote sources/material.
10. Submission of another individual's work.
11. Removing an exam from a classroom.
12. Posting or enabling of posting of homework assignments and/or exams or solutions on websites.
13. Taking photos of exams/academic work without authorization.
14. Taking someone else's work without knowledge.
15. Falsifying sources, data, or information.
16. Providing a false excuse for missing a test or class.
17. Providing false information, including identifying information.
18. Falsifying official correspondence.”

More detailed information is available at oai.gmu.edu.

Enrollment Statement

- Students are responsible for verifying their enrollment in this class.
- Schedule adjustments should be made by the deadlines published in the Schedule of Classes. (Deadlines each semester are published in the Schedule of Classes available from the Registrar's Website at registrar.gmu.edu.)
- Last Day to Add Classes: **September 3, 2019**
- Last Day to Drop Classes with no tuition penalty: **September 9, 2019**
- Final Drop Deadline (no tuition refund): **September 17, 2019**
- After the last day to drop classes, a class can be dropped by using the selective withdrawal option, but only three selective withdrawals are allowed throughout your studies at Mason. The selective withdrawal period is **October 1, 2019 to October 29, 2019**. Any other withdrawal must be with the approval of the dean and will only be allowed for nonacademic reasons.