

# CJ 42460: CRIMINAL PROCEDURE

Chaminade University of Honolulu  
January 8-March 21, 2001

Instructor: Richard D. Brawley. B.A., M.A., J.D.

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Time/Place: TUESDAY (4:45 p.m. to 10:55 p.m.)  
Pearl Harbor Sub Base, Building 679 (second floor)

Required Text: ***Criminal Procedure*** (4<sup>th</sup> Edition)  
Joel Samaha; West/Wadsworth, International Thomson Publishing (1999)

## I. COURSE DESCRIPTION

This course is an introduction to the pre-trial rights of the criminal defendant and society, including discussions of the law of arrest, search and seizure, confessions, identification procedures, self-incrimination, and right to counsel.

## II. COURSE OBJECTIVES

1. To develop a basic understanding and appreciation of our American criminal procedure and its impact not only on the individual but also on our society as a whole.
2. To understand criminal procedure's niche in the overall structure of our current legal system.
3. To understand how to locate relevant case law, through the fundamentals of legal research, then apply critical thinking skills based on legal reasoning and analysis.
4. To become familiar with the fundamental terminology and concepts of criminal procedure.
5. To foster an interest in law and encourage a continued study through related Criminal Justice courses.

## III. CLASSROOM FORMAT AND COURSE REQUIREMENTS

This class will be a facilitated, interactive, cooperative learning experience designed to foster and promote student participation. This format may integrate lectures, small group discussions, student presentations, video reviews, role play, debates, and/or presentations by guest lecturers.

As a result, students will be required to complete the required text/handout readings prior to class in order to be an active and prepared regular participant in all activities. Moreover, students are

encouraged to be open minded and are required to be courteous during class discussions.

#### IV. ATTENDANCE

Attendance is an expected and necessary requirement of this course. It is recognized that there may be times when the student will not be able to attend class but such absence will impact upon the student's grade. As previously mentioned, the student's participation in each class is an integral part of the overall learning process. Missing class is not an excuse for not being prepared for the next class, completing reading assignments or other projects which were previously assigned during the student's absence.

**ONLY REGISTERED STUDENTS ARE ALLOWED TO BE IN THE CLASS.**

#### IV. GRADING

The course grade will be based on the following 100 point criteria:

- |                                  |           |
|----------------------------------|-----------|
| 1. Class Attendance              | 5 points  |
| 2. Class Participation           | 5 points  |
| 3. Exam #1                       | 30 points |
| 4. Exam #2                       | 30 points |
| 5. Research Project/Presentation | 30 points |

GRADING. The grading scale for letter grades will follow the following guideline:

<u>GRADE</u>	<u>POINT SCALE</u>	<u>EQUIVALENT PERCENTAGE</u>
A	90-100 points	90-100
B	80-89 points	80-89
C	70-79 points	70-79
D	60-69 points	60-69%
F	59 points and below	59 % and below

MISSED EXAMINATIONS. Missed examinations cannot be made up unless the absence is for a bona fide medical purpose or a significant reason acceptable to the course instructor. Consequently, the instructor must approve any make-up examination. Delay in contacting the instructor after the examination is sufficient reason to deny any make-up. Once examinations have been passed back to the class, the examination cannot be made-up.

RESEARCH PROJECT/PRESENTATION. Each student will be assigned to a group for the purposes of conducting a case analysis of a particular assigned case. Each group will present a 15-minute presentation with each member presenting a vignette of their group determined selected area/topic. Each group will allow for a follow-on 15-minute questioning period from the class to conduct analytic probes for further inquiry, refute or challenge your group's presentation. In addition, each student must submit a 10-page (typed/double spaced) research paper relating to their individual presentation. This paper must be submitted prior to the oral presentation. The

paper's format should follow the currently accepted style sheet.

\* To be discussed in detail at the 2nd class meeting.

**TEST DATES AND OTHER SIGNIFICANT EVENTS** (TENTATIVE)

1. EXAMINATIONS:

EXAM #1 February 13, 2001

EXAM #2 March 13, 2001

2. RESEARCH PROJECT/PRESENTATIONS: Subject matter and construction will be addressed in class. The Presentation and submission of papers is tentatively scheduled for **March 20, 2001.**

**ACADEMIC HONESTY** Chaminade's policy on academic dishonesty, are clearly addressed in the General Catalog, will be strictly observed in this class. If any student has any questions concerning this policy or any related matter, please do not hesitate to ask the instructor.

V. SCHEDULE AND ASSIGNMENTS

WEEK	DATE	SUBJECT	<u>CHAPTER</u>
1	1/09	Introduction/overview-syllabus review	1
2	1/16	The constitution and Criminal Procedure	2
3	1/23	Searches, Seizures, and the Fourth Amend.	3
4	1/30	Stop and Frisk; Seizures of Persons	4 & 5
5	2/6	Searches for Evidence; Special Needs Searches	6 & 7
6	2/13	Interrogations and Confessions; Exam #1	8
7	2/20	Identification Procedures	9
8	2/27	NO CLASS	
9	3/6	Remedies for Constitutional Violations; Initiating Formal proceedings	10 11
10	3/13	Trial and Conviction; Exam #2	12
11	3/20	Post Conviction; Presentations/Research Project	13