

Constitution & Criminal Procedure

POL 3613 (Undergraduate) CRN#; POL 5323 (Graduate) CRN #

Department of Political Science

SPRING 2018, Online D2L Course

I. Instructor Information



Keith Rollin Eakins, J.D., Ph.D. is a Professor of Political Science who earned a J.D. and Ph.D. from The Ohio State University. He has authored a number of peer reviewed journal articles, book chapters, book reviews and other publications concerning judicial politics and constitutional law. He has been teaching at UCO since 1999.

Office: Liberal Arts 102F; **Phone:** 974-5521 (D2L email is preferred communication)

Email: keakins@d2lmail.uco.edu D2L email (and the COURSE Q&A) are the preferred means of communication. **Email response time:** I will respond to messages at this web site within 48 hours on Monday through Friday. Messages sent over the weekend will receive replies the following work week.

Online Office Hours: Mon/Wed/Thurs 1-2pm, and by appointment. **Campus Office Hours:** by appointment.

II. Course Description, Overview and Objectives

Course Description (UCO Course Catalog): Constitution & Criminal Procedure covers the constitutional boundaries, established by the Supreme Court, for gathering evidence at a crime scene, questioning witnesses/suspects, arresting suspects, and seizing evidence as well as the constitutional rights of the accused at trial.

Course Overview

This course will introduce you to the Supreme Court's interpretations of the constitutional principles governing the criminal justice process. It begins with an overview of the criminal justice process. Then it addresses a number of topics including: arrest; search and seizure; surveillance; entrapment; interrogation and confessions; lineups; plea bargaining; the admission of evidence at trial; fair trials; effective representation; and retrials.

Course Objectives.

1. You will learn to read and understand Supreme Court case opinions
2. You will understand the Supreme Court's interpretations of the constitutional principles governing the criminal justice process.
3. You will learn theories of constitutional interpretation and how the Court applies them
4. You will learn to critically analyze the justices' reasoning and opinions
5. You will analyze and understand shifts in Court doctrines.
6. You will learn to apply your knowledge of the law, constitutional interpretation, and Court precedents to new fact scenarios and write about it clearly and persuasively.

Course Prerequisites: ENG 1113 and 1213

III. Required Texts and Readings

1. *Criminal Procedure and the Constitution: Leading Supreme Court Cases and Introductory Text* (2016 Ed.), by Israel, Kamisar, LaFare and King.
2. Professor's Notes: You will be provided the professor's notes to read.
3. Additional Resources: Each module will contain a link to a video or website that complements the text and notes.

IV. Course Requirements

Required Discussion. The required discussion question responses account for 30% of your grade. Each week you will respond to questions regarding that week's topic. Each student will create a new thread for their comment, and are encouraged to react to other student's comments. *Weekly discussions are due at the same time as that week's quiz.*

Discussion postings will be assessed according to:

- 1) thoroughness of responses (250 words minimum, undergraduate students; 500 words minimum, graduate students);
- 2) knowledge of subject matter; 3) sophistication of analysis; 4) clarity; and 5) grammar, spelling, punctuation, and syntax.

There will be a fixed window of time in which you can enter your discussion responses, so please pay attention to it. *Early in the semester I will assess your discussions, letting you know where you need improvement. After that, I won't assess them until the end of the semester, when I will assign you a final discussion score.*

The following are some netiquette guidelines for postings:

- **Be scholarly.** Students should use proper language, grammar, and spelling. They should be explanatory, justify their opinions, and credit the ideas of others by citing or linking to scholarly resources. Students should avoid misinforming others when they may not know the answer to something. When students are unsure about a point or supplying a guess, they should clearly state that.
- **Be respectful.** The privacy of others must be respected; students should avoid sharing personal or professional information about classmates. Students should respect diversity and opinions that differ from their own. Communication should be tactful, with disagreements based on scholarly ideas or research evidence.
- **Be professional.** Everyone should strive to look their best online.² Truthfulness, accuracy, and running a final spell check are appropriate expectations for university students. Writing in a legible font and limiting the use of emoticons is considered professional behavior. Profanity and participation in hostile interactions, known as flaming, is unprofessional as well as disruptive.
- **Be polite.** Students should be addressing professors and instructors by the appropriate title or requested name. Students should also address each other by name and be mindful of their written tone. Students should interact online politely, just as they would be expected to do in a physical classroom environment. Avoid sarcasm, rudeness, and writing in all capital letters (shouting).

Weekly Quizzes. For most of the modules you must take short quizzes comprised of multiple choice questions that test your knowledge of the readings and professor's notes. Cumulatively, the quizzes account for 35% of your grade. There will be a fixed window of time in which you can take the quizzes so please pay attention to it. *Quiz Instructions:* Your completion time is measured from when you click to begin the quiz to when you click to finish it. You must finish within the time allotted. *The due date for the quiz is the last day in the quiz window. D2L Quiz Problems:* If there is a technical problem, take a screen shot and file a report with UCO IT. Quizzes will be "auto-graded" immediately.

Judicial Opinion Assignment/Final. You will write a judicial opinion based upon a hypothetical factual situation. The Judicial Opinion Assignment accounts for 35% of your grade. A detailed handout will be provided. To be fair to the majority of the students who get their work in on time, assignments submitted after the due date will be penalized a letter grade for each day late.

V. Course Evaluation

<u>Assessment</u>	<u>*Proportion of Grade</u>
Discussion	30%
Quizzes	35%
Judicial Opinion/Final Exam	35%

Grade Scale: 100-90% A; 89-80% B; 79-70% C; 69-60% D; <60% F. Grade Computation: I round up at 0.5 and down at 0.4 (e.g., a final score of 89.5 earns an "A." A final score of 89.4 earns "B").

VI. Course Policies

This course will be conducted using D2L and it WILL NOT meet face-to-face.

All Work Must Be Completed or Students Will Fail the Course. In order to pass the course, you must complete all of the discussions, quizzes, and the Judicial Opinion/Final exam. If you fail to complete any of the mentioned required assignments, you will receive an "F" for the course.

No Make-ups for quizzes. All students are required to take the quizzes within the scheduled times. The quizzes will be timed, so pay attention to the length of time you have to complete them. Make-ups are **not** permitted unless there are exceptional circumstances (e.g. death in immediate family or incapacitating illness) and the student notifies the instructor **before** the quiz or exam time period has expired. Exceptional circumstances will require written documentation of that circumstance. I reserve the right to determine what constitutes an exceptional circumstance and whether a make-up quiz or exam will be granted.

Late discussion responses and Judicial Opinion Assignment/Final Exam. Work submitted late will be penalized one letter grade for each day past the due date.

Reading. All reading assignments should be read prior to the week for which it is assigned. Be prepared to answer weekly quiz questions and to discuss the issues presented in the readings. **All reading assignments are fair game for quiz questions.**

Professor's Notes. I will post notes which will assist your reading of the text. This material is fair game for exam questions.

Meeting and corresponding with your professor. 1. Use the "COURSE Q&A" for all questions other than those specific to your personal grade or circumstances. Likewise, I will post all information relating to the course in the "COURSE Q&A" and "ANNOUNCEMENTS" sections. 2. Email should be reserved for information specific to your personal situation. If you have a question that can be answered quickly, the "COURSE Q&A" section is fine. However, if you have a complicated and involved question such as, "Can you explain the influences on judicial decision making?" or something like that please make an appointment to see me in my office. Typically, *course questions and email will be answered within 48 hours, except on the weekends.*

Participation Policy. The course has been structured into modules to be completed online in the D2L course. Quizzes, discussions, and the research paper all have deadlines, so you must keep up. In the online environment, I expect to see your presence and quality activity in each session. You must plan to spend time in the online course each week. According to Regents' policy, at the undergraduate level, this means that for each hour in class, a student is expected to spend at least three (3) hours doing homework. For a three-credit hour class, a student is expected to spend nine (9) hours a week doing homework. (OSRHE II-2-34)

Standards for Coursework. All written assignments and correspondence are expected to meet college level standards of proficiency. Please pay attention to spelling, grammar and style.

Academic dishonesty. Includes but is not limited to the "giving" and "taking" of improper assistance in examinations and assignments; not adhering to correct procedures for identification of sources in reports and essays and all creative endeavors; intentional misrepresentation; cheating; plagiarism; and unauthorized possession of examinations. The [UCO Student Code of Conduct provides further details.](#)

Plagiarism. When a student submits any assignment for a course he or she will submit entirely original work or will properly cite all sources utilized in the preparation of the assignment. Without proper citation, the student is guilty of plagiarism, which is not tolerated at UCO. UCO subscribes to the "TurnItIn" plagiarism prevention service. Students agree by taking this course that all required assignments may be subject to submission for a "TurnItIn" textual similarity review for the detection of plagiarism. All submitted assignments will be included as source documents in the Turnitin.com restricted access reference database for the purpose of detecting plagiarism. Use of the "TurnItIn" service is subject to the terms and conditions of use posted on the "TurnItIn" web site located at the following URL: turnitin.com
More information concerning this policy can be found in the [UCO Student Code of Conduct](#).

Technical Assistance. As I am not an IT specialist, please refer technical difficulties to Technology Support at 974-2255. Also, post questions in the "COURSE Q&A" section. Other students may have had similar technical issues and figured them out.

ADA Statement Regarding Special Accommodations. The University of Central Oklahoma complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Students with disabilities who need special accommodations must make their requests by contacting Disability Support Services, at (405) 974-2516. The DSS Office is located in the Nigh University Center, Room 305. Students should also notify the instructor of special accommodation needs as soon as possible. Per Title IX of the Education Amendments of 1972 ("Title IX"), pregnant and parenting students may request adjustments by contacting the Title IX Coordinator, at (405) 974-3377 or TitleIX@uco.edu. The Title IX Office is located in the Lillard Administration Building, Room 114D.

Emergencies During Finals. See [syllabus attachment](#).

Incompletes. Incompletes are generally not allowed. They require an advance agreement between student and professor concerning timelines for completion of coursework. See [syllabus attachment](#).

Syllabus Attachment: <http://www.uco.edu/academic-affairs/faculty-staff/syllabus.asp>

Course Alignment with Academic Mission. The Department of Political Science is committed to furthering the academic mission, vision, goals, values, and philosophy of the University community as outlined in its Academic Mission. See: <http://www.uco.edu/academic-affairs/mission/index.asp>

This course directly incorporates the following **Transformative Learning Goals:**

- **Discipline Knowledge** – by analyzing the criminal procedure and related constitutional law.
- **Leadership** – by examining the decisions made by the Supreme Court and other players in the judiciary.
- **Research, Scholarly and Creative Activities** – by analyzing the current case law in the field and synthesizing it in the form of written discussions and a judicial opinion.
- **Service Learning and Civic Engagement Activities** – by acquiring the knowledge to become an informed voter, and the motivation to become an active participant in the political community.

VII. Department of Political Science Policies

Students are responsible for all information in the Student Code of Conduct: <http://online.fliphtml5.com/tisw/liyo/#p=1>

VIII. *Course Outline: Textbook Reading Assignments

***Weeks 1-6 feature two modules of assignments (A&B) to complete. Both modules for each week must be completed prior to the following week. Weeks 7&8 contain one module of assignments and the final exam.**

Week 1

Module 1A Chapter 1 pp. 1-28 and Chapter 2 pp. 29-43: **An Introduction to the Criminal Justice Process; The Applicability of the Bill of Rights to the States**

Module 1B Chapter 3, pp. 57-132: **Arrest, Search and Seizure: The Exclusionary Rule; Protected Areas and Interests.**

Week 2

Module 2A Chapter 3, pp. 132-211: **Arrest, Search and Seizure: Probable Cause; Search Warrants; Warrantless Arrest and Search of Persons;**

Module 2B Chapter 3, pp. 211-273: **Arrest, Search and Seizure: Warrantless Seizure and Search of Premises; Warrantless Seizure and Search of Vehicles and Effects;**

Week 3

Module 3A Chapter 3: 273-340: **Arrest, Search and Seizure: Stop and Frisk; Inspections and Regulatory Searches; Consent Searches;**

Module 3B Chapters 4 and 5, pp. 341-397: **Police “Encouragement” & the Defense of Entrapment; The Right to Counsel**

Week 4

Module 4A Chapter 6, pp. 399-441: **Police Interrogation and Confessions: (Pre-Miranda through Miranda)**

Module 4B Chapter 6, pp. 441-518: **Police Interrogation and Confessions: Applying and Explaining Miranda;**

Week 5

Module 5A Chapter 6, pp. 518-553: **Police Interrogation and Confessions: The Court Reaffirms Miranda; When Miranda Violated; Massiah Revisited**

Module 5B Chapters 7 and 8, pp. 555-629: **Pre-Trial Identification Procedures; Investigation by Subpoena**

Week 6

Module 6A

Chapters 12 and 13, pp. 685-727: **Speedy Trial; The Duty to Disclose**

Module 6B

Chapter 14 and Chapter 16; Chapter 17 pp. 871-888;

**Plea Bargaining; Fair Trial/Free Press; The Role of Counsel:
Ineffective Assistance of Counsel.**

Weeks 7&8

Module 7A

Chapter 18, pp. 949-1011: **The Trial**

Module 7B

JUDICIAL OPINION ASSIGNMENT/FINAL EXAMINATION
***Must be submitted by midnight on Thursday May 3rd.**