

**CJ204 – CONSTITUTIONAL LAW**  
**Bellevue College-Criminal Justice Program**  
**Winter 2016**

**Lecturer:** Tom Pritchard                      **Office:** D200-C  
**Office hours:** T/Th, 10:30 a.m. – 12:20 p.m.; Friday, 11:30 a.m. – 12:20 p.m.  
**Class meets:** M/W, 8:30 a.m. – 10:20 a.m., Friday, 8:30 a.m. – 9:20 a.m. Rm D103  
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**Required Textbook:** *Criminal Procedure (9<sup>th</sup> Edition)*. By Joel Samaha

**I. Course Description**

1. **Introduction**
  - a. An overview of the criminal justice process
  - b. The nature and scope of the 14th amendment – due process clause; The Federal Supervisory Power; State Rights Protections
  - c. The right to counsel, transcripts and other aids; poverty, equality and the adversary system
2. **Police Practices**
  - a. Issues concerning the police, the courts and the criminal process
  - b. Arrest, search and seizure
  - c. Wiretapping, electronic eavesdropping, the use of secret agents to obtain incriminating statements, and the fourth amendment
  - d. The defense of entrapment
  - e. Police interrogations and confessions
  - f. Line ups, show ups, and other pretrial identification procedures
3. **Commencement of formal proceedings**
  - a. Pretrial Release
  - b. Location of the prosecution
  - c. The right to a speedy trial and right to speedy disposition at other steps in the criminal process
4. **The adversary system and determination of guilt or innocence**
  - a. Assistance of counsel
  - b. Trial by jury
  - c. The ban against double jeopardy
5. **Appeals and post conviction review**
  - a. Appeals

## **II. Course Schedule**

<b><u>Date</u></b>	<b><u>Subject</u></b>	<b><u>Assignment</u></b>
<b><u>WEEK 1</u></b>		
Jan. 4, 6, 8	Introductions and Road Map Criminal Procedure and the Constitution	Ch. 1 and start Ch. 2
<b><u>WEEK 2</u></b>		
Jan. 11, 13, 15	Criminal Procedure and the Constitution Definition of Search and Seizure	Cont. Ch. 2 Ch. 3
<b><u>WEEK 3</u></b>		
Jan. 18	<b>Holiday – No Class – College Closed</b> Definition of Search and Seizure Stop and Frisk	Cont. Ch. 3 start Ch. 4
Jan. 20, 22		
<b><u>WEEK 4</u></b>		
Jan. 25, 27	Stop and Frisk Seizures of Persons: Arrest	Cont. Ch. 4 Ch. 5
Jan 29	<b>Midterm, in class</b>	
<b><u>WEEK 5</u></b>		
Feb. 1	Assign Legal Problem – Moot Court Presentation Presentations begin on February 29	
Feb. 1, 3,5	Searches for Evidence	Ch. 6
<b><u>WEEK 6</u></b>		
Feb. 8, 10, 12	Special Needs Searches Self Incrimination	Ch. 7 Ch. 8
<b><u>WEEK 7</u></b>		
Feb. 15	<b>College Closed – No Class</b> Identification Procedures	Ch. 9
Feb. 17, 19		
<b><u>WEEK 8</u></b>		
Feb. 22, 24	Remedies for Constitutional Violations I	Ch. 10
Feb. 26	<b>Midterm Two, in class</b>	
<b><u>WEEK 9</u></b>		
Feb. 29	Legal Problem – Moot Court Presentations	
Mar. 2, 4		
<b><u>WEEK 10</u></b>		
Mar. 7, 9, 11	Constitutional Violations II Court Proceedings I: Before Trial	Ch. 11 Ch. 12 (if time)

**WEEK 11**

Mar. 14, 16, 18

Court Proceedings II: Trial and Conviction Ch. 13 (if time)

**3/21-3/23 - FINALS WEEK**

Weds, March 23

**Final Exam, in class, 7:30 a.m. - 9:20 a.m.**

**III. Class Format**

This class will be a combination of lectures and class discussions. You are responsible for coming to class prepared (i.e., having read the assigned material) to actively participate in class discussions. We will spend a considerable amount of time discussing cases and theories included in the materials and practical applications of class material. It is my intention to cultivate a classroom environment in which each of us feels free to express opinions and ask questions. Opinions expressed by students must be supported by social, legal, economic and/or political arguments. We do not discuss to demonstrate whether we are right or wrong. Rather, it is an exercise to develop a broader understanding of the complexities of theories. **DISRESPECT IN ANY FORM WILL NOT BE TOLERATED.**

**IV. Grading**

Your grade will be based upon a total of 400 points (three exams at 100 points each and one legal problem – Moot Court presentation at 100 points). These points will be a reflection of exams, the completion of paper and class participation. The grading scale is as follows:

100%-97%	A
96%-93%	A-
92%-89%	B+
88%-85%	B
84%-81%	B-
80%-77%	C+
76%-73%	C
72%-69%	C-
68%-65%	D+
64%-61%	D
60% and below	F

**V. Assignments**

**1. Participation**

Participation is key to your understanding of concepts discussed in this course. Understanding or mastery of concepts may be demonstrated by appropriate application of

criminological theories during classroom discussions. Students may have their grades increased by 1/3 through active participation.

## **2. Exams 300 points**

There will be three exams during the quarter, consisting of two midterms (100 points each) and a final (100 points). The exams are not cumulative. Each exam will include material from the book and class lectures. Material from the book will be covered even if we have not discussed it in class. The exams will be in-class, closed-book, and consist of multiple choice and essay questions. I will conduct a thorough review the day before the exam in class. **No make-up exams will be allowed unless you have a medical emergency, with proof.** **BRING A PEN AND A BLUE BOOK TO CLASS FOR EXAMS.**

## **3. Legal Problem – Moot Court Presentation 100 points**

At the beginning of the Fifth Week, an assignment sheet will be handed out describing structure and requirements for Moot Court presentation.

## **VI. Academic Etiquette**

Class begins promptly at 10:30 a.m. Please make every effort to be in class and to be here on time. If it is unavoidable that you arrive late- or even leave early- please do not disrupt the class. Respect for opinions voiced in class is essential, and I expect all students to treat each other courteously. Any type of disruptive or discourteous behavior is unacceptable and will not be tolerated; these types of behaviors will result in the student(s) being asked to leave the class. Cell phones, paging and other such devices must be turned off in class; you may not bring them to the exams. Cell phones or other electronic devices that are visible during exams will be considered prima facie evidence that you are cheating. Lap Tops are permitted in class for note taking purposes only.

**VII. Attendance:** All students are expected to attend every class. Obviously, if students do not attend class regularly, the opportunity to perform well in this course is greatly diminished.

**VIII. Course Requirements:** All students are expected to read the required chapters of the textbook as outlined in the schedule section of this syllabus. Students are also expected to attend class regularly, take notes, ask questions, and participate in class discussions.

**IX. Make-up Policy:** Any make-up tests are allowed *only at the discretion of the instructor* and immediate notification from the student is imperative. Additionally, *all* make-up exams (for *any excused* circumstance) will adhere to the following criteria: 1) administered *only* by the instructor during office hours/or instructor's choosing and 2) *cumulative* in nature.

#### **X. Cheating, Stealing and Plagiarizing\***

Cheating, stealing and plagiarizing (using the ideas or words of another as one's own without crediting the source) and inappropriate/disruptive classroom behavior are violations of the Student Code of Conduct at Bellevue College. Examples of unacceptable behavior include, but are not limited to: talking out of turn, arriving late or leaving early without a valid reason, allowing cell phones/pagers to ring, and inappropriate behavior toward the instructor or classmates. The instructor can refer any violation of the Student Code of Conduct to the Dean of Student Services for possible probation or suspension from Bellevue College. Specific student rights, responsibilities and appeal procedures are listed in the Student Code of Conduct, available in the office of the Dean of Student Services.

**XI. Incomplete:** If a student fails to complete all the required work for a course, an instructor may assign the grade of Incomplete ("I"). The student must complete the coursework by the end of the next quarter, or receive the assigned letter grade (usually an "F").

**XII. F Grade:** Students who fail a course will receive a letter grade of "F."

#### **XIII. Final Examination Schedule**

The Social Science Division will adhere to the final examination schedule as stated in the BC Schedule. Final examinations will be held at the end of each quarter at fixed times. Instructors will not give examinations in advance of the regular schedule. A student who is absent from any examination held at any time during the quarter may forfeit the right to make up the examination. If, for illness or some other circumstance beyond the student's control, the student is unable to be present at any scheduled examination and has contacted the instructor on a timely basis, the student may be permitted to take such examination at a time designated by the instructor.

#### **XIV. Withdrawal From Class**

February 19 is the last day to withdraw from a class- in-person by 4:00 pm at Enrollment Services ("W" will be posted on the transcript) and that February 21 is the last day to withdraw from a class-online by 11:59 pm ("W" will be posted on the transcript). If a student has not withdrawn by that date, an appropriate letter grade will be assigned for the course.

#### **XV. Hardship Withdrawal**

Instructors may assign the grade of "HW" (hardship withdrawal) at their discretion in the event that a student cannot complete the coursework due to extreme and exceptional

circumstances. Students may also contact the Enrollment Services office BEFORE grades are assigned in cases of hardship.

**XVI. Students Who Require Disability Accommodations**

Students with disabilities who have accommodation needs are encouraged to meet with the [Disability Resource Centre](#) (DRC) office located in B132 (telephone 425.564.2498 or TTY 425.564.4110), to establish their eligibility for accommodation. The DRC office will provide each eligible student with an accommodation letter. Students who require accommodation in class should review the DRC accommodation letter with each instructor during the first week of the quarter.

Students with mobility challenges who may need assistance in case of an emergency situation or evacuation should register with [Disability Resource Centre](#), and review those needs with the instructor as well.

**XVII. Distribution of Grades:** Grades will not be posted in the Social Science Division or in faculty offices, and secretaries will not give out grades. Students should access their grades through the BC Web site.

**XVIII. Return of Papers and Tests**

Paper and/or Scantron score sheet returns will be arranged in the following ways ONLY: by mail, if student supplies the instructor with stamped, self-addressed envelope (with appropriate postage); or by the instructor designating a time and place whereby the student may retrieve his/her papers. Unclaimed papers and/or Scantron score sheets must be kept by the instructor for a minimum of sixty (60) instructional days following the end of the quarter.

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*\*If you are accused of cheating, stealing exams and/or plagiarism, there is a Bellevue College Student Discipline and Appeals Procedure (the right to due process) which you may pursue. Contact the office of Division Chair (D110), the Dean of Student Services (B231A) or the Associated Student Body (C212) for information regarding the appeals process.*