



EAST TENNESSEE STATE
UNIVERSITY

College of Arts and Sciences

Department of Political Science, International Affairs, and Public Administration

PSCI 3210 Due Process and Adjudication

Course Description

This Course is designed as an analysis of those rights often collectively referred to as “the civil liberties of the criminally accused”. Especially relevant to this course will be the meaning and interpretations of the 4th, 5th, 6th, 8th, and 14th Amendments of the United States Constitution. We will examine the history and development of these amendments through the interpretations of their meanings as delivered by appellate courts, primarily the United States Supreme Court. We will make use of the case studies method whereby students will read and discuss seminal Supreme Court opinions that shape the way defendant rights are executed in the criminal justice system today. Additionally, we will review academic scholarship that empirically tests the system’s ability to deliver justice to victims of crime and the accused. I will also require supplemental readings as well. All of them will be available through the course website on D2L. At the end of this semester students will possess an understanding of the specific protections afforded by the 4th, 5th, 6th, 8th, and 14th Amendments, as well as the historical process through which those meanings have been revised.

PLEASE NOTE- In the Spring of 2021, this course will meet as a hybrid class. This means that our Tuesday class meetings will take place via zoom while our Thursday class meetings will take place in the socially distanced auditorium in Rogers Stout Hall room 118. Please see me immediately with questions about this arraignment. While in person, it is expected that you will follow all university protocols which include observing the designated seats and wearing a face covering while in the classroom.

Talking in class:

This class will involve a great deal of discussion. However, you are to speak *only when recognized by me*. Furthermore, you may NOT talk when someone else (including me) is speaking. Additionally, let us also remember that disagreements are natural when discussing some of the topics of this course, yet we must remain civil in our discussion at all times to foster intellectual development. So be polite! Anyone in violation of this policy on more than one occasion will be removed from the course.

Calculating Your Grade

You will earn points as follows (500 total for the semester):

200 points for two midterm examinations

150 points for the final exam

50 points for case briefs assignment

100 points for attendance and participation (includes in-class quizzes)

I will calculate your grade as follows:

A = 465-500 points A- = 450-464 points

B+ = 435-449 points B = 415-434 points B- = 400-414 points

C+ = 385-399 points C = 365-384 points C- = 350-364 points

D+ = 335-349 points D = 300-334 points F = 299 points or less

Case Brief Assignment

Students in this class will practice the art of creating case briefs that accurately summarize 5 of the cases from our readings. I will distribute an example of what a completed case brief looks like and students will select 5 cases that they find most interesting and turn in a completed brief for each of those cases. This assignment is worth 50 points total and the 5th brief must be turned in by April 22. All briefs should be in standard format, 12-point font double spaced not more than 4 pages total per case and **MUST CONTAIN PROPER CITATIONS**. More details will be given about this assignment in class.

College Policies

Accommodations for students with disabilities:

If you are a student who requires accommodations please see me immediately. Together we will develop a full accommodation strategy for you in this course. It is the policy of ETSU to accommodate students with disabilities, pursuant to federal law, state law and the University's commitment to equal educational opportunities. Any student with a disability who needs accommodations, for example arrangement for examinations or seating placement, should inform the instructor at the beginning of the course. Faculty accommodation forms are provided to eligible students by Disability Services. Disability Services is located in the D.P. Culp Center, Room 326, telephone 439-8346.

<http://www.etsu.edu/students/disable/>.

ETSU SYLLABUS ATTACHMENT:

<https://www.etsu.edu/curriculum-innovation/syllabusattachment.php>

PS 3210 Class Policies

Exam Policy:

Exam dates are clearly listed on the course syllabus. Students are responsible for remembering these and arriving on-time and prepared to take all exams, as scheduled.

Makeup Exam Policy: Failure to show up and take an exam during the scheduled time will result in an **automatic** zero (0) for that exam, *unless* the student contacts the professor **PRIOR** to the exam in question. Permission must be requested in advance of the scheduled exam date – AND – the Professor must approve the request.

Absolutely no makeup exams will be given to students who fail to follow the above procedures and/or do not present an acceptable reason.

Students may be asked to provide relevant documentation and/or written records justifying their absence (doctors' notes, etc.)

Assignment Policy:

Due dates for required assignments are clearly listed on the course syllabus. Students are responsible for remembering these and timely submission of completed assignments is required.

Late assignments are penalized in the following manor: an automatic 25% off for each day that the assignment is late. After the fourth day the assignment will automatically be given a zero.

In special circumstances, students may contact the Professor and attempt to negotiate alternative or delayed due dates for a particular assignment(s). It is up to the Professor to approve or deny any such requests, on a case-by-case basis.

Dropping the class:

The policy for dropping this course is consistent with the ETSU policy which can be found at:

http://catalog.etsu.edu/content.php?catoid=9&navoid=431#Dropping_A_Course

Other important dates:

Important dates established by the university are found at:

<http://www.etsu.edu/etsu/academicdates.aspx>

THERE ARE NO EXCEPTIONS TO THESE POLICIES

Attendance and Participation

I strongly encourage you to attend class. Attendance will not be taken in this course on an everyday basis, yet I may pass an attendance sheet on randomly determined days, and I reserve the right to do so on any additional days as well. This course is designed as a seminar where students are free and expected to contribute to the class discussion. Accordingly, I will keep tabs on who participates in class discussions and how often. Your participation grade (including quizzes) is worth 20% of your total grade in this course. If you want to do well in this class, it is imperative that you attend regularly and contribute to the class discussion.

Cheating and Plagiarism

Cheating is wrong, and I do not like it. If I catch you cheating (e.g., looking at someone else's paper during a test or quiz, consulting notes during a test), I will punish you. Cheating carries with it a severe penalty, and may even lead to expulsion from the university, so do not cheat! Cheating on an exam will lead to an automatic score of zero (0) on that exam without exception.

I will not tolerate plagiarism. Plagiarism is an act of fraud. It involves both stealing someone else's work and lying about it afterward. If you have questions about plagiarism, please see me BEFORE you turn in work that you are unsure contains proper citations. Plagiarizing a paper will lead to an automatic score of zero (0) on an assignment without exception.

Reading:

This class requires reading on a daily basis. Coming to class prepared to participate will involve reading the assigned court opinions or article from the course D2L page. You will be tested over the reading, you will need to understand the readings to complete your writing assignments, and you will need to have completed the reading in order to participate in that session's discussion. In short, I simply cannot envision a way for you to do well in this course without completing the readings as assigned. Note: if it is in your book or any outside reading that is otherwise assigned, you may be tested or quizzed on it.

There is no assigned text book for this course, yet you are still required to read seminal Supreme Court cases we will explore using the case method. You are responsible for securing these opinions and reading them. Resources that you will find useful include-

The official website of the US Supreme Court has case opinions and lots of other interesting and useful things. Check out the website at <http://www.supremecourt.gov/> For case summaries and often links to opinions, check out the OYEZ project at the Chicago-Kent school of law. For the more modern cases they often have audio recordings of the proceedings as well which can be quite interesting. <http://www.oyez.org/> The Cornell School of law also offers a resource you will wish to consult. <http://www.law.cornell.edu/>

There are many others, but these are the three your professor makes frequent use of.

PS 3210 Course Calendar

Date	Topic and Reading	Notes
January 19	Syllabus	
January 21	Article III and <i>Marbury v. Madison</i> (1803)	
January 26	The Fourteenth Amendment and Incorporation	
January 28	<i>Ex Parte Milligan</i> (1866), <i>Hurtado v. California</i> (1884), <i>Adamson v. California</i> (1947), <i>Duncan v. Louisiana</i> (1968), <i>Williams v. Florida</i> (1970)	
February 2	The Fourth Amendment	
February 4	The Fourth Amendment	
February 9	<i>Weeks v. US</i> (1914), <i>Olmstead v. US</i> (1928), <i>Hester v. US</i> (1924), <i>Katz v. US</i> (1967)	
February 11	<i>Illinois v. Gates</i> (1983), <i>Wilson v. Arkansas</i> (1995), <i>Kyllo v. US</i> (2001), <i>Mapp v. Ohio</i> (1961)	
February 16	<i>US v. Calandra</i> (1974), <i>Chimel v. California</i> (1969), <i>Whren v. US</i> (1996), <i>US v. Leon</i> (1984)	
February 18	University closed	No Class
February 23	<i>Knowles v. Iowa</i> (1998), <i>US v. Jones</i> (2012), <i>Maryland v. King</i> (2013), <i>Riley v. California</i> (2015), <i>Collins v. Virginia</i> (2018)	
February 25		Exam #1
March 2		No Class
March 4	The Fifth Amendment	
March 9	<i>Ashcraft v. Tennessee</i> (1944), <i>Rochin v. California</i> (1952), <i>Fong Foo v. US</i> (1962), <i>US v. Felix</i> (1992)	
March 11	<i>Evans v. Michigan</i> (2013), <i>Kansas v. Hendrix</i> (1997), <i>Miranda v. Arizona</i> (1966), <i>Berghuis v. Thompkins</i> (2010)	
March 16	The Sixth Amendment	
March 18	University closed	No Class
March 23	<i>Powell v. Alabama</i> (1932), <i>Johnson v. Zerbst</i> (1938), <i>Gideon v. Wainwright</i> (1963), <i>Smith v. Hooey</i> (1969)	
March 25	<i>Barker v. Wingo</i> (1972), <i>Strunk v. US</i> (1973), <i>Smith v. Illinois</i> (1968), <i>Bruton v. US</i> (1968),	
March 30	<i>Maryland v. Craig</i> (1990), <i>Crawford v Washington</i> (2004) <i>Batson v. Kentucky</i> (1986), <i>Foster v. Chatman</i> (2016)	
April 1		Exam #2
April 6	The Eighth Amendment	
April 8	The Eighth Amendment	
April 13	<i>Trop v. Dulles</i> (1958), <i>Witherspoon v. Illinois</i> (1968) <i>Furman v. Georgia</i> (1972)	
April 15	<i>Gregg v. Georgia</i> (1976), <i>Stanford v. Kentucky</i> (1989), <i>Atkins v. Virginia</i> (2002)	
April 20	<i>Roper v. Simmons</i> (2005), <i>Baze v. Rees</i> (2008), <i>Miller v. Alabama</i> (2012), <i>Glossip v. Gross</i> (2015)	
April 22	The Death Penalty Controversy	All Case Briefs Due
April 27		
April 29	Final Exam OR Thursday May 6th, 1:20pm- 3:20 pm	

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