

CJL 4064: Individual Rights and the Criminal Justice System

Instructor Info:

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Course Info:

Academic Term: Spring 2023

Credits: 3 units

Course Schedule: M/W 3:05–4:20pm

Course Location: Bellamy 102

Course Description: This course offers an examination of the full range of rights in criminal justice, dealing with them not only in broad philosophical and social terms but also in terms of specific instances including the rights of the accused and extending to the rights of convicts, witnesses, victims, probationers, ex-convicts, officials, journalists, and the more generalized rights of participation by interest group advocates, taxpayers, and citizens in criminal justice policy and administration. Moreover, the focus of the course will be on legally cognizable *constitutional* rights and how the understanding of these rights has evolved over time.

Required Textbook: Barnett, Randy, and Josh Blackman. 2018. *Constitutional Rights: Cases in Context* (2nd ed.). Wolters Kluwer. ISBN-13: 9781454892908.

Learning Objectives: This course is designed to provide students with:

- (1) A familiarity with the debate over the nature of individual rights and the relationship between the individual and government
- (2) An understanding of the origin of the US Constitution and the Bill of Rights
- (3) A historical appreciation for how the Reconstruction Amendments following the Civil War and abolition of slavery (13th – 15th) provided new individual rights for many persons
- (4) The ability to analyze appellate judicial decisions using the case briefing method
- (5) The ability to enumerate and explain the major individual rights provided for by the Bill of Rights, specifically:
 - a. What rights of expression are protected by the 1st amendment?
 - b. What rights of the press are protected by the 1st amendment?
 - c. What rights of association are protected by the 1st amendment?
 - d. What rights of free exercise of religion are protected by the 1st amendment?
 - e. What rights of gun ownership and use are protected by 2nd amendment?
 - f. What rights to equal treatment are protected by the 14th amendment?
 - g. What rights to privacy are protected by “substantive due process”?
 - h. What are the rights of criminal defendants before and during trial?
 - i. What are the rights of convicted criminals?

Course schedule:

Week	Start date	Topic	Reading
Week 1	January 9 January 11	Course introduction: Origins of the Bill of Rights	Chapter 1
Week 2	January 16 January 18	No class (MLK Jr. Holiday) Slavery and reconstruction amendments (13th/14th)	Chapter 2–3
Week 3	January 23 January 25	Right to equal protection (14th amendment)	Chapters 5–6
Week 4	January 30 February 1	Rights to liberty and privacy: “Substantive” due process (14th amendment)	
Week 5	February 6 February 8	Substantive due process (cont.)	Chapter 7
Week 6	February 13 February 15	Exam 1 Right to free speech: Sedition, conduct, and money (1st amendment)	Chapters 1–3, 5–7 Chapter 8
Week 7	February 20 February 22	Free speech (cont.)	Chapter 8
Week 8	February 27 March 1	Right to free speech: Protected versus unprotected (1st amendment)	Chapter 8

Week 9	March 6 March 8	Rights to press, association, and religion (1st amendment)	Chapters 8–10
	March 13 March 15	Spring Break	
Week 10	March 20 March 22	Right to keep and bear arms (2nd amendment)	Chapter 12
Week 11	March 27 March 29	Exam 2 Right against unreasonable searches and seizures (4 th amendment)	Chapters 8–10, 12 Cases online
Week 12	April 3 April 5	Unreasonable search and = seizure (cont.)	Cases online
Week 13	April 10 April 12	Right against self-incrimination (5th amendment)	Cases online
Week 14	April 17 April 19	Trial rights (6th Amendment)	Cases online
Week 15	April 24 April 26	Right against cruel and unusual punishment (8th amendment)	Cases online
Week 16	May 4 @ 3pm	Final Exam	Chapters 1–3, 5–10, 12; posted cases

Assignments:

Case Briefing (20%): Every student will be assigned to brief cases on a weekly basis via Canvas, usually due on **Sunday by 11:59pm**. (For weeks 6 and 11, the due date is Tuesday.) There will be a total of 10 case briefing assignments. Briefs will be graded according to 4 components: facts, issue, holding, reasoning (each worth 2.5 points). Half-credit will be given for late briefs. Instructions on how to brief a case will be provided during the first week's lecture.

Exam 1 (20%): Exam 1 covers chapters 1–3 and 5–7 in the textbook and will be given on **Monday, February 13**. The exam is closed book, closed notes, and consists of 30 multiple-choice questions. Absence on a day of an exam will result in a zero.

Exam 2 (20%): Exam 2 covers chapters 8–10 and 12 in the textbook and will be given on **Monday, March 27**. The exam is closed book, closed notes, and consists of 30 multiple-choice questions. Absence on a day of an exam will result in a zero.

Final examination (40%): The final exam will be given on **Thursday, May 4 at 3–5pm**. Please note that this *is not the regularly scheduled class time*. The exam is closed book, closed notes, and consists of 60 multiple-choice questions. *This exam will be cumulative: it covers ALL the assigned readings and class discussions.* Absence on a day of an exam will result in a zero.

Grading and Evaluation:

Final course grades will be determined as follows:

Assignment	Percent of final grade
Case Briefing	20%
Exam 1	20%
Exam 2	20%
Final Examination	40%

Grading Scale:

Final grade	Percentile
A (4.000)	100 – 93
A- (3.667)	92.9 – 90
B+ (3.333)	89.9 – 87
B (3.000)	86.9 – 83
B- (2.667)	82.9 – 80
C+ (2.333)	79.9 – 77
C (2.000)	76.9 – 73
C- (1.667)	72.9 – 70
D+ (1.333)	69.9 – 67
D (1.000)	66.9 – 63
D- (0.667)	62.9 – 60
F (0.000)	59.9 – below

University Attendance Policy

Excused absences include documented illness, deaths in the family and other documented crises, call to active military duty or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid excuse. Consideration will also be given to students whose dependent children experience serious illness.

Academic Honor Policy

The Florida State University Academic Honor Policy outlines the University's expectations for the integrity of students' academic work, the procedures for resolving alleged violations of those expectations, and the rights and responsibilities of students and faculty members throughout the process. Students are responsible for reading the Academic Honor Policy and for living up to their pledge to "...be honest and truthful and...[to] strive for personal and institutional integrity at Florida State University." (Florida State University Academic Honor Policy, found at <http://fda.fsu.edu/academic-resources/academic-integrity-and-grievances/academic-honor-policy>)

Academic Success

Your academic success is a top priority for Florida State University. University resources to help you succeed include tutoring centers, computer labs, counseling and health services, and services for designated groups, such as veterans and students with disabilities. The following information is not exhaustive, so please check with your advisor or the Dean of Students office to learn more.

Americans with Disabilities Act

Florida State University (FSU) values diversity and inclusion; we are committed to a climate of mutual respect and full participation. Our goal is to create learning environments that are usable, equitable, inclusive, and welcoming. FSU is committed to providing reasonable accommodations for all persons with disabilities in a manner that is consistent with academic standards of the course while empowering the student to meet integral requirements of the course.

To receive academic accommodations, a student:

- (1) must register with and provide documentation to the Office of Accessibility Services (OAS);
- (2) must provide a letter from OAS to the instructor indicating the need for accommodation and what type; and,
- (3) should communicate with the instructor, as needed, to discuss recommended accommodations. A request for a meeting may be initiated by the student or the instructor.

Please note that instructors are not allowed to provide classroom accommodations to a student until appropriate verification from the Office of Accessibility Services has been provided.

This syllabus and other class materials are available in alternative format upon request.

For more information about services available to FSU students with disabilities, contact the

Office of Accessibility Services
874 Traditions Way
108 Student Services Building
Florida State University
Tallahassee, FL 32306-4167

(850) 644-9566 (voice)
(850) 644-8504 (TDD)
oas@fsu.edu
<https://dsst.fsu.edu/oas>

Confidential Campus Resources

Various centers and programs are available to assist students with navigating stressors that might impact academic success. These include the following:

Victim Advocate Program
University Center A, Rm. 4100
(850) 644-7161
Available 24/7/365
Office Hours: M-F 8-5
<https://dsst.fsu.edu/vap>

Counseling and Psychological Services
Askew Student Life Center, 2nd floor
942 Learning Way
(850) 644-8255
<https://counseling.fsu.edu/>

University Health Services
Health and Wellness Center
(850) 644-6230
<https://uhs.fsu.edu/>

Except for changes that substantially affect implementation of the evaluation (grading) statement, this syllabus is a guide for the course and is subject to change with advance notice.