

LSTD400

STUDENT WARNING: This course syllabus is from a previous semester archive and serves only as a preparatory reference. Please use this syllabus as a reference only until the professor opens the classroom and you have access to the updated course syllabus. Please do NOT purchase any books or start any work based on this syllabus; this syllabus may NOT be the one that your individual instructor uses for a course that has not yet started. If you need to verify course textbooks, please refer to the online course description through your student portal. This syllabus is proprietary material of APUS.

Course Summary

Course : LSTD400 **Title :** Criminal Legal Process

Length of Course : 8

Prerequisites : N/A **Credit Hours :** 3

Description

Course Description: This is a procedural law course which includes an overview of the law of arrests, search, and seizure, the making of bail, adjudication, pre- and post-trial activities and the nature of plea bargaining. Substantial emphasis is given the constitutional protections afforded through the Bill of Rights. This course examines procedures used by American police, prosecutors, and courts to bring criminal cases to trial and explores some of the defendant's rights at trial and on appeal. The course will consider the Common Law, constitutional, and statutory bases of procedural practices in American criminal law. The student will be exposed to a comprehensive overview of the processes involved in the use of criminal evidence including rules of evidence; arrests, searches, and seizures; interrogations, confessions, and non-testimonial evidence, impeachment and cross-examination of witnesses; opinion evidence; hearsay evidence; and articles and exhibits of evidence.

Course Scope:

A comprehensive overview of the processes involved in the use of criminal evidence including rules of evidence; arrests, searches, and seizures; interrogations, confessions, and nontestimonial evidence, impeachment and cross-examination of witnesses; opinion evidence; hearsay evidence; and articles and exhibits of evidence.

Objectives

After completing this course the Student will be able to:

1. Define the meaning of *Due Process* in the Criminal System.
2. Paraphrase the history and purposes of the Fourth Amendment.
3. Classify the various exceptions to the requirement to obtain a warrant before search or seizure.
4. Describe the components of a *reasonable* arrest.
5. Outline the proper procedures necessary to obtain a search warrant.

6. Examine the nature and role of confessions in the criminal system.
 7. Describe the various identification procedures used in the criminal system.
 8. Give examples of remedies for violations of Constitutional rights.
 9. Recite the various phases of a criminal court proceeding from before trial to after conviction.
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Outline

Week 1:

Readings

Review the Weekly Lessons for week 1 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Please read Marbury v. Madison, 5 U.S. 137 (1803) found at the following link

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0005_0137_ZO.html

Learning Objectives

- A. Identify the values that are balanced in the Criminal System, i.e. Community Scrutiny versus Individual autonomy.
- B. Describe the historical roots of such values.
- C. Assess the need to balance the values in the case of an emergency.
- D. Give examples of “good” evidence and “bad” methods.
- E. Defend the “Objective Basis Requirement”.
- F. Define *Due Process* within the context of the US Constitution.
- G. Describe the *Fundamental Fairness Doctrine*.

Assignment

- (1) Post your introduction in the Forum;
- (2) Respond to the question posted in the Forum.
(Initial Post due Wednesday and two replies due Sunday of this week)
- (3) Submit the written assignment. Please see assignment tab for week 1 in the classroom for more details.

Week 2:

Readings

Review the Weekly Lessons for week 2 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Please read Terry v. Ohio, 392 U.S. 1 (1986) found at the following link

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0392_0001_ZO.html

Learning Objectives

- A. Summarize the history and purposes of the Fourth Amendment.
- B. Assess the *Privacy Doctrine*.
- C. Give examples of *The Plain View Doctrine* & *The Open Fields Doctrine*.
- D. Defend the Stop and Frisk Law.
- E. Define the elements of *Probable Cause*.
- F. Describe the requirements of an Arrest Warrant.

Assignment

(1) Respond to the question posted in the Forum.

(Initial Post due Wednesday and 2 replies due Sunday of this week)

(2) Submit the written assignment. Please see assignment tab for week 2 in the classroom for more details.

Week 3:

Readings

Review the Weekly Lessons for week 3 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Please read *Arizona v. Gant*, 162 P. 3d 640 (2009) found at the following link

<http://www.law.cornell.edu/supct/html/07-542.ZO.html>

Learning Objectives

- A. Define the requirements to obtain a Search Warrant.
- B. Classify the various types of Searches permitted without Warrants.
- C. Give examples of Special Needs Searches.
- D. Describe the nature and role of confessions.
- E. Describe the correlation of the *Right to Counsel* and the right against *Self-Incrimination*.
- F. Demonstrate the proper use of the Miranda Rights.

Assignment

(1) Respond to the question posted in the Forum.

(Initial Post due Wednesday and 2 replies due Sunday of this week)

(2) Submit the written assignment. Please see assignment tab for week 3 in the classroom for more details.

Week 4:

Readings

Review the Weekly Lessons for week 4 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Learning Objectives

- A. Define the meaning of *Due Process* in the Criminal System.
- B. Paraphrase the history and purposes of the Fourth Amendment.
- C. Classify the various exceptions to the requirement to obtain a warrant before search or seizure.
- D. Describe the components of a *reasonable* arrest.
- E. Outline the proper procedures necessary to obtain a search warrant.
- F. Examine the nature and role of confessions in the criminal system.
- G. Describe the various identification procedures used in the criminal system.

Assignment

(1) Respond to the question posted in the Forum.

(Initial Post due Wednesday and 2 replies due Sunday of this week)

(2) Submit the written assignment. Please see assignment tab for week 4 in the classroom for more details.

Week 5:

Readings

Review the Weekly Lessons for week 5 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Please read WONG SUN V. UNITED STATES, 371 U. S. 471 (1963) found at the following link

<http://supreme.justia.com/us/371/471/>

Learning Objectives

- A. Analyze the various identification methods in the criminal system.
- B. Asses the reliability of the identification methods.
- C. Describe the methodology and reliability of DNA Profile Identification.
- D. Summarize the Exclusionary Rule.
- E. Define the Good Faith Exception.
- F. Give examples of remedies available for Constitutional violations.
- G. Compare/contrast the criminal, civil and administrative remedies for Constitutional violations.

Assignment

(1) Respond to the question posted in the Forum.

(Initial Post due Wednesday and 2 replies due Sunday of this week)

(2) Submit the written assignment. Please see assignment tab for week 5 in the classroom for more details.

Week 6:

Readings

Review the Weekly Lessons for week 6 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Learning Objectives

- A. Analyze the various factors in making a decision to *charge* an individual for a crime.
- B. Describe the procedures of bail and pretrial detention.
- C. State the reasons for a Preliminary Hearing and Grand Jury Review.
- D. Summarize the stages and rules of a Trial by Jury.
- E. State the Constitutional requirements of a guilty plea.

Assignment

(1) Respond to the question posted in the Forum.

(Initial Post due Wednesday and 2 replies due Sunday of this week)

(2) Submit the written assignment. Please see assignment tab for week 6 in the classroom for more details.

Week 7:

Reading from Course Textbook

Review the Weekly Lessons for week 7 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Learning Objectives

- A. Summarize the history of Sentencing.
- B. Define the Division of Sentencing Authority.
- C. Describe the Sentencing Guidelines and Mandatory Minimum Sentences.
- D. Outline the Constitutional considerations in Sentencing.
- E. Summarize the history of Criminal Procedure in wartime.
- F. Compare and contrast government surveillance techniques in time of peace and in time of crisis or war.

Assignment

(1) Respond to the questions posted in the forum.

(Initial Post due Wednesday and 2 replies due Sunday of this week)

(2) Submit the written assignment. Please see assignment tab for week 7 in the classroom for more details.

Week 8:

Readings

Review the Weekly Lessons for weeks 1-7 located under course lessons tab in the classroom. Click on the reading and resources tab to access the readings.

Learning Objectives

- A. Define the meaning of *Due Process* in the Criminal System.
- B. Paraphrase the history and purposes of the Fourth Amendment.
- C. Classify the various exceptions to the requirement to obtain a warrant before search or seizure.
- D. Describe the components of a *reasonable* arrest.
- E. Outline the proper procedures necessary to obtain a search warrant.
- F. Examine the nature and role of confessions in the criminal system.
- G. Describe the various identification procedures used in the criminal system.
- H. Give examples of remedies for violations of Constitutional rights.
- I. Recite the various phases of a criminal court proceeding from before trial to after conviction.

Assignment

(1) Respond to the question posted in the Forum.

(Initial Post due Wednesday and 2 replies due Sunday of this week)

Evaluation

Reading Requirements:

The Course Outline of this syllabus details the required reading assignments for the various weeks of the course. Each week of the course includes required readings found in the lessons tab for this course. In addition to the required readings, in most weeks of the course, the student is also required to review certain websites and cases that are listed under each week of the Course Outline.

Forums:

In addition to the required readings, the student is also required to participate in the discussion forums. Please see the Course Outline and the Forums sections of the classroom for further details on the specific discussion forums and topics. As described in the Forum section of the classroom, each student is required to post an initial posting to the forum topic by Wednesday at midnight EST and then the student is required to respond to at least two of their classmates on their submissions to the forum questions presented by Sunday at midnight EST. When applicable, students will conduct outside research on the issues and list references in APA format or Bluebook format.

Assignments:

There are seven written assignments for this class. The assignment instructions for each assignment can be found under the Assignments section of the classroom under each week's assignment.

Grading:

Name	Grade %
Discussion Forums	39.00 %
Forum Week 1	4.88 %
Forum Week 2	4.88 %
Forum Week 3	4.88 %
Forum Week 5	4.88 %
Forum Week 7	4.88 %
Forum Week 6	4.88 %
Forum Week 8	4.88 %
Forum Week 4	4.88 %
Assignments	60.00 %
Week 2 Assignment	8.57 %
Week 1 Assignment	8.57 %
Week 3 Assignment	8.57 %
Week 4 Assignment	8.57 %
Week 5 Assignment	8.57 %
Week 6 Assignment	8.57 %
Week 7 Assignment	8.57 %
Introduction Forum	1.00 %
Introduction	1.00 %

Materials

Book Title: Various resources from the APUS Library & the Open Web are used. Links provided inside the classroom in the Lessons section.

Author:

Publication Info:

ISBN: N/A

Your readings can be found in the lessons through the links in reading and resources. The readings are all open source so there is no need to purchase a text. Please access them through the folder entitled "Required Reading and Resources", found in the lesson tab.

*Recommended, but not required: *The Bluebook: A Uniform System of Citation*, (19th ed. 2010). ISBN-10:0-615-36116-1, ISBN-13:978-0-615-36116-1

This is available in hard copy or as an e-text and may be purchased at:

<http://www.legalbluebook.com/Purchase/Products.aspx> but is also available free to you from the APUS library at the link in the next section.

Course Guidelines

Writing Expectations

All written submissions should be submitted in a font and page set-up that is readable and neat. It is recommended that students try to adhere to a consistent format, which is described below.

Citation and Reference Style

The central function of legal citation is to allow the reader to efficiently locate the cited source. All students in the Legal Studies program are required to follow the legal citation guidelines set forth in *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et. al. eds., 20th ed. 2015).

Do not purchase *The Bluebook*, as it is available at the APUS library. Use this link to access:

<http://ezproxy.apus.edu/login?url=https://www.legalbluebook.com>

However, if you are a student from another discipline and you use APA, you may use APA in this class.

Late Assignments

Students are expected to submit classroom assignments by the posted due date and to complete the course according to the published class schedule. As adults, students, and working professionals, I understand you must manage competing demands on your time. Should you need additional time to complete an assignment, please contact me before the due date so we can discuss the situation and determine an acceptable resolution.

Deductions

Late forum posts, assignments, and exams may be penalized five (5) points per day.

Netiquette

Online universities promote the advancement of knowledge through positive and constructive debate – both inside and outside the classroom. Forums on the Internet, however, can occasionally degenerate into needless insults and “flaming.” Such activity and the loss of good manners are not acceptable in a university setting – basic academic rules of good behavior and proper “Netiquette” must persist. Remember that you are in a place for the rewards and excitement of learning which does not include descent to personal attacks or student attempts to stifle the Forum of others.

- **Technology Limitations:** While you should feel free to explore the full-range of creative composition in your formal papers, keep e-mail layouts simple. The Sakai classroom may not fully support MIME or HTML encoded messages, which means that bold face, italics, underlining, and a variety of color-coding or other visual effects will not translate in your e-mail messages.
- **Humor Note:** Despite the best of intentions, jokes and especially satire can easily get lost or taken seriously. If you feel the need for humor, you may wish to add “emoticons” to help alert your readers: ;-), :), J

Disclaimer Statement

Course content may vary from the outline to meet the needs of this particular group.

Online Library

The Online Library is available to enrolled students and faculty from inside the electronic campus. This is your starting point for access to online books, subscription periodicals, and Web resources that are designed to support your classes and generally not available through search engines on the open Web. In addition, the Online Library provides access to special learning resources, which the University has contracted to assist with your studies. Questions can be directed to librarian@apus.edu.

- **Charles Town Library and Inter Library Loan:** The University maintains a special library with a limited number of supporting volumes, collection of our professors' publication, and services to search and borrow research books and articles from other libraries.
- **Electronic Books:** You can use the online library to uncover and download over 50,000 titles, which have been scanned and made available in electronic format.
- **Electronic Journals:** The University provides access to over 12,000 journals, which are available in electronic form and only through limited subscription services.
- **Tutor.com:** AMU and APU Civilian & Coast Guard students are eligible for 10 free hours of tutoring provided by APUS. [Tutor.com](http://tutor.com) connects you with a professional tutor online 24/7 to provide help with assignments, studying, test prep, resume writing, and more. Tutor.com is tutoring the way it was meant to be. You get expert tutoring whenever you need help, and you work one-to-one with your tutor in your online classroom on your specific problem until it is done.

Request a Library Guide for your course (<http://apus.libguides.com/index.php>)

The AMU/APU Library Guides provide access to collections of trusted sites on the Open Web and licensed resources on the Deep Web. The following are specially tailored for academic research at APUS:

- Program Portals contain topical and methodological resources to help launch general research in the degree program. To locate, search by department name, or navigate by school.
- Course Lib-Guides narrow the focus to relevant resources for the corresponding course. To locate, search by class code (e.g., SOC1111), or class name.

If a guide you need is not available yet, please email the APUS Library: librarian@apus.edu.

University Policies

[Student Handbook](#)

- [Drop/Withdrawal policy](#)
- [Extension Requests](#)
- [Academic Probation](#)
- [Appeals](#)
- [Disability Accommodations](#)

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