

**SUL ROSS STATE UNIVERSITY- RIO GRANDE COLLEGE
DEL RIO * EAGLE PASS * UVALDE
DEPARTMENT NATURAL AND BEHAVIORAL SCIENCES
CRIMINAL JUSTICE PROGRAM
COURSE SYLLABUS**

- COURSE TITLE:** CRIM 4302: Constitutional Law
- CLASSROOM:** DR 102; EP B112; UV B114c
- COURSE PERIOD:** Tuesday & Thursday 2:00 – 3:15 PM
- PROFESSOR:** Dr. Ferris Roger Byxbe (fbyxbe@sulross.edu)
- BIOGRAPHY:** <http://faculty.sulross.edu/fbyxbe>
- OFFICE:** Faculty Building 205, Del Rio Campus
- OFFICE PHONE:** 830-703-4834 Office; 830-703-4831 Fax
- OFFICE HOURS:** Tuesday & Thursday 09:00 AM – 12:00 PM & 2:00 – 4:00 PM
- COURSE DESCRIPTION:** The goal of this course is to master the tenets and amendments of the U.S. Constitution – basic rights and civil liberties will be examined and discussed. This course will provide a foundation for understanding the application of constitutional law within the criminal justice arena. Civil liberties of the constitution are addressed and Constitutional Amendments influencing the criminal justice system are explored.
- TEXTBOOK:** Constitutional Law and the CJ System, 6th ed. (2015)
J. Scott Harr, Karen M. Hess,
Christine Orthmann, Jonathon Kingsbury
ISBN: 978-1-285-45796-3
Cengage Learning, Inc.
- ACADEMIC SUCCESS:** Students are encouraged to adhere to the following recommendations in order to achieve academic success in this course.
- (1) Attend all class sessions.
 - (2) Take comprehensive notes.
 - (3) Read assigned chapters thoroughly.
 - (4) Know chapter learning objectives/key cases/terms..
 - (5) Prepare timely for each examination.
 - (6) Review study guides and power points in Bb.

DISHONESTY:

Academic cheating and plagiarism is not acceptable behavior. It violates university policy and human ethics. If a violation occurs the penalty will result in the grade of “F” for the semester.

EXAMINATIONS:

Exams have been structured to mandate maximum participation in this course of study.

- **There will be no make-up exams for any reason.**
- **Exams will not be reset for any reason.**
- Exams will consist of multi-formatted questions taken from weekly assignments.
- **It is highly recommended that all exams be taken in the computer laboratory on the Rio Grande College campus.** Please note that off campus internet systems, browsers, and personal computers may not interface effectively and/or efficiently with the university Blackboard system, and thus, a student may lose connectivity and be dropped off-line during an exam.
- **Weekly exams will be made available on Blackboard for 24 hours each Tuesday.** Weekly exams may be accessed one-time only for a period of 75 minutes (one class period). Students will be timed-out should they exceed the allotted testing period.

The professor assumes no responsibility for student omissions or technology problems.

GRADING SCALE:

1170 - 1300 = A
1040 - 1169 = B
910 - 1030 = C
780 - 909 = D
0 - 779 = F

NOTE: Each exam is worth 100 points x 13 exams = 1300 total points.

SEMESTER GRADES:

Final semester grades are reported to the Office of Admissions & Records. Student grades are posted on Banner for review at the conclusion of each semester.

COMPUTER LABS:

Rio Grande College computer labs are open Monday – Thursday 8:00AM - 9:00PM and Friday 8:00AM – 5:00PM. **RGC Computer labs are not open weekends.** However, students may avail themselves to the SWTJC computer labs with valid ID.

CHAPTER OBJECTIVES:

Upon reading assigned chapters in the textbook with a thorough review of the key concepts, terms, case law and learning objectives within each chapter the student will acquire extensive knowledge of the following subject-matter materials to be inclusive on each examination.

Chapter 1: An Historical Overview

1. What law is?
2. What pluralism contributes to society?
3. Why colonists resisted increased taxes.
4. What the Boston Tea Party symbolized.
5. What resulted from the First and Second Continental Congress?
6. What the Declaration of Independence is.
7. What the Articles of Confederation were.
8. What is the Magna Carta?
9. What important role the Magna Carta played in framing the U.S. Constitution.
10. What the primary purpose of the Constitution is and how it is achieved.
11. What the “Great Compromise” achieved.
12. What the first three articles of the Constitution accomplished.
13. How the balance of power was established.
14. What the supremacy clause established.
15. When and where the Constitution was signed.
16. Who the Federalists and Anti-Federalists were.
17. Why some states were reluctant to accept the Constitution.
18. What the Bill of Rights is and how it was included with the Constitution.
19. Where the Constitution and the Bill of Rights are housed.

Chapter 2: An Overview of the U.S. Legal System

1. The two prominent theories about the underlying purpose of law.
2. The two competing value systems (models) are often identified when discussing the purpose of the criminal justice process.
3. The basic purpose of the American legal system.
4. What the scales of justice symbolize in law.
5. When common law began, what it is based on, and what it is synonymous with.
6. What *stare decisis* requires.
7. How the Constitution ensures individual liberty.
8. Why American law is said to be a living law.
9. Where statutory law originates.
10. The difference between a crime and a tort.
11. What a legal citation is and what it includes.
12. What the components of a legal opinion are.
13. What six sections are usually included in a “case brief?”
14. How to determine whether a case has been overturned or expanded on.
15. The two main functions served by courts.
16. The two levels on which the judicial system operates.
17. Who officers of the court are.
18. What doctrines govern whether a case will be heard in court?
19. The three components of both the criminal and juvenile justice systems.

Chapter 3: The U. S. Supreme Court: The Final Word

1. The authority under which the Supreme Court operates.
2. The jurisdiction of the Supreme Court.
3. How the Supreme Court has effectively created most of its own power and authority.
4. The precedent case that determined whether the Supreme Court can review acts of Congress.
5. The precedent case that determined whether the Supreme Court can review cases that are pending in or that have been decided in state courts.
6. Why appointments of justices to the Supreme Court are lifetime.
7. Whether the current Supreme Court is liberal or conservative.

Chapter 4: Equal Protection Under the Law: Balancing Individual, State, and Federal Rights

1. What the Thirteenth Amendment and Fourteenth Amendment provide.
2. How procedural due process and substantive due process differ.
3. How the incorporation doctrine prevents states from infringing on citizens' rights.
4. What the importance of *Griswold* is.
5. How enumerated and on enumerated rights differ in the two types of standard used by the Supreme Court to evaluate them.
6. How discrimination differs from prejudice.
7. The significance of the *Dred Scott* decision.
8. The Court's holding in *Plessy v. Ferguson*.
9. What are Jim Crow laws?
10. The legislation from the 1960s and 1970s that prohibited discrimination.
11. The intent of affirmative action programs.
12. What Equal Protection Clause violations have occurred in the criminal justice system?
13. How a right differs from a privilege.
14. What Fourteenth Amendment rights prisoners have?

Chapter 5: The First Amendment: Basic Freedoms

1. What basic freedoms are guaranteed in the First Amendment?
2. Whether rights guaranteed in the First Amendment are absolute.
3. What freedoms are included in religious freedom?
4. What the establishment and free exercise clauses guarantee.
5. What freedom of speech guarantees U.S. citizens?
6. What type of speech has been restricted by laws passed by Congress?
7. What the "imminent lawless action" test involves and when it is likely to be used.
8. Under what two conditions police officers' speech is protected under the First Amendment.
9. Whether symbolic acts are protected under the First Amendment.
10. What is included in freedom of the press?
11. What basic freedoms prison inmates have?

Chapter 6: The Second Amendment: The Gun Control Controversy

1. Historically, who was included in the militia and what was required of them.
2. What a central controversy over the Second Amendment has involved.
3. Whether the number of militia groups in the United States is growing or decreasing.
4. What opposing interpretations of the Second Amendment have clashed over the years?
5. Whether the Supreme Court has interpreted the Second Amendment right to bear arms as an individual or a state right.
6. If the Second Amendment has been incorporated into the Fourteenth Amendment and the case that determined this.
7. What the Brady Law accomplished.
8. What the Law Enforcement Officer's Safety Act (LEOSA) allows and what its three goals are.

Chapter 7: The Fourth Amendment: An Overview of Constitutional Searches and Seizures

1. What the Fourth Amendment forbids and requires.
2. Who is governed by the Fourth Amendment?
3. What the Reasonableness Clause of the Fourth Amendment establishes.
4. Whether individuals are constitutionally guaranteed absolute freedom from government intrusion.
5. How probable cause relates to searches and arrests.
6. What is required for a search or arrest warrant?
7. What the knock and announce rule requires.
8. What a stop is and its purpose.
9. What a frisk is and when it is permitted.
10. What the law of stop and frisk deals with, and its precedent case.
11. What the *Terry* decision established.
12. The two consequences police face if they make an unconstitutional search or seizure.
13. What the exclusionary rule is and its precedent case.
14. The primary purpose served by the exclusionary rule.
15. The case that made the exclusionary rule applicable at the state level.
16. What happens to evidence obtained in ways that "shock the conscience?"
17. What exceptions to the exclusionary rule exist?
18. Other consequences that may result from government agency misconduct.

Chapter 8: Conducting Constitutional Seizures

1. What the elements of a seizure are.
2. Whether a seizure always constitutes an arrest, or vice versa.
3. Whether a stop constitutes an arrest.
4. What factors determine how long a stop may last.
5. When vehicles can be stopped.
6. Whether *Miranda* must be given during a traffic stop.

7. How *arrest* is usually defined.
8. When an arrest can legally be made.
9. Where arrests can be made.
10. How much force can be used in making an arrest?
11. When use of a Taser might be considered unreasonable and an excessive use of force.
12. The only justification for use of deadly force.
13. Who has immunity from arrests?

Chapter 9: Conducting Constitutional Searches

1. What constitutes a “search” under the Fourth Amendment?
2. What limitation is placed on all searches? When general searches are legal.
3. What limitations are placed on searches with a warrant, with consent, in a frisk, and incident to a lawful arrest?
4. What exceptions to the warrant requirement have been established?
5. What the plain feel or plain touch ruling allows.
6. What the plain view doctrine is.
7. When a vehicle can be legally searched without a warrant and the precedent case.
8. What constitutes an exigent circumstance?
9. How reasonable expectation of privacy and the trespass doctrine relate to searches of open fields, abandoned property, and public places.
10. How searches at international borders and airports are viewed under the Fourth Amendment.
11. Whether prison inmates, probationers and parolees have full Fourth Amendment protection.
12. How electronic surveillance is governed by the Fourth Amendment.
13. What relationship exists between electronic surveillance and one’s reasonable expectations of privacy?
14. What is required to obtain an electronic surveillance warrant?

Chapter 10: The Fifth Amendment: Obtaining Information Legally

1. What the Fifth Amendment prohibits the government to do and what it guarantees.
2. How the Supreme Court has extended the elements of due process.
3. What factors determine the voluntariness of a confession?
4. The primary modern case for analyzing confessions.
5. What four warnings are included in *Miranda*?
6. When the *Miranda* warning must be given.
7. What constitutes a valid waiver of *Miranda* rights?
8. Whether private security officers need to recite the *Miranda* warning before interrogating suspects.
9. What the public safety exception allows police officers to do.
10. Whether fruit-of-the-poisonous-tree applies to evidence obtained following a *Miranda* violation.

11. What rights in addition to due process are guaranteed by the Fifth Amendment?
12. Which rights are not incorporated?
13. How the USA PATRIOT Act enhances government's ability to gather information related to suspected terrorist activities.

Chapter 11: The Sixth Amendment: Right to Counsel and a Fair Trial

1. The two requirements set forth for a trial in the Sixth Amendment.
2. The four factors to be considered in determining whether a trial is sufficiently "speedy."
3. Where the trial is to be held.
4. The two requirements for juries established by the Sixth Amendment.
5. Which guarantee of the Sixth Amendment extends beyond the trial?
6. What precedent case supports the right to have an attorney present during trial?
7. What happens if a defendant facing "deprivation of liberty" cannot afford to hire an attorney, and the precedent case?
8. When or whether a defendant accused of a misdemeanor offense has the right to an attorney.
9. When the Sixth Amendment right to counsel exists.
10. What is required at a lineup?
11. Whether there is a Sixth Amendment right to a lawyer during pre-indictment identification procedures.
12. How the court will view pretrial identification procedures to determine whether they are unconstitutional.
13. How many appeals through which the right to counsel may be invoked.
14. What the Sixth Amendment right to counsel presumes about the attorneys.
15. What is required to waive the right to counsel?
16. If people can defend themselves in a criminal trial.
17. Whether juveniles have Sixth Amendment rights.
18. How the Sixth Amendment affects corrections.

Chapter 12: The Eighth Amendment: Bails, Fines, and Punishment

1. The three rights protected by the Eighth Amendment.
2. The purposes bail serves.
3. Whether the Eighth Amendment guarantees the right to bail, and if it applies to the states.
4. What was established by the Bail Reform Act of 1984?
5. What case attempted to define excessive bail and the limits it established?
6. If the prohibition against excessive bail and excessive fines applies to the states.
7. What may be seized under asset forfeiture laws?
8. What restriction is placed on the amount that can be seized through forfeiture?
9. Where the meaning of "cruel and unusual punishment" must come from.
10. What the general Eighth Amendment rule is regarding punishments.

11. Whether a juvenile convicted of a homicide may be sentenced to life in prison.
12. The precedent cases that addressed the constitutionality of capital punishment.
13. What is required of proceedings that may involve the death penalty?
14. Under what age most states do not consider capital punishment for a juvenile.
15. Whether the mentally retarded can be executed.
16. The Eighth Amendment rights that prisoners often claim.

Chapter 13: The Remaining Amendments and a Return to the Constitution

1. What the Third Amendment established.
2. What the Seventh Amendment established.
3. What determines whether a person is entitled to a federal jury trial in a civil case?
4. What the Ninth Amendment established.
5. Whether the Ninth Amendment guarantees the right of privacy.
6. What the Tenth Amendment established.
7. The amendment that allows the Supreme Court to make other amendments applicable to the states.

PROGRAM LEARNING OBJECTIVES (PLO): The graduating student will

- 1) Demonstrate proficiency in the application of legal concepts, theoretical applications, scientific principles, and historical trends in the criminal justice arena.
- 2) Demonstrate the application of organizational principles, cultural, social and behavioral knowledge, critical thinking skills and cognitive thought processes within the criminal justice arena.

WEEKLY READING ASSIGNMENTS AND EXAM DATES

WEEK ONE: Jan. 20 & 22	Chapter 1: A Historical Overview
WEEK TWO: Jan. 27 & 29	Chapter 2: An Overview of the U.S. Legal System Exam 1, Chap. 1: Jan. 27 th
WEEK THREE Feb. 3 & 5	Chapter 3: The U.S Supreme Court: The Final Word Exam 2, Chap. 2: Feb 3 rd
WEEK FOUR Feb. 10 & 12	Chapter 4: Equal Protection under the Law Exam 3, Chap. 3: Feb. 10 th
WEEK FIVE: Feb. 17 & 19	Chapter 5: The First Amendment: Basic Freedoms Exam 4, Chap. 4: Feb. 17 th
WEEK SIX: Feb. 24 & 26	Chapter 6: The Second Amendment: the Gun Control Controversy Exam 5, Chap. 5: Feb 24 th
WEEK SEVEN: Mar. 3 & 5	Chapter 7: The Fourth Amendment: An Overview Exam 6, Chap. 6: Mar. 3 rd
WEEK EIGHT: Mar. 10 & 12	Chapter 8: Conducting Constitutional Seizures Exam 7, Chap. 7: Mar. 10 th
SPRING BREAK Mar. 16 – 20	NO CLASSES
WEEK NINE: Mar. 24 & 26	Chapter 9: Conducting Constitutional Searches Exam 8, Chap. 8: Mar. 24 th
WEEK TEN: Mar. 31 & Apr. 2	Chapter 10: The Fifth Amendment: Obtaining Information Legally Exam 9, Chap. 9: Mar, 31 st
WEEK ELEVEN: Apr. 7 & 9	Chapter 11: The Sixth amendment: Right to Counsel and a Fair Trial Exam 10, Chap. 10: April 7 th
WEEK TWELVE: Apr. 14 & 16	Chapter 12: The Eight amendment: Bail, Fines, and Punishment Exam 11, Chap. 11: April 14 th
WEEK THIRTEEN: Apr. 21 & 23	Chapter 13: The Remaining Amendments and a return to the Constitution Exam 12, Chap. 12: April 21 st
WEEK FOURTEEN Apr. 28 & 30	Video: U.S. Supreme Court: Gideon’s Trumpet Exam 13, Chap 13: April 28 th
WEEK FIFTEEN: May 5	Q & A
WEEK SIXTEEN: May 11 - 14	Final Exams Week (None Scheduled).