

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

COURSE: CRIM 4302: Constitutional Law

COURSE PERIOD: Spring 2021 Online Web Course Beginning Monday January 17, through Wednesday May 8, 2022

PROFESSOR / PHONE: Dr. Sergio J. Gonzalez J.D. Cell: 830.734.2630 Work: 830.774.7575
SRSU Staff – Office SRSU 830.703.4821

Email: All correspondence should be made using Sul Ross State University- Rio Grande College email to sgj17iz@sulross.edu

SRSU OFFICE CONTACT: Faculty Building 205, Del Rio Campus

COURSE DESCRIPTION: The goal of this course is to master the elements of substantive law and procedural due process in the enforcement of criminal law. This course will provide a foundation for understanding the rule of law and purpose of law to maintain an ordered society. Civil liberties of the constitution are addressed and civil liabilities influencing the criminal justice system are explored.

TEXTBOOKS: *“Digital Online Access” Chapter Assignments 1-13*
Constitutional Law, 7th Edition, by J. Scott Harr, J.D.
Cengage Learning
ISBN # 9781305966550 (Digital Access MindTap-Instant Access)

Access MindTap through the course link provided in Blackboard. You will be taken to a new page where you will be prompted to create an account with Cengage. This is a MUST one-time process. If you have previously completed this step, you will be taken directly to the payment options screen. After registering for Cengage, you will be prompted to purchase access to MindTap. FREE ACCESS MindTap is temporarily available for the first two weeks of semester. If you are not able to purchase access after free access period has expired, you will be required to pay for access.

ACADEMIC SUCCESS: Student(s) enrolling in online Web Courses at Rio Grande College must be aware that such courses are not self-paced and require considerable vested time to meet requirements. Students should be prepared to devote a considerable amount of time to each week to timely accomplish each chapter requisites in this course.

COMPUTER LABS: Rio Grande College computer labs are open Monday – Thursday 8:00AM - 10:00 PM and Friday 8:00AM – 5:00PM. Computer labs are not open weekends. However, students may avail themselves to the SWTJC computer labs with a valid ID. Online web course students should have available a high-speed internet connection on a regular basis for off-campus course work, exams, assignments, and research.

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.

ASSIGNMENTS, COURSE Assignments, activities, Chapter Exams, and assessments have been structured to mandate maximum participation in this course.

**GRADING SCALE,
SEMESTER GRADES, &
EXTRA CREDIT:**

Student(s) **MUST VIEW** the COMPLETE Video Case and answer the (5) multiple choice questions to maximize your total points. Complete chapter reading assignments and click on highlighted word to obtain definition. You **MUST** further complete You Decide Part I, answer the few multiple-choice questions. Each Chapter contains a Chapter Exam with (25) multiple choice questions. There will be no final semester exam. You have (2) opportunities to retry your assignment activities to max your point totals.

Chapter reading assignments, research and writing endeavors are of the utmost importance in student assessment and evaluation. Chapter final exams may be taken at any location using a high-speed internet connection. It is recommended that Student(s) not to utilize cell phones as the same may be disruptive and detrimental in completing course requirements.

Chapter assignments, activities, and exams will be made available from Monday January 17, 2022, through Wednesday May 8, 2022.

Students are advised **NOT** to use a cell phone for tests; it may be detrimentally affected by service disruptions.

Student responsible for student omissions or technology issues.

Course grading scale: A: 440-481; B:390-439; C: 350-389; D: 310-349; F: 0-309.

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

Extra credit will be given to each student that participates in the Live and/or ZOOM Courtroom Classroom Session @ the Val Verde County Court-At-Law Courtroom, 400 Pecan Street, 2nd Floor, Del Rio, Texas. Date TBD

VOLUNTEER STUDENT INTERNSHIP: This Spring 2023 SRSU Criminal Justice Student(s) have the unique opportunity to participate and experience first-hand on how their respective classroom learnings apply to the Judiciary, Magistration, Adult & Juvenile Probation Department, Jury Selection, & Jury Trial. Four (4) volunteer internships are available at the Val Verde County Court-At-Law, DWI Specialty Court, & the Adult & Juvenile Probation Departments. Email me ASAP @sjg17iz@sulross.edu if you are interested. Internship will require a minimum of 8-10 hours per week & reach out to Mrs. Maria Pena @ (830) 774-4741, Texas Workforce Commission and inquire if you would qualify for hourly compensation throughout this Internship. Intern will be required to read & sign a Confidentiality Agreement.

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.

NOTE: Each chapter provides Learning Objectives; Visual Summary; Reading; You Decide Part I, & Chapter Exam. Course is self-paced.

Chapter1 Learning Objectives: A Historical Overview:

LO1 Identify the three main groups that coexisted in 1775 in the land that would become the United State of America and which of these groups U.S. history tends to ignore.

LO2 Know when, where, and why the First Continental Congress and the Second Continental Congress convened and what each resulted in.

LO3 Name the document that formally severed the American colonies' ties with Great Britain and know when this document was signed.

LO4 Clarify what the primary purpose of the Constitution is and how it is achieved.

LO5 Describe how the balance of power was established.

LO6 Summarize what the Bill of Rights is and why it was included with the Constitution.

LO7 Pinpoint the glaring omission in the Constitution and Bill of Rights that contradicted the Declaration of Independence.

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

LO1 Compare and contrast the two prominent theories about the underlying purpose of law.

LO2 Show similarities and differences between two competing value systems (models) often identified when discussing the purpose of the criminal justice process.

LO3 Explain what the basic purpose of the U.S. legal system is.

LO4 Recognize how common law began, what it is based on, and what it is synonymous with.

LO5 Understand the difference between a crime and a tort.

LO6 Name the components of a legal opinion.

LO7 Describe the levels on which the judicial system operates and what main functions are served by courts.

LO8 Identify the officers of the court.

LO9 Summarize the three doctrines that govern whether a case will be heard in court.

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

LO1 Understand the authority under which the Supreme Court operates.

LO2 Explain the jurisdiction of the Supreme Court.

LO3 Describe the significance of *Marbury v. Madison* (1803).

LO4 Identify the significance of *Martin v. Hunter's Lessee* (1816).

LO5 Determine how long a Supreme Court appointment lasts and the justification behind this length of tenure.

LO6 Summarize how Supreme Court terms are structured and who is permitted to observe sessions.

Chapter 4 Learning Objectives: Equal Protection under the Law: Balancing Individual, State, and Federal:

LO1 Understand the significance of the Thirteenth Amendment.

LO2 Explain the significance of the Fourteenth Amendment.

LO3 Describe how enumerated and unenumerated rights differ and the two types of standards used by the Supreme Court to evaluate them.

LO4 Clarify how discrimination differs from prejudice.

LO5 Grasp the significance of the Supreme Court's ruling in *Plessy v. Ferguson*.

LO6 Summarize the intent of affirmative action programs.

LO7 Compare and contrast disparity and discrimination and understand whether either serves as a legitimate basis for decisions in the criminal justice system.

Chapter 5 Learning Objectives: The First Amendment: Basic Freedoms:

LO1 List the basic freedoms guaranteed by the First Amendment.

LO2 Identify the freedoms included in religious freedom.

LO3 Understand what freedom of speech guarantees to U.S. citizens.

LO4 Explain the two conditions under which police officers' speech is protected by the First Amendment.

LO5 Know whether citizens have the right to record officers performing their duties in public.

LO6 Grasp what is included in freedom of the press.

LO7 Name the basic freedoms that prison inmates have.

Chapter 6 Learning Objectives: The Second Amendment: Controversy: THE GUN CONTROL CONTROVERSY

LO1 Identify who was, historically, included in the militia and what was required of them.

LO2 Summarize the opposing interpretations of the Second Amendment that have clashed over the years.

LO3 Explain the significance of *District of Columbia v. Heller* (2008).

LO4 Understand the significance of *McDonald v. Chicago* (2010).

LO5 Describe the provisions of the Brady Act.

LO6 Outline what the Law Enforcement Officers Safety Act (LEOSA) allows and what its three goals are.

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

LO1 Understand what the Fourth Amendment forbids and requires.

LO2 Know who is governed by the Fourth Amendment.

LO3 Explain how probable cause relates to searches and arrests.

LO4 Identify the one requirement of all search and arrest warrants.

LO5 Describe, in the context of the continuum of contacts, the relationship between an officer's actions and the constitutionality of those actions.

LO6 Clarify what a stop and what a frisk are and when each is permitted.

LO7 Summarize what the Terry decision established.

LO8 Outline what the exclusionary rule is, the precedent case for it, and what primary purpose it serves.

LO9 Discuss the exceptions to the exclusionary rule.

Chapter 8 Learning Objectives: Conducting Constitutional Seizures

LO1 List the elements of a seizure.

- LO2 Understand the relationship between seizures, stops, and arrests.
- LO3 Explain what factors determine how long a stop may last.
- LO4 Know whether the Miranda warning must be given during a traffic stop.
- LO5 Identify how arrest is usually defined.
- LO6 Clarify when an arrest can legally be made.
- LO7 Establish where arrests can be made.
- LO8 Describe how much force can be used in making an arrest.
- LO9 Recognize what the only justification for use of deadly force is.
- LO10 Determine who has immunity from arrests.

Chapter 9 Learning Objectives: Conducting Constitutional Searches:

- LO1 Understand what constitutes a “search” under the Fourth Amendment.
- LO2 Explain the limitations placed on searches with a warrant.
- LO3 List the exceptions to the warrant requirement that have been established.
- LO4 Identify when a vehicle can be legally searched without a warrant and the precedent case.
- LO5 Clarify what constitutes an exigent circumstance.
- LO6 Summarize how a reasonable expectation of privacy and the trespass doctrine relate to searches of open fields, abandoned property, and public places.
- LO7 Grasp whether jail and prison inmates, probationers, and parolees have full Fourth Amendment protection.
- LO8 Describe how electronic surveillance is governed by the Fourth Amendment and what relationship exists between electronic surveillance and one’s reasonable expectations of privacy.

Chapter 10 Learning Objectives: The Fifth Amendment: Obtaining Information Legally

- LO1 Understand what the Fifth Amendment prohibits the government from doing and what the amendment guarantees.
- LO2 List the factors that determine the voluntariness of a confession.
- LO3 Identify the primary modern case for analyzing confessions.
- LO4 Name the four warnings that are included in Miranda.
- LO5 Explain when the Miranda warning must be given.
- LO6 Grasp what constitutes a valid waiver of Miranda rights.
- LO7 Enumerate what rights in addition to due process are guaranteed by the Fifth Amendment.

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

- LO1 List the four factors that are considered in determining whether a trial is sufficiently “speedy.”
- LO2 Identify the two requirements for juries established by the Sixth Amendment.
- LO3 Name the guarantee of the Sixth Amendment that extends beyond the trial.
- LO4 Explain when the Sixth Amendment right to counsel exists.

LO5 Understand whether there is a Sixth Amendment right to a lawyer during preindictment identification procedures and how the court will view pretrial identification procedures to determine whether they are unconstitutional.

LO6 Clarify through how many appeals the right to counsel may be invoked.

LO7 Summarize what is required if the right to counsel is waived.

LO8 Pinpoint whether juveniles have Sixth Amendment rights.

Chapter 12 Learning Objectives: The Eighth Amendment: Bail, Fines, and Punishment:

L01 Identify what three rights are protected by the Eight Amendment.

L02 Explain what purposes bail serves.

L03 Describe what may be seized under asset forfeiture laws.

L04 Understand the meaning of “cruel and unusual punishment” comes from.

L05 Know what the general rule under the Eighth Amendment regarding punishment is.

L06 Clarify whether capital punishment has been found to be constitutional, which precedent cases have determined this, and what is required of proceedings that may involve the death penalty.

L07 Summarize the eighth rights prisoners often claim.

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

LO1 Describe what the Third Amendment established.

LO2 Explain what was instituted by the Seventh Amendment.

LO3 Define the Ninth Amendment.

LO4 Summarize the Tenth Amendment.

LO5 Identify the amendment that allows the Supreme Court to make other amendments applicable to the states.

INCOMPLETE GRADE: It is the responsibility of students to notify the Professor if they cannot make an assignment or will not be able to log-on to the class.

DISABILITY SERVICES: ADA (Americans with Disabilities Act) Sul Ross State University is committed to equal access in compliance with the Americans with Disabilities Act of 1973. It is the student’s responsibility to initiate a request for accessibility services. Students seeking accessibility services must contact Mary Schwartze, M. Ed., L.P.C., in Counseling and Accessibility Services, Ferguson Hall, Room 112. The mailing address is P.O. Box C-122, Sul Ross State University, Alpine, Texas 79832. Telephone: 432-837-8691. E-mail: mschwartz@sulross.edu. Drop Policy: If you discover that you need to drop this class, you must contact the Records Office and ask for the necessary paperwork. Professors cannot drop students; this is always the responsibility of the student. The Record’s Office will give a deadline for which the paperwork and form, if required, must be returned, complete and signed. If you discover that you are still enrolled, FOLLOW-UP with the Records Office immediately.