GENERAL COURSE INFORMATION

Instructor:
Jon Mark Weathers, JD
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601-266-4466
Jon.m.weathers@usm.edu
mchauvin@co.forrest.ms.us (Preferred email contact) Deputy Court Administrator

Course Materials:
The text for the course is Samaha, J. (2016), Criminal Procedure (10th), ISBN – (978-1-305-96900-1). It may be purchased from the B & N Bookstore on campus. Supplementary materials may be assigned throughout the course at the instructor’s discretion.

Methods of Instruction:
Course instruction will include lectures, videos, assigned reading, class assignments and class discussions.

Official Communication:
Information concerning the course is conveyed by Blackboard, email, phone, and classroom announcements. The information referenced includes changes in assignments, class dates/times, exam schedules and other class related matters. Communications are effective when posted, emailed or otherwise conveyed. Students are personally responsible for timely acquiring course information by attending class, accessing Blackboard and University emails, and providing current email address and telephone numbers.

Office Hours:
By Appointment

Accountability:
Each student is expected to read and understand the provisions of this Syllabus and to ask for clarification as necessary. Unfamiliarity with the content of this Syllabus will not excuse noncompliance.

Attendance and Participation:
Class attendance and participation are considered both obligations and privileges. Students are expected to regularly and punctually attend and participate in all class periods. Failure to do so may jeopardize a student’s scholastic standing and may lead to failure, disenrollment from the class, and/or suspension from the University (See Student Bulletin).

Due to the nature and subject matters of this course, interaction and class discussion are extremely important. It is imperative that each student is physically and mentally present for each class session.
Roll will be taken at the beginning of each class. Students are required to sign the roll sheet which will be circulated at the beginning of each class period. It is the responsibility of each student to sign the roll sheet. Use of this method to verify attendance will eliminate disputes about actual attendance.

Students who are late will not be allowed to sign the roll sheet. Students should not sign the roll sheet for any other student. Any student who signs the roll sheet on behalf of another student who is absent or tardy will have his/her grade reduced by one letter grade.

We have 29 class periods this semester, excluding holidays and the final exam. The final course grade derived from the sum of all scores on all graded elements may be reduced for excessive unexcused absences as follows:

<table>
<thead>
<tr>
<th>Unexcused Absences</th>
<th>Grade Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>03</td>
<td>One Letter Grade</td>
</tr>
<tr>
<td>05</td>
<td>Two Letter Grades</td>
</tr>
<tr>
<td>07</td>
<td>Three Letter Grades</td>
</tr>
</tbody>
</table>

By example, a student who would otherwise receive a course grade of “A”, but who accrues three (3) unexcused absences, will receive a “B” for the course. A student who would otherwise receive a course grade of “A”, but who accrues five (5) unexcused absences will receive a “C” for the course. A student who would otherwise receive a course grade of “A”, but who accrues seven (7) unexcused absences will receive a “D” for the course. A great deal of the learning experience in this course involves student–instructor interactions and classroom discussions. Attendance is critical to the process.

Absences, Deadlines, and Due Dates:
Students will be excused for missing class or exceeding deadlines and due dates only for documented and compelling unforeseeable circumstances beyond the student’s control. The instructor reserves the right to excuse any student for any reason that circumstances may warrant.

Classroom Demeanor Policy:
Students are expected to demonstrate professional behavior during class sessions. The barometer for assessing unprofessional behavior is the reasonable anticipation test, defined as anything for which an average student should anticipate as unprofessional. Examples of unprofessional behavior include, but are not limited to, disrespect toward the instructor or fellow student, gossip, disrupting instruction or class discussion, using unapproved electronic devices, or eating in class. All student activities in the University, including this course, are governed by the University’s Policy on Classroom Responsibilities of Faculty and students which may be found on the website of the Office of Provost. See also Student Handbook, 2017-2018, prohibited conduct. Students who engage in behavior that disrupts the learning environment may be asked to leave the class and are subject to appropriate disciplinary measures, including failure, disenrollment from the class and / or suspension from the University.

Withdrawal:
The official University policy for course withdrawal must be followed to avoid receiving an “F” for this course. You cannot simply stop attending. If circumstances arise that require a withdrawal, please confirm with the instructor that you have been officially dropped.

The last day to add/drop a class without Academic/Financial Penalty is August 23rd. After this date, no tuition refund whatsoever will be issued, and all approved drops will result in a grade of W. After
October 27th, no course withdrawals are permitted (meaning the student will receive an actual grade in the course).

**Electronic Devices:**
Electronic devices are to be turned off at the beginning of each class period unless the instructor specifically provides otherwise and authorizes their use. This includes phones, pads, pods, and laptops. Unauthorized use of such devices may subject the offending student to a loss of 10 points per incident, whether occurring in the same or another class period, and potential expulsion from class. If circumstances require that your cell phone remains on (such as an expected emergency call), advise the instructor before class and seek permission. Permission will be liberally granted.

**Academic Integrity:**
All students at The University of Southern Mississippi are expected to demonstrate the highest levels of academic integrity in all that they do. Forms of academic dishonesty include (but are not limited to):

1. Cheating (including copying from others’ work)
2. Plagiarism (representing another person’s words or ideas as your own; failure to properly cite the source of your information, argument, or concepts)
3. Falsification of documents
4. Disclosure of test or other assignment content to another student
5. Submission of the same paper or other assignment to more than one class without the explicit approval of all faculty members’ involved
6. Unauthorized academic collaboration with others
7. Conspiracy to engage in academic misconduct

Engaging in any of these behaviors or supporting others who do so will result in academic penalties and/or other sanctions. If a faculty member determines that a student has violated our Academic Integrity Policy, sanctions ranging from resubmission of work to course failure may occur, including the possibility of receiving a grade of “XF” for the course, which will be on the student’s transcript with the notation “Failure due to academic misconduct.” For more details, please see the University’s Academic Integrity Policy. Note that repeated acts of academic misconduct will lead to expulsion from the University.

**Academic Dishonesty:**
Students are expected to adhere to the highest standards of academic honesty as outlined in the University’s Student Handbook. The University’s Academic Integrity Policy (ACAF-PRO-012) prohibits academic misconduct by students. The policy, which may be found on the Office of Institutional Research website under Institutional Policies (Current Policies), describes academic misconduct as deception to improve a grade, earn course credit, or complete a degree by cheating, plagiarism, inappropriate acquisition or provision of information, conspiracy to cheat or plagiarize, lying about academic work, stealing academic materials, and unapproved multiple submission of assignments. The policy lists available sanctions, including assigning an “F” for the course.

The University’s Academic Integrity Policy will be strictly enforced, and each student is expected to review and understand the policy. Lack of familiarity with the policy will not excuse a violation of the policy.
Academic dishonesty includes (1) acquiring or using a published test bank; (2) copying from another student’s test or computer file; (3) using unauthorized materials during a test; (4) collaborating during a test with any person by giving or receiving information without authority; (5) stealing, buying, or otherwise obtaining non-administered or unauthorized tests; (6) selling or giving non-administered or unauthorized tests to another; (7) bribing anyone to obtain test information; (8) taking a test in substitution for another student, or permitting another person to take a test in substitution for oneself; (9) submitting for academic credit, as one’s own work, any work prepared by another, in total or in part; (10) supplying to another student any paper, report, or other work for use by that person in fulfilling academic requirements; (11) plagiarism, defined as incorporating another’s work into one’s own work, without proper acknowledgement, when the latter is offered for academic credit; (12) duplicity, defined as offering for academic credit in two or more classes identical or substantially unchanged work without instructor approval; and (13) submitting false documents, to include add/drop forms, substitutions, and special requests. These examples are not exhaustive and other cheating behavior not specifically listed here may nonetheless subject the student to appropriate disciplinary action. If in doubt, ask the instructor prior to engaging in the action.

Disability Statement:
If a student has a disability that qualifies under the American with Disabilities Act (ADA) and requires accommodations, he/she should contact the Office for Disability Accommodations (ODA) for information on appropriate policies and procedures. Disabilities covered by ADA may include learning, psychiatric, physical disabilities, or chronic health disorders. Students can contact ODA if they are not certain whether a medical condition/disability qualifies.

ODA Address: The University of Southern Mississippi
Office for Disability Accommodations
Bond Hall 114
118 College Drive #8586
Hattiesburg, MS 39406
Voice Telephone: 601-266-5024
Fax: 601-266-6035
TTY: 601-266-6837

COURSE DESCRIPTION

Course Description:
This comprehensive course on criminal procedure examines the constitutional underpinnings, requirements, and limitations pertaining to pretrial, trial and post-trial functions of government agencies charged with investigating and adjudication alleged criminal conduct, (e.g., law enforcement, the judiciary, and corrections). The course focuses on constitutional provisions most relevant to the adjudication process, including the 4th, 5th, 6th, 8th, and 14th Amendments, with particular reference to U.S. Supreme Court cases interpreting the constitutional boundaries of their real-world application.

Justification/Rationale:
It is both intriguing and challenging to explore how a free and democratic society governs the behavior of its citizens through criminal laws, procedures, and sanctions. Our review implicates basic notions of personal liberty and freedom, looks at assumptions about human nature, and sheds light on the relationship between citizen and state. This course reviews the constitutional procedures invoked by
various agencies and actors involved in criminal process with the goal of enhancing our understanding of the procedures by which criminal wrongdoing is investigated, adjudicated, and punished in our society.

Course Objectives:

- Examine the constitutional framework relating to criminal justice procedures.
- Identify and explore constitutional provisions relating to pretrial, trial, and post-trial criminal justice procedures.
- Examine the legal, ethical and practical application of using criminal justice procedures in various real world applications.
- Review and discuss various U.S. Supreme Court and Mississippi cases which are relevant to criminal justice procedures.
- Develop an understanding of how the criminal justice system works.

Specific Course Requirements:

Course Assignments and Tasks:

- Readings as Assigned.
- Chapter tests on Chapters 1 through 10.
- A Final Comprehensive Examination on Chapters 1 through 15.
- Class Attendance and Participation.

Examinations:

There will be ten (10) chapter tests on Chapters 1 through 10. The chapter tests will generally be given at the beginning of the first class immediately after completing review and class discussion of the chapter. In addition to the ten (10) chapter tests, a final comprehensive exam will be given covering material presented in the Text, Class Lectures, Classroom Discussions, videos, and other assigned material. Chapter tests will consist of 25 questions @ 4 points each for a total possible score of 100 points on each test. The final exam is cumulative, is worth 300 total points, and will consist of 100 questions @ 3 points per question. All chapter exams are administered during normal class periods in Room 107 Arthell Kelley Hall. The final exam will be given in Arthell Kelley Hall @ 7:00 pm, December 4, 2017. Make-up examinations require notification to the instructor prior to the scheduled examination and a valid written excuse from the Office of Student Ombudsman Services. Make-up examinations, if allowed by the instructor, will be scheduled at the instructor’s discretion, and a research assignment on a topic and length to be determined by the instructor may be given in lieu of an examination.

The exam dates and chapters below are projected only and are subject to change on notice.

Examination Dates:

<table>
<thead>
<tr>
<th>Chapters 1 through 10</th>
<th>First regular class following completion of class discussion on chapter</th>
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</thead>
<tbody>
<tr>
<td>Final Exam: Chapters 01-15</td>
<td>Monday, December 4 @ 7:00 P.M.</td>
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</tbody>
</table>
Evaluation and Grading Elements:

<table>
<thead>
<tr>
<th>Evaluation Element</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter Exams</td>
<td>100 points each (total 1,000 points)</td>
</tr>
<tr>
<td>Final Exam</td>
<td>300 points</td>
</tr>
<tr>
<td>Attendance/Participation</td>
<td>200 points (005 point/class + actual participation)</td>
</tr>
<tr>
<td>Total points</td>
<td>1,500 points</td>
</tr>
</tbody>
</table>

Grading Scale:

- **A**: 90% 1350 – 1500 points
- **B**: 80% 1200 – 1349 points
- **C**: 70% 1050 – 1199 points
- **D**: 60% 0900 – 1049 points
- **F**: Below 60% 0000 – 0899 points

Modifications and Deviations:

- **Syllabus**: Instructor may modify this syllabus in any or all or all respects on timely notice to students.

- **Instruction**: Instructor may deviate from the course calendar and/or prescribed course of instruction during any class period or periods, at his discretion.

COURSE CALENDAR

**MODULE ONE**: August 16 – September 7
- Chapter 01: Preview of Criminal Procedure in the Age of Digital Revolution.
- Chapter 02: Criminal Procedure and the Constitution.
- Chapter 03: Searches and Seizures.
- Chapter 04: Stop and Frisk.

**MODULE TWO**: September 12 – October 3
- Chapter 05: Seizure of Persons: Arrest.
- Chapter 06: Searches for Evidence.
- Chapter 07: “Special Needs” Searches.

**MODULE THREE**: October 5 – November 7
- Chapter 08: Self – Incrimination.
- Chapter 09: Identification Procedures.
- Chapter 10: Remedies for Constitutional Violations I: The Exclusionary Rule.
- Chapter 11: Constitutional Violations II: Other Remedies against Official Misconduct.

**MODULE FOUR**: November 9 – November 28
- Chapter 12: Court Proceedings I: Before Trial.
- Chapter 13: Court Proceedings II: Trial and Conviction.
- Chapter 14: After Conviction: Sentencing, Appeals, and Habeas Corpus.
- Chapter 15: Criminal Procedure in Times of Crisis.

**REVIEW**: November 30
**Final Exam**: Monday, December 4: 7:00 P.M.