

**LEGAL STUDIES/SOCIOLOGY 131: CRIMINAL JUSTICE IN AMERICA
FALL 2009**

T/R, 9:30 to 10:45 am—5208 Social Science

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COURSE DESCRIPTION

This course introduces students to the American criminal justice system. Students will examine the theory and foundation, structure, function, and history of the criminal justice system. The course explores the nature of the criminal justice system through an interdisciplinary prism. We consider the system in the context of four core themes. First, we examine the theoretical differences between "factual guilt" and "legal guilt" and the meanings of "crime." Second, we focus on the tension between maintaining public safety and preserving individual rights. Third, we explore the relationship between public expectations of the criminal justice system and how the system operates in reality. Fourth, we study how the discretionary decisions of various actors in the system affect the operation of the criminal justice system.

The course is divided into four parts. Part I, "The Criminal Justice System," considers the roots of the criminal justice system and explores some of its presuppositions and biases. Part II, "The Police," examines the organization of the police, police functions, the nature of arrest, the constitutional rights of suspects, the rise of community policing, and police techniques. Part III, "Criminal Trials," introduces students to the adversarial system and the framework of the criminal trial process. In this part, we review the roadmap of a trial, the roles of judges and lawyers, courtroom workgroups, prosecutorial and judicial discretion, plea negotiation, the jury system, and sentencing. Part IV, "Corrections," turns to the history of American corrections and the theories underlying punishment, the state of modern corrections, the forms of sanction, the nature of confinement, and release.

COURSE REQUIREMENTS

Students must: (1) attend and actively participate in all lectures; (2) attend and actively participate in all discussion sections; (3) complete all required readings; (4) complete one in-class quiz and three in-class examinations on the dates those exercises are administered in lecture; and (5) complete any exercises, whether written or oral (including, without limitation, homework, quizzes, or other assignments), as assigned by the teaching assistants in discussion section.

Attendance is mandatory. Students are responsible for all material conveyed in lectures, discussion sections, or by email. Students also are responsible for any announcements made in lecture, discussion sections, or by email, irrespective of whether the student is present in class or whether the student reads the email. Such announcements include, without limitation, modifications in the assigned reading schedule (including deletions and additions); modifications in examination content, format, and/or scheduling; and explanations of material in preparation for the quiz or examinations.

CLASSROOM FORMAT

This course meets weekly for two seventy-five (75) minute lectures and one fifty (50) minute discussion section. Students should be prepared to discuss readings in lecture as well as in discussion section. The instructor and TAs may call upon students to participate in an analysis of the readings even if students do not volunteer for participation.

Invited speakers occasionally will address the class during the lecture period. Attendance at guest lectures also is mandatory, and the instructor will incorporate material from guest lectures into the quiz and/or examinations.

WORKLOAD

This is a four-credit course. Students are expected to spend about ten (10) to twelve (12) hours per week outside of class focusing on this material [*the general rule of thumb is three (3) hours per academic credit per week in out-of-class study time*]. Students should budget ample time to master the readings, to synthesize notes, and to review materials regularly.

Reading assignments vary in length. This Syllabus includes an approximate page length for each Lecture's assignment. Students should pace themselves accordingly and expect some assignments to be longer than others.

LECTURE TOPICS AND READINGS

The schedule of topics and readings appears on pages 7 through 14 of this Syllabus. Readings are due on the date of the lecture with which they correspond. All readings, unless otherwise noted, are required. For quiz and examination purposes, students are not responsible for the few readings and movies designated "*Recommended*" except to the extent those recommended readings or movies will have been discussed in lecture and/or discussion section. Students may, however, rely on recommended materials to support a point in an essay. Additional readings may be assigned, and assigned readings may be omitted in the interest of time.

The required readings consist of two components: a text ("**Text**") and a course reader ("**Reader**"). The **Text** for the course is: Cole, George F. and Smith, Christopher E., *Criminal Justice in America* (Thompson Wadsworth, Fifth Ed. 2008); ISBN 978-0-495-46467-9. The Text is available at University Bookstore (711 State Street).

The **Reader** is available at the Social Science Copy Center (6120 Social Science Building).

READINGS AVAILABLE ON RESERVE

The **Text** and **Reader** are available on Reserve at College Library (Helen C. White Hall).

READING REINFORCEMENT

Material in certain readings often repeats or overlaps with the content of other assignments. *This repetition is deliberate.* Digesting the same material from different angles reinforces concepts and promotes deeper analysis. Similarly, occasional readings are marked "**Review**." Students are expected to reread passages so marked with particular care. For examination purposes, the instructor will treat readings marked "**Review**" as assignments included for the lecture with which they correspond. Students will be expected to have remastered "**Review**" readings, and the instructor may test students on "**Review**" readings as if those readings had not been assigned before.

GRADING

The expectations in this course are demanding, the written exercises are challenging, and the grading criteria are precise and exacting. The instructor determines grades on the basis of:

Quiz: Thursday, September 24, lecture period (15%);
Examination I: Tuesday, October 6, lecture period (25%);
Examination II: Thursday, November 5, lecture period (25%);
Examination III: Saturday, December 19, 2:45 to 4:45 pm (20%);
Participation: (15%)

All grades will be determined based on the following scale:

A = 92 - 100%
AB = 88 - 91%
B = 82 - 87%
BC = 78 - 81%
C = 70 - 77%
D = 60 - 69%
F = 0 - 59%

In past offerings of Katele's 131, the mean score for most exercises and final grades has fallen in the 78-81% range. The instructor adjusts this scale only if the class's grades slip below this anticipated mean. *The average grade in this course is a "BC."* Students whose performance improves during the semester may (but not necessarily "will") receive a grade higher than the one reached by an exact percentile calculation.

Quiz (15%): Thursday, September 25, Lecture Period

Approximately 15% of each student's final grade will be determined on the basis of a Quiz. The Quiz will be administered during lecture on Thursday, September 24. The Quiz covers course content from the beginning of the semester (since September 3). The Quiz will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points.

Examination I (25%): Tuesday, October 6, Lecture Period

Approximately 25% of each student's final grade will be determined on the basis of Examination I. Examination I will be administered during lecture on Tuesday, October 6. Examination I covers course content since the beginning of the semester (September 3 through October 5, inclusive).

Examination I will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of two (2) possible essay questions no later than one week before the examination. One (1) of the questions from the pool will appear on the scheduled examination. All students will be required to answer the one (1) essay question that appears on the examination. Stated otherwise, there will be no choice of essays on the examination.

Examination II (25%): Thursday, November 5, Lecture Period

Approximately 25% of each student's final grade will be determined on the basis of Examination II. Examination II will be administered during lecture on Thursday, November 5. Examination II covers course content since Examination I (October 7 through November 4, inclusive).

Examination II will consist of two parts. The *scantron section* will be worth 50% of the total score and will consist of twenty-five (25) multiple-choice and/or true-false questions. Each scantron question carries a value of two (2) points. The *essay section* will be worth 50% of the total score and will consist of one (1) essay question carrying a value of fifty (50) points. Students will receive a pool of two (2) possible essay questions no later than one week before the examination. One (1) of the questions from the pool will appear on the scheduled examination. All students will be required to answer the one (1) essay question that appears on the examination. Stated otherwise, there will be no choice of essays on the examination.

Examination III (20%): Saturday, December 19, 2:45 to 4:45 pm

Approximately 20% of each student's final grade will be determined on the basis of Examination III. Examination III will be administered on Saturday, December 19 between 2:45 and 4:45 pm. The location of Examination III will be posted by the Office of the Registrar in early December. Examination III covers course content since Examination II (November 6 through December 18, inclusive). Examination III will consist of fifty (50) multiple choice and/or true-false questions. Each question will be worth two (2) points. Examination III will have no essay.

Participation (15%)

Approximately 15% of each student's final grade will be determined on the basis of Participation. This component requires students to attend discussion sections and lectures, master the readings, contribute fruitfully to lecture and section, and complete any assignments and/or other written or oral exercises (including, without limitation, homework, quizzes, presentations, or other assignments) designated by the TA. Insightful participation is an essential part of the course. We evaluate participation on the basis of the quality, not quantity, of student comments. *Do not assume you will receive a higher grade if you talk more than your classmates.* Each TA, in his/her exclusive discretion, determines the criteria for assessing the Participation Component and assigns this grade to each student.

QUIZ AND EXAMINATIONS: READ THIS CLOSELY

The quiz and all examinations are closed book. Food and beverages are prohibited in the classroom during the tests. Students must remove caps, hats, and sunglasses. Students must *stay in the lecture hall until the end of the quiz or examination period*, even if they finish before the end of the period. In a class this size, early departures are disruptive to those students still concentrating on the exercise. The quiz and examinations will begin promptly at the beginning of the period and end when the proctor calls time. Students must cease writing the moment the proctor calls time. After the proctor calls time, students receive no extra time to finish writing essays or mark (*fill in the bubbles*) scantrons. Students who arrive late receive no extra time.

Students must turn off and store cell phones and other electronic devices. If the proctor sees a cell phone or electronic device within a student's reach during a quiz or examination, then the proctor *will assume that the student is cheating*, and the instructor will engage the academic misconduct process. The instructor vigorously pursues cheating cases. Learn the rules about academic misconduct: www.wisc.edu/students/saja/misconduct/UWS14.html#overview.

ACCOMMODATIONS

Students with particular needs that might affect participation, coursework, or examination environment should inform the instructor and TA about those needs within the first three weeks of the semester so we reasonably can accommodate those needs properly. The instructor relies on the McBurney Disability Resource Center to determine what reasonable academic accommodations a student may require. Students who request accommodations must master all requirements, skills, knowledge, and academic standards of the course.

Students who request relief for religious observances also should notify the instructor and TA within the first three weeks of the semester.

NO MAKE-UP QUIZZES OR EXAMINATIONS; NO "DO OVERS"

There are no make-up quizzes, examinations, or other assignments in this course. The instructor may permit a student to take a make-up quiz, examination, or assignment only in the *rare and exceptional case* of an illness or family emergency. It is the student's obligation, when possible, to provide advance notice and documentation of an absence. The instructor, in the instructor's exclusive discretion, may decline to excuse a student for a missed quiz, examination, or assignment. If the instructor permits a make-up exercise, then the student must take it on a date *after* the assigned test date. We permit no "early bird" examinations.

Oversleeping, prescheduled trips, family vacations and celebrations, employment obligations, extra-curricular commitments, extended holiday or travel weekends, non-refundable airline tickets, and early departures for breaks do not constitute "illness or family emergency." The instructor does not grant excuses for any reason other than illness or family emergency.

There are no "do-overs:" students may not retake a quiz, examination, or other assignment.

MISSED QUIZ OR EXAMINATIONS

Students who miss a quiz, examination, or assignment (whether because the student does not show up for the exercise, *or* because the instructor declines to excuse the student for any reason) will receive a score of 0 points (a letter grade of "F") for that exercise.

EXTRA CREDIT AND "EFFORT"

There are no opportunities to earn extra credit in this course. There are no opportunities to change a grade by performing additional work or by modifying completed work. There are no opportunities to modify a grade based on a student's degree of "effort." The instructor will not change grades based on a student's eligibility for a scholarship: course grades may affect scholarship eligibility, but scholarship eligibility does affect a student's grades.

NO INCOMPLETES

The instructor generally does not assign grades of "Incomplete" ("IN"). Students who do not complete the course requirements (including receiving a score of 0 points for the quiz or any exam) will receive a failing grade ("F") for the course. The instructor, in the instructor's discretion, may consider a grade of "IN" only: (1) in the rare and exceptional case of illness or other unusual and substantiated cause beyond the student's control; *and* (2) if the student has carried the subject matter with a passing grade until near the end of the semester.

BLIND GRADING

The instructor and TAs use "blind grading" to ensure objectivity and fair treatment. Students must use *only* their campus ID numbers as identification on essays; ***no names may appear on any bluebook.***

REVIEW OF QUESTIONS; CHANGE OF GRADES; QUIZ AND EXAMINATION CONTENT

Each student will receive an item analysis for the scantron questions; the item analysis indicates which questions a student answered incorrectly. The scantron questions—with an annotated answer key—are available for student review during the instructor's and TAs' office hours. Students may not borrow or keep copies of the scantron questions. The instructor will treat instances of copying or circulating scantron questions—whether from past semesters or from the current semester—as a form of actionable academic misconduct.

A grade may be changed in cases of computation error only. Quiz and examination content, structure, and wording are not negotiable. The instructor and TAs do not debate any aspect of questions or responses. The instructor makes all decisions about the criteria used to create, grade, and scale the quiz and examinations. In particular, note: (1) for *scantron questions*, the instructor does not "throw out" or discount scantron questions. Scantron questions require students to select the *best* answer. Among multiple choice alternatives, often two alternatives are close, but only one alternative is the *best* answer. The use of two close alternatives is deliberate; and (2) for *essay questions*, the instructor determines what information she expects an essay to include, and she assigns values to that information.

CLASS NOTES

The instructor does not post class notes online. The instructor and TAs do not, under any circumstances, provide students with lecture or discussions section notes. Students who miss class should obtain notes from a classmate.

OFFICE HOURS

The instructor holds open Office Hours Mondays, 2:00 to 3:00 pm and Tuesdays, 12:30 to 1:30 pm. If these times do not accommodate your schedule, then the instructor also is readily available for appointments. The instructor enjoys meeting with students!

E-MAIL AND COMPUTER COMMUNICATION

Students may contact the instructor by e-mail at <ikatele@ssc.wisc.edu>. The instructor usually does not check email during non-business hours. The instructor occasionally will forward to the classlist her email responses to student questions. Students are responsible for any information the instructor transmits to the email class list including, without limitation, announcements, answers to questions, explanations of material touched upon in lecture, and internet links that may enhance the course material.

DISRUPTIONS

Avoid disruptions (arriving late, talking in class, checking out what other students are doing, flirting, reading non-course materials, listening to music, doing puzzles or engaging in other games, surfing the web, texting, leaving early, and *packing to leave before the period ends*) that rattle the instructor and distract your classmates. The instructor may single out students engaged in behavior the instructor finds disruptive.

LECTURE TOPICS AND ASSIGNED READINGS

PART I. THE CRIMINAL JUSTICE SYSTEM

A. THE RELATIONSHIP BETWEEN CRIME AND JUSTICE

THURSDAY, SEPTEMBER 3

1. *Lecture One*
[apx. 27 pages]

Introduction and the Scope of the Criminal Justice System

- Read this **Syllabus** ("Ignorance of the law is no defense");
- **Reader:** Friedman, Lawrence M., "Crimes and Punishments," in *American Law: An Introduction* (2d ed. NY: W.W. Norton & Co., 1998), pp. 180-206;
- **Movie Recommendation:** *Mystic River*.

TUESDAY, SEPTEMBER 8

2. *Lecture Two*
[apx. 21 pages]

What is "Justice"?

- **Text:** pp. 3-15;
- **Reader:** Trillin, Calvin, "The Color of Blood: Race, Memory, and a Killing in the Suburbs," *The New Yorker*, March 3, 2008;
- **Movie Recommendation:** *Mississippi Burning*;
- **Movie Recommendation:** *To Kill a Mockingbird*;
- **Movie Recommendation:** *American History X*.

THURSDAY, SEPTEMBER 10

3. *Lecture Three*
[apx. 35 pages]

What is "The System"?

- **Text:** pp. 16-31;
- **Reader:** "Murder Conviction Tossed" *Wisconsin State Journal*, February 1, 2008 [Headline for Illustration Purposes];
- **Reader:** Dittrich, Luke, "Tonight on *Dateline* This Man Will Die," *Esquire*, September 2007;
- **Reader: Recommended Only**—Stetler, Brian, "NBC Settles With Family That Blamed a TV Investigation for a Man's Suicide," *The New York Times*, June 26, 2008;
- **Movie Recommendation:** *Traffic*;
- **Movie Recommendation:** *The Onion Field*;
- **Movie Recommendation:** *Crash*.

TUESDAY, SEPTEMBER 15

4. *Lecture Four*
[apx. 35 pages]

What is "Crime"?

- **Text:** pp. 33-52;
- **Text: Recommended Only**—pp. 52-61;
- **Reader:** Seabrook, John, "Suffering Souls: The Search for the Roots of Psychopathy," *The New Yorker*, November 10, 2008, pp. 64-73;
- **Reader:** Ward, Andrea, "Drunk Driving is Curse Up North," *Wisconsin State Journal*, February 2, 2008;
- **Movie Recommendation:** *The Crucible*;
- **Movie Recommendation:** *Monster*;
- **Movie Recommendation:** *Fight Club*;
- **Movie Recommendation:** *Memento*;
- **Movie Recommendation:** *Devil's Playground* (documentary);
- **Movie Recommendation:** *Death Wish*;
- **Movie Recommendation:** *The Brave One*.

THURSDAY, SEPTEMBER 17

5. *Lecture Five*
[apx. 21 pages]

NOTE: SAMPLE QUIZ QUESTIONS
DISTRIBUTED IN LECTURE

TUESDAY, SEPTEMBER 22

6. *Lecture Six*
[apx. 16 pages]

THURSDAY, SEPTEMBER 24

7. *Lecture Seven*

B. CRIMINAL JUSTICE AND THE RULE OF LAW

Substantive Criminal Law, Part 1

- **Text:** pp. 63-69;
- **Reader:** Collins, Lauren, "Friend Game: Behind the Online Hoax that Led to a Girl's Suicide," *The New Yorker*, January 21, 2008;
- **Reader:** Steinhauer, Jennifer, "Verdict in MySpace Suicide Case," *The New York Times*, November 27, 2008;
- **Reader:** Zetter, Kim, "Judge Acquits Lori Drew in Cyberbullying Case, Overrules Jury;" *Wired*, July 2, 2009;
- **Movie Recommendation:** *Anatomy of a Murder*;
- **Movie Recommendation:** *In Cold Blood*;
- **Movie Recommendation:** *Capote*.

Substantive Criminal Law, Part 2

- **Text:** pp. 69-75;
- **Reader:** Hoffman, Jan, "Crime or Error in Judgment? A Homicide Charge That's Tough to all," *The New York Times*, October 8, 1996;
- **Reader:** Madigan, Nick, "Woman Who Killed Spouse with Car is Guilty of Murder," *The New York Times*, February 14, 2003;
- **Reader:** Risen, James, "Soldier's Electrocution in Iraq was Negligent Homicide, Army Concludes," *The New York Times*, January 23, 2009;
- **Reader:** McCall, William, "Oregon Faith-Healing Pair Acquitted of Manslaughter," *Associated Press*, July 24, 2009;
- **Reader:** Relative, Saul, "Michael Jackson's Doctor's Office Raided," *Associated Content*, July 22, 2009;
- **Reader: Recommended Only**—Richmond, Riva, "Sexting May Place Teens at Legal Risk," *The New York Times*, March 26, 2009;
- **Reader: Recommended Only**—Brandt, Kimberly, "The X Factor: Child Porn Laws Ensnare Vengeful Teen," *The Legality*, June 11, 2008;
- **Reader: Recommended Only**—Hamill, Sean D., "Students Sue Prosecutor in Cellphone Photos Case," *The New York Times*, March 26, 2009;
- **Reader: Recommended Only**—Oei, Tinh-Yi, "My Students. My Cellphone. My Ordeal," *The Washington Post*, April 19, 2009;
- **Movie Recommendation:** *Panic*;
- **Movie Recommendation:** *Man on Fire*.

QUIZ

(Covers material since September 3; see also page 3)

TUESDAY, SEPTEMBER 29

8. *Lecture Eight*
[apx. 23 pages]

NOTE: POOL OF POSSIBLE ESSAY
QUESTIONS DISTRIBUTED
IN LECTURE

Procedural Criminal Law

- **Text:** pp. 75-87;
- **Reader:** *Review* pp. 202-206 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Thomas, Chandra R., "Why is Genarlow Wilson in Prison?" *Atlanta Magazine*, February 2007;
- **Reader:** cnn.com, "Wilson Released After Two Years Behind Bars for Teen Sex Conviction," October 27, 2007;
- **Movie Recommendation:** *A Few Good Men*;
- **Movie Recommendation:** *The Onion Field*.

PART II. THE POLICE

A. ORGANIZATION OF THE POLICE

THURSDAY, OCTOBER 1

9. *Lecture Nine*
[apx. 42 pages]

Structure and Function of the Police / Investigations

- **Text:** pp. 95-96, 108-115, and 117-130;
- **Reader:** Hahn, Harlan, and Jeffries, Judson L., "Police Functions in America," in *Urban America and its Police: From the Postcolonial Era through the Turbulent 1960s* (Boulder, CO: Univ Press of Colorado, 2003), pp. 17-34;
- **Movie Recommendation:** *Road to Perdition*;
- **Movie Recommendation:** *Police Academy*.

TUESDAY, OCTOBER 6

10. *Lecture Ten*

EXAMINATION I

(Covers material from September 3 through October 5, inclusive; see also page 3)

B. ISSUES AND TRENDS IN POLICING

THURSDAY, OCTOBER 8

11. *Lecture Eleven*
[apx. 30 pages]

Police Techniques: Methods and Response

- **Text:** pp. 130-145;
- **Reader:** Keizer, Kees, Siegwart Lindenberg, Linda Steg, "The Spreading of Disorder," *Science*, Dec. 12, 2008;
- **Reader:** Seabrook, John, "Don't Shoot; A Radical Approach to the Problem of Gang Violence," *The New Yorker*, June 22, 2009, pp. 32-41;
- **Movie Recommendation:** *Dirty Harry*;
- **Movie Recommendation:** *Fargo*;
- **Movie Recommendation:** *Beverly Hills Cop*.

TUESDAY, OCTOBER 13

12. *Lecture Twelve*
[apx. 26 pages]

Fairness, Force, Ethics, and Misconduct

- **Text:** pp. 147-160 and 174-175;
- **Text:** *Recommended Only*—pp. 161-174;
- **Reader:** Finnegan, William, "Sheriff Joe," *The New Yorker*, July 20, 2009, pp. 42-53;
- **Movie Recommendation:** *In the Heat of the Night*;
- **Movie Recommendation:** *Serpico*;
- **Movie Recommendation:** *L.A. Confidential*;
- **Movie Recommendation:** *Training Day*.

C. POLICE & CONSTITUTIONAL LAW

THURSDAY, OCTOBER 15

13. *Lecture Thirteen*
[apx. 33 pages]

Police and Constitutional Law, Part 1

- **Text:** *Review* pp. 75-83;
- **Text:** pp. 177-191;
- **Reader:** Barnes, Robert, "Supreme Court Limits Warrantless Car Searches," *The Washington Post*, April 22, 2009;
- **Reader:** Wallentine, Ken, "PoliceOne Analysis: *Arizona v. Gant*" PoliceOne.com News, April 22, 2009;
- **Reader: Recommended Only**—*Arizona v. Gant*, 556 U.S. ____ (2009);
- **Movie Recommendation:** *The Thin Blue Line*;
- **Movie Recommendation:** *Zodiac*.

TUESDAY, OCTOBER 20

14. *Lecture Fourteen*
[apx. 29 pages]

Police and Constitutional Law, Part 2

- **Text:** pp. 191-199;
- **Reader:** Leo, Richard A., "Miranda's Revenge: Police Interrogation as a Confidence Game," in *Law in Action: A Socio-Legal Reader*, ed. Macauley, Stewart, Friedman, Lawrence M., and Mertz, Elizabeth (Foundation Press: New York, 2007), pp. 58-75;
- **Reader: Recommended Only**—Johnson, Tracy, "Ruse to Get Suspect's DNA Upheld—'Very Scary,' Privacy Expert Says," *Seattle Post-Intelligencer*, May 10, 2007;
- **Movie Recommendation:** *The Untouchables*.

PART III. CRIMINAL TRIALS

A. THE COURT SYSTEM AND THE ROLE OF THE JUDGE

THURSDAY, OCTOBER 22

15. *Lecture Fifteen*
[apx. 48 pages]

Structure of Courts and the Role of the Judge

- **Text:** pp. 201-211;
- **Reader: Review** pp. 189-193 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Weiss, Joanna Cohn, "Tough on Crime: How Campaigns for State Judiciary Violate Criminal Defendants' Due Process Rights," *New York University Law Review*, Vol. 81:1101-1136, June, 2006;
- **Movie Recommendation:** *Gideon's Trumpet*;
- **Movie Recommendation:** *First Monday in October*.

B. THE ROLE OF THE PROSECUTING ATTORNEY

TUESDAY, OCTOBER 27

16. *Lecture Sixteen*
[apx. 24 pages]

Prosecutorial Discretion and the Decision to Charge

- **Text:** pp. 211-217;
- **Reader:** Cole, George F., "The Decision to Prosecute," in Cole et al, *The Criminal Justice System*, pp. 200-210;
- **Reader:** Wieser, Benjamin, "Doubting Case, A Prosecutor Helped the Defense," *The New York Times*, June 23, 2008;
- **Movie Recommendation:** *Presumed Innocent*.

C. THE ROLE OF THE DEFENSE ATTORNEY

THURSDAY, OCTOBER 29

17. *Lecture Seventeen*
[apx. 29 pages]

NOTE: POOL OF POSSIBLE ESSAY
QUESTIONS DISTRIBUTED
IN LECTURE

Image and Reality of Criminal Defense

- **Text:** pp. 217-227;
- **Reader:** Freedman, Monroe H. and Smith, Abbe, "Understanding Lawyers' Ethics," in Sarat, *The Social Organization of Law*, pp. 293-297;
- **Reader:** Dwyer, Jim, Peter Neufeld, Barry Scheck, "Sleeping Lawyers," in *Actual Innocence: When Justice Goes Wrong and How to Make it Right* (New American Library, NY: 2003), pp. 237-249;
- **Movie Recommendation:** *Primal Fear*;
- **Movie Recommendation:** *Jagged Edge*.

D. THE PRETRIAL PROCESS AND "RIGHT TO TRIAL"

TUESDAY, NOVEMBER 3

18. *Lecture Eighteen*
[apx. 38 pages]

The Adversarial Process and Plea Bargaining

- **Text:** pp. 229-244;
- **Reader: Review** pp. 193-196 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Emmelman, Debra S., "Trial by Plea Bargain: Case Settlement in the Justice Process," *Law and Society Review* Vol. 30, 1996; reprinted in *Consequences: Readings in Criminal Justice* (Thompson: 2004), pp. 33-61;
- **Movie Recommendation:** *The Accused*;
- **Movie Recommendation:** *A Time to Kill*;
- **Movie Recommendation:** *Roman Polanski: Wanted and Desired*.

THURSDAY, NOVEMBER 5

19. *Lecture Nineteen*

EXAMINATION II

(Covers material from October 7 through
November 4, inclusive; see also page 4)

E. THE CRIMINAL TRIAL

TUESDAY, NOVEMBER 10

20. *Lecture Twenty*
[apx. 25 pages]

The Courtroom and the Jury

- **Text:** pp. 244-255;
- **Reader: Review** pp. 196-200 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Burnett, Sr., Arthur L., "Jury Reform for the 21st Century: A Judge's Perspective," *Criminal Justice*, Spring 2005, pp. 32-39;
- **Reader:** Carter, Terry, "The Verdict on Juries," *ABA Journal*, April 2005;
- **Reader: Recommended Only**—Shelton, Donald E., "The 'CSI Effect': Does It Really Exist?" *National Institute of Justice*, Journal No. 259, March 2008;
- **Movie Recommendation:** *Twelve Angry Men*;
- **Movie Recommendation:** *To Kill a Mockingbird*;
- **Movie Recommendation:** *My Cousin Vinny*;
- **Movie Recommendation:** *Hurricane*;
- **Movie Recommendation:** *True Crime*.

THURSDAY, NOVEMBER 12

21. *Lecture Twenty-One*
[apx. 25 pages]

TUESDAY, NOVEMBER 17

22. *Lecture Twenty-Two*
[apx. 37 pages]

THURSDAY, NOVEMBER 19

23. *Lecture Twenty-Three*
[apx. 38 pages]

F. SENTENCING

Wrongful Convictions / Sentencing Policy

- **Text:** pp. 257-267 and 275-285;
- **Reader:** Collins, Winn S., "Looks Can Be Deceiving: Safeguards for Eyewitness Identification," *Wisconsin Lawyer* March 2004, pp. 8-11 and pp. 50-51;
- **Reader: Recommended Only**—Dwyer, Jim, Peter Neufeld, Barry Scheck, "False Confessions," in *Actual Innocence*, pp. 101-137;
- **Reader: Recommended Only**—Weinberg, Steve, "Keystone Cops at the Police Lab," *Miller-McCune*, July-August 2009, pp. 24-29;
- **Movie Recommendation:** *The Fugitive*.

The Death Penalty, Part 1

- **Text:** pp. 267-274;
- **Reader:** Banner, Stuart, "Resurrection," in *The Death Penalty: An American History* (Cambridge MA: Harvard Univ. Press, 2002), pp. 267-295;
- **Movie Recommendation:** *Deadline* (documentary);
- **Movie Recommendation:** *The Green Mile*.

The Death Penalty, Part 2

- **Reader:** Banner, Stuart, "Resurrection," in *The Death Penalty: An American History*, pp. 295-305;
- **Reader** Turow, Scott, "Law and Murder: Michelle Thompson and Jeanine Nicarico," and "A Death Penalty Agnostic," in *Ultimate Punishment: A Lawyer's Reflections on Dealing with the Death Penalty*, (New York, NY: Farrar, Straus, and Giroux, 2003), pp. 3-15;
- **Reader:** Turow, Scott, "The Commission's Report and its Aftermath" in *Ultimate Punishment*, pp. 89-102;
- **Movie Recommendation:** *Dead Man Walking*;
- **Movie Recommendation:** *The Life of David Gale*.

PART IV. CORRECTIONS

A. HISTORY AND STRUCTURE OF CORRECTIONS

TUESDAY NOVEMBER 24

24. *Lecture Twenty-Four*
[apx. 39 pages]

History and Theory of Incarceration

- **Text:** pp. 287-295;
- **Reader: Review** pp. 197-200 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*;
- **Reader:** Elsner, Alan, "Entering the Gates," in *Gates of Injustice: The Crisis in America's Prisons* (Upper Saddle River, NJ: Prentice Hall, 2004), pp. 29-57;
- **Reader:** Anton, Mike, "About To Do Time? Meet Your Best Pal," *Chicago Tribune*, February 27, 2009;
- **Movie Recommendation:** *The Last Castle*;
- **Movie Recommendation:** *The Big House*.

TUESDAY, DECEMBER 1

25. *Lecture Twenty-Five*
[apx. 30 pages]

The "Super-Max" Prison

- **Text:** pp. 295-313;
- **Reader:** Comp, Nathan J., "The New Supermax," *Isthmus*, March 29, 2007;
- **Reader:** Gawande, Atul, "Hellhole," *The New Yorker*, March 30, 2009;
- **Reader: Recommended Only**—Wisconsin Department of Corrections, *General Segregation Status (Adjustment-Program) Handbook*;
- **Movie Recommendation:** *The Birdman of Alcatraz*;
- **Movie Recommendation:** *The Rock*.
- **Movie Recommendation:** *Escape from Alcatraz*.

THURSDAY, DECEMBER 3

26. *Lecture Twenty-Six*
[apx. 17 pages]

Alternatives to Incarceration

- **Text:** pp. 315-331;
- **Movie Recommendation:** *Taps*;
- **Movie Recommendation:** *Boys Town*;
- **Movie Recommendation:** *Crime School*.

TUESDAY, DECEMBER 8

27. *Lecture Twenty-Seven*
[apx. 23 pages]

The American Prison

- **Text:** pp. 333-346 and 360-361;
- **Text: Recommended Only**—346-359;
- **Reader:** VanEgeren, Jessica, "Prison is Revolving Door for Mentally Ill, Who Don't Get Needed Meds," *The Capital Times*, June 9, 2009;
- **Reader: Recommended Only**—Raeder, Myrna S., "A Primer on Gender-Related Issues that Affect Female Offenders," *Criminal Justice*, Spring 2005, pp. 5-21;
- **Movie Recommendation:** *Shawshank Redemption*;
- **Movie Recommendation:** *Cool Hand Luke*;
- **Movie Recommendation:** *The Farm* (documentary);
- **Movie Recommendation:** *Scared Straight* (documentary).

THURSDAY, DECEMBER 10

28. *Lecture Twenty-Eight*

[apx. 38 pages]

TUESDAY, DECEMBER 15

29. *Lecture Twenty-Nine*

[apx. 9 pages]

SATURDAY, DECEMBER 19

2:45 TO 4:45 PM

LOCATION TBA

C. RELEASE, PAROLE, AND COMMUNITY SUPERVISION

Release and Readjustment

- **Text:** pp. 363-379;
- **Reader:** Ross, Jeffrey Ian and Stephen C. Richards, "Preparing for Release from Prison" and "Free at Last," in *Beyond Bars: Rejoining Society After Prison* (Alpha Books, New York: 2009), pp. 1-24;
- **Movie Recommendation:** *The Woodsman*;
- **Movie Recommendation:** *Double Jeopardy*;
- **Movie Recommendation:** *Ocean's Eleven*.

Conclusion

- **Reader:** Town, Stephen, and Randal O'Toole, "Crime-Friendly Neighborhoods: How 'New Urbanist' Planners Sacrifice Safety in the Name of 'Openness' and 'Accessibility'," *reasononline*, www.reason.com, February 2005;
- **Reader:** Klein, Allison, "Major Cities' Plummeting Crime Rates Mystifying," *The Washington Post*, July 20, 2009;
- **Reader: Review** pp. 180-206 of Friedman, "Crimes and Punishments," in *American Law: An Introduction*.
- **Movie Recommendation:** *Minority Report*;
- **Movie Recommendation:** *The Paper Chase*;
- **Movie Recommendation:** *Legally Blonde*.

EXAMINATION II I (Note Format: 50 Scantron Questions only)

- (Covers material from November 7 through December 18, inclusive; see also page 4)