INSTRUCTOR INFORMATION

Name: Susan K. Cable, Professor of Law and Criminal Justice  
Office: Damon Campus, Room 4168; Brighton Campus, Room 10-102  
Telephone: 262-1771  
If I am not in my office when you call, you will hear a recorded message from me. You can leave a message for me any time of day or night.  
E-mail: scable@monroecc.edu

I check my telephone voice mail and my e-mail several times daily, so I will receive your message promptly.

Please send e-mail to me only from your MCC e-mail account. Otherwise your message may be blocked by MCC's spam filter or may be diverted to my junk mail folder.

Each currently registered MCC student has an MCC e-mail account. Please check your MCC e-mail daily for important messages about courses (including this one) and other MCC activities. You can access your e-mail account from the MCC web page. Click on “Current Students.” Then click on “E-mail log in” on the right side of the page. For help in logging on or for other questions about your e-mail account, click on the drop-down “E-mail Help” menu beneath the log-in box.

Webpage: I have an individual web page on the MCC website from which students can obtain information and documents related to this course. To access my web page, go to the MCC homepage and in the A-Z directory, click on "F", then "Faculty Web Pages", then "Cable, Susan".
There also is a link to the web page on my MCC directory page, which can be accessed through the Faculty/Staff directory.

Office Hours:  
Damon Campus  
Monday & Wednesday 1:00 – 2:00 pm  
Tuesday and Thursday 11:00 am – 12 pm  
or by appointment

Brighton Campus  
Tuesday and Thursday 3:30-4:00 pm, or by appointment
REQUIRED COURSE MATERIALS

3. Folder or notebook for handouts and class notes

STUDENTS MUST BRING BOTH BOOKS TO CLASS EVERY DAY, because we will spend a considerable amount of class time referring to information in the texts.

COURSE DESCRIPTION

This course is a study of New York State's Criminal Procedure Law. "Criminal procedure" is the process by which a criminal case is begun and then moves through the criminal justice system. The Criminal Procedure Law sets forth the rules which apply to this process in New York State.

We will begin the semester with an introduction to the structure and jurisdiction of New York's criminal courts, an overview of the court process, and an introduction to the study of statutory law. We will then examine the procedures for bringing a defendant to court: arrest, summons, and appearance ticket. Next will be an examination of the following steps in the criminal court process: accusatory instruments, arraignment, bail, preliminary hearings, grand jury, pretrial procedures (discovery, pretrial motions, and pretrial hearings), trial, and non-trial dispositions (including guilty pleas). Other topics that may be covered as time allows include the following: sentence, post-conviction remedies, an overview of other constitutional rights of defendants (including search and seizure, the privilege against self-incrimination, right to counsel, and identification procedures), time limitations upon criminal prosecutions, and the circumstances under which a second prosecution of the same offense is prohibited ("double jeopardy").

EXPECTED STUDENT OUTCOMES

Upon successful completion of this course, the student will accomplish the following:

1. Demonstrate proficiency in
   a) using the New York State Criminal Procedure Law as a reference tool, and
   b) applying the statutes to hypothetical problems.
2. Outline the chronology of a New York State criminal prosecution, from filing of the initial accusatory instrument through appeal after conviction, and explain each step of the process, for both felony and misdemeanor offenses.

3. Explain New York’s grand jury system and discuss the pros and cons of grand jury secrecy and New York’s rules on immunity from prosecution.

4. Apply the constitutional and/or statutory rules governing:
   a) timeliness of prosecutions,
   b) subject matter jurisdiction, and
   c) geographical jurisdiction.

ATTENDANCE AND WITHDRAWAL POLICIES

See the College's policy on attendance and withdrawal, as stated on pp. 240-241 of the 2009-2010 MCC Catalog/Student Handbook.

Regular class attendance is an absolute must, since the material covered during class time will not be available through any other source (i.e., textbook or outlines). Attendance will be taken at the beginning of each class session. **Students who arrive late after attendance has been taken will be marked absent for that class period.** If a student must miss a class for any reason, it is his or her responsibility to obtain permission to attend another section of the missed class or to obtain the content of the missed class from another student's notes, and to obtain any handouts which were distributed during the missed class. **Excessive unexcused absences may result in a grade of "F" or the student's involuntary withdrawal from the course.**

CLASS CANCELLATIONS

College wide class cancellations or closings due to weather or other emergencies will be reported to local radio and television stations no later than 5:30 am and will be noted on MCC’s website. Please do not call the College or media outlets, as this will cause overloading of the phone lines.

If it is necessary for me to cancel individual classes because of illness or for other reasons, the cancellation will be listed on MCC’s website (use the A-Z index to click on class cancellations) and on the class cancellation phone line, 292-2066 (press 1 for the Brighton campus and 2 for the Damon campus). Also, an e-mail announcing the cancellation will be sent to the MCC e-mail account of every student in the class.
LEARNING AND RESOURCE CENTERS

The Electronic Learning Centers at the Brighton (11-106) and Damon (4-071) campuses provide a central location for students to use computers, audio-visual equipment and materials. In addition, there are discipline-specific learning and resource centers on both campuses that provide tutoring services and video instruction or computer software. At the Damon Campus, these services are provided for multiple disciplines in one location, the Integrated Learning Center (4-258). For a list of learning and resource centers and their locations and phone numbers, go to the MCC Web Page, click on “College Directory” at the top of the page, then click on “Learning/Resource Centers”.

The Law and Criminal Justice Department also has a Legal Learning Resource Center, which is available to all Criminal Justice students during posted hours. The LLRC is located next to the Law and Criminal Justice office suite at the Damon Campus, Room 4-160.

ACADEMIC HONESTY

Students are expected to be familiar with and to comply with MCC’s Academic Honesty policy, which can be found on pp. 247-248 of the 2009-2010 MCC Catalog/Student Handbook. Students also are expected to comply with my instructions regarding completion of written assignments, use of outside materials during exams, and so forth. Depending upon the severity of the offense, an act of academic dishonesty may result in a penalty ranging from a grade of zero on an assignment or exam to a final grade of “F” for the course.

COURSE REQUIREMENTS

Students in this course are expected to attend all classes and to familiarize themselves thoroughly with the assigned reading material BEFORE class. It is anticipated that the emphasis in this course will be upon class participation, rather than delivery of the material by straight lecture. Students will be called upon in class to discuss the day's subject matter and should come to class prepared accordingly.

EXAMINATIONS AND HOMEWORK

There will be three non-comprehensive examinations. All three examinations will be open Criminal Procedure Law only. The examinations will consist primarily of multiple choice and short answer questions. Examination dates will be announced in class at least one week prior to the examination, and a review sheet will be distributed that will summarize the topics to be covered on each exam. There will be written homework in the form of the news article submissions discussed below, and possibly other written assignments. There may be occasional unannounced quizzes as well.
COURT WATCH REPORT

In addition to the assessments described above, each student is required to participate in a court watch experience and to write a report about his/her experience. Students are expected to devote, at a minimum, one to two hours to observing criminal proceedings in a New York State courtroom. Each student will write a report answering specific questions about his/her courtroom observations and will participate in a class discussion about the court watch experience.

Specific details about the court watching process and the form and content of the court watch report will be provided in a separate handout.

The court watch report MUST be turned in by the deadline (to be announced later). The grade of any report turned in late will be reduced by a full letter grade for each day the paper is overdue. For example, an "A" paper which is turned in two days late will be graded as a "C".

NEWPAPER ARTICLES

As discussed later in this course outline, class attendance and participation are a major component of the student's final grade. A significant portion of the class participation grade will be based upon the student submitting current newspaper articles concerning New York State criminal procedure. Written guidelines for submitting newspaper articles will be provided in a separate handout.

MAKE UP POLICIES

A student who misses a class, for whatever reason, should make arrangements with me to attend another section of the missed class. If making up the class is not possible, the student will be held responsible for borrowing another student's notes and/or discussing what happened in class with other students. It will be the student's responsibility to obtain from me any materials that were distributed during a missed class and to complete any work that was assigned.

All examinations and quizzes MUST be taken on the assigned date. Students will not be permitted to make up examinations which were missed without a legitimate excuse and will receive a grade of "0" for the missed exam. There are no make-ups for missed quizzes.

Whenever possible, a student who must miss an examination should notify me before the exam takes place. If you cannot contact me before the examination, you must contact me as soon as possible after the exam. Remember that you can leave a message for me at my phone number any time, even if I am not there to take your call. You also can e-mail me at any time.

CLASSROOM ENVIRONMENT

Every student has the right to a classroom environment that is conducive to learning. Every
student also has the responsibility to do his or her part to maintain the appropriate learning environment in this class. In order to assure that an appropriate learning environment will exist for everyone, students asked to comply with the following expectations:

1. Arrive for class on time.

2. Do not pack up early.

3. Please arrange your schedule so that you will be present for the entire class period. If there is a compelling reason why you must leave early, please inform me in advance and leave as quietly as possible so as to minimize the disturbance to others.

4. Do not leave and then reenter the classroom after class has begun. Please use the restroom facilities and take care of other personal needs before class. If you have a medical problem or other concern that may make it necessary for you to leave the room during class, please speak to me privately before class begins.

5. All electronic devices (including but not limited to cell phones and pagers) must be silenced and out of sight during class. Students are not permitted to use electronic devices for any purpose during class (no text messaging, checking e-mail or phone messages, internet searches, games, music, etc.). Students are not permitted to leave the room during class to answer phone calls or pages. Exceptions will be made only for urgent situations. If you anticipate possibly receiving an urgent call, please inform me before class.

6. Audio and video recording during class is permitted only with my prior permission. Please let me know in advance if you would like to record the class session so that you can review later.

7. Laptop computers may be used during class time only for note-taking or other in-class, course-related work. Any student who uses a laptop for purposes not related to class, or to complete out-of-class work during class time, will be instructed to leave the laptop at home for the remainder of the semester.

7. No food is to be consumed in the classroom.

8. No smoking, tobacco chewing, or tobacco spitting is allowed in the classroom.

9. You may consume beverages (soft drinks, coffee, etc.) during class, if it is done so as to avoid damage to the classroom facilities and/or disruption of class. Students who consume beverages are expected to properly dispose of their own cans, bottles, or cups.

10. Please listen attentively to the instructor and to other students who are participating in class
discussion. Please do not talk while the instructor or another student is speaking to the class, and raise a hand if you wish to join in the class discussion.

GRADING

The student's final grade for the course will be based upon the following five components:

- Exam #1 20%
- Exam #2 20%
- Exam #3 20%
- Court Watch Report 20%
- Attendance/Participation 20%

(Includes: newspaper articles and any other written homework; class preparation, participation, and demeanor; and quizzes, if any)

The student's final grade will be a letter grade, based upon the following numerical breakdown:

- A 93 or above
- A- 90-92
- B+ 88-89
- B 82-87
- B- 80-81
- C+ 78-79
- C 72-77
- D+ 68-69
- D 62-67
- D- 60-61
- F Below 60
- W Withdrawn from course
- I Failure to complete course requirements

COURSE SYLLABUS

Please note: Some topics listed in the syllabus may be deleted or edited due to time constraints, and the order in which units are covered may be changed. Any changes will be announced in class.

The reading assignments outlined below include selections from the CPL and the Study Guide. There may be additional reading assignments in the form of handouts. The assignments listed are for the entire unit, which in many instances will require multiple class periods to complete. The daily reading assignments will be announced in class. Students are expected to complete the assigned daily reading before coming to class.

Topic #1: Introduction to Criminal Procedure
Study Guide pp. 1-11

Topic #2: The Criminal Courts (Subject Matter Jurisdiction)
1. Study Guide pp. 13-16 and 17-21 (sample accusatory instruments)
2. CPL Sections 10.10, 10.20, and 10.30

Topic #3: Arrest and Related Matters

Summons:
2. CPL Sections 130.10, 130.20, 130.30(1), and 130.50

Appearance Ticket:
2. CPL Sections 150.10(1), 150.20(1), 150.50, 150.60

Arrest with a Warrant:
1. Study Guide pp. 25-27
2. CPL Sections 120.10, 120.20, 120.30(1), 120.50, 120.70, 120.80, 120.90(1)

Arrest without a Warrant:
1. Study Guide pp. 27-28; Payton v. NY, pp. 30-31
2. CPL Sections 140.10, 140.15, and 140.20(1) (first sentence only)

Stop and Frisk:
1. Study Guide pp. 29
2. CPL Section 140.50

Topic #5: Arraignment and Bail

1. Study Guide pp. 53-56
2. CPL Sections 170.10, 180.10, and 210.15 (arraignment procedures)
3. CPL Sections 510.30, 530.20, 530.30, 530.40 (bail determinations)

Topic #6: Preliminary Procedures for Felonies

1. Study Guide pp. 57-62
2. CPL Sections 180.60-180.80

Topic #7: Grand Jury

A. Organization and functions of grand jury:
2. CPL Sections 190.05-190.25; 190.50-190.70; 190.75-190.90, subd. 1
B. Immunity: Topic #8, Study Guide pp. 73-76

C. The debate over grand jury secrecy: Study Guide pp. 68-72

**Topic #9: Guilty Pleas and other Non-trial Dispositions**

Plea Negotiations and Guilty Pleas
1. Study Guide pp. 77-80
2. Study Guide pp. 89-91 (news articles)
3. Study Guide p. 87-88 (hypothetical problems for class discussion)

Other Non-trial Dispositions
1. Study Guide pp. 80-86
2. CPL Section 170.55 (ACD)
3. Study Guide pp. 92-94b (news articles)

**Topic 10: Discovery, Pretrial Motions, and Pretrial Hearings**

2. CPL Section 710.20 (grounds for motion to suppress)
3. CPL Section 710.30 (notice requirement)

**Topic #11: Juror Qualification and Sources of Jurors**

Study Guide pp. 129-132, 133-134 (P. v. Guzman)

**Topic #12: Trial**

1. Study Guide pp. 135-143a; 144-152 (sample documents)
2. CPL Article 260; CPL Sections 270.05, 360.05, 360.10, and 360.40 (jury trial)
3. CPL Article 320 (non-jury trial)

Material from some of the following topics in the Study Guide may be covered as time allows and/or may be incorporated into discussions of Topics #1-12 in the syllabus above.

**Topic #4: Search and Seizure**

1. Study Guide pp. 34-52
2. CPL Sections 690.05 through 690.36; 690.45 through 690.55
Topic #13: Sentence
   Study Guide pp. 153-161

Topic #14: Post-Conviction Remedies
   Study Guide pp. 162-163

Topic #15: Introduction to the Exclusionary Rule
   Study Guide pp. 164-165

Topic #16: The Privilege Against Self-Incrimination
   Study Guide pp. 166-167

Topic #17: Right to Counsel
   Study Guide pp. 168-169

Topic #18: Identification Procedures
   Study Guide pp. 170-172

Topic #19: Geographical Jurisdiction of Offenses
   1. Study Guide pp. 173-175
   2. CPL Sections 20.20, 20.40, 20.50, 20.60

Topic #20: Timeliness of Prosecution and Speedy Trial
   1. Study Guide pp. 176-181
   2. CPL Sections 30.10, 30.20, 30.30

Topic #21: Exemption from Prosecution by Reason of Previous Prosecution ("Double Jeopardy")
   1. Study Guide pp. 182-185
   2. CPL Sections 40.10; 40.20, subd. 1; and 40.30