

Law 2 – Baker

PLEASE READ THIS ENTIRE EMAIL.

This schedule will be for the weeks of March 16-20, March 23-27 and March 30-April 3.

Here is your schedule of assignments to follow until we return to school. You know how to complete the work and the quality of work that I expect in class, and these assignments are no different. Each day will have a different assignment but you will have your choice of topics.

I have attached the Microsoft word doc versions of the assignments for you to review. YOU DO NOT NEED TO USE THESE DOCS, but please try to submit your work as close to the format as possible.

You have the option to submit the work on paper when we return to school, OR through a google doc that you share with me at paul.baker@edisonwildcats.org.

I will check my email and answer questions ABOUT THE ASSIGNMENTS several times a day, and I promise I will try to reply within 6 hours.

Finally, I have no idea how long we will be out of school. Honestly, I will find out the same time you find out. Please don't ask me.

There will be paper copies available in the office EHS if you want to pick them up.

I have attached the CH 12, 13 and 14 powerpoints, chapter reviews and information for "YOU MAKE THE TEST" assignments. Complete the chapter reviews and the "TESTS"

CH 12 is due March 20

CH 13 is due March 27

CH 14 is due April 3

GO WILDCATS

-Baker

CH 12 Criminal Justice Process: The Investigation

ARREST

- Takes place when a person is taken into custody
- One of two ways:
 - With an arrest warrant
 - Based on probable cause (warrantless arrest)

MIRANDA RIGHTS

- Miranda v. Arizona 1966
- Any info given before being read rights is subject to the exclusionary rule
- But does not affect the validity of an arrest

ARREST WARRANT

- Court order from a judge commanding that the person is to be taken into custody



PROBABLE CAUSE

- Having a "reasonable belief" that a person has committed a crime
- Drug dealer profile
- Racial profiling
- Age discrimination
- Suspicious activity/clothing

EXCLUSIONARY RULE

- Any evidence that is collected through an "unreasonable search" will not be permitted as evidence
- This is how to "stop" an "unreasonable" search/seizure

4TH AMENDMENT

- Outlaws "unreasonable" searches and seizures
- Can you stop an "Unreasonable" Search or Seizure?
- Need to balance a persons right to privacy against public safety and the need to gather information
- There is no absolute right to privacy
- Not All searches are prohibited only the unreasonable searches

WARRANTLESS SEARCHES

- Plain view
- With consent
- Stop and frisk
- During lawful arrest
- Border and airport searches
- Vehicle searches
- Hot pursuit
- Emergency situations
- ALL CONSIDERED REASONABLE

05, 1539M

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SEARCH WARRANT

- Court order to search is a reasonable search
- Affidavit – testimony used to obtain a search warrant convincing a judge of the need for a search
- Residents will be detained or taken into custody during the search
- Conducted during daylight hours most of the time

- An officer does not need a "reasonable belief" to stop and question an individual
- Stop and Frisk – if there is suspicion of being "armed and dangerous"
- Police are not legally permitted to take silence or refusal to search as a "reasonable belief"

INTERROGATIONS

- Question the accused
- Balancing the need to question suspects and a person's constitutional rights...
- 5th Amendment – protection against self-incrimination
- The government bears the burden of proof, therefore a suspect doesn't need to testify.

SCHOOL SEARCHES

- 4th amendments rights end at the entrance to a school
- Courts have granted permission to search purses, backpacks, lockers, pockets, jackets, vehicles, locker rooms, water bottles, any school property being used by a student...
- Courts do not allow strip searches

Law CH 13
Proceedings before
the trial

Booking

- Formal process of making a police record of the arrest
- Take name, address, dob, place of employment & info on previous arrests
- Fingerprinted and photographed
- May take fingernail clippings, DNA samples, urine samples and/or handwriting samples

Initial appearance

- Judge will explain the defendant's rights
- And advise def of the exact nature of the charges
- Def is given the opportunity to obtain an attorney or one is provided
- In a misdemeanor case, the def will enter a plea of guilty/not guilty
- Determine release/bail

Bail

- \$ for pretrial release
- Will assure the court that the def will return for the trial
- If def does not return for trial he/she forfeits the \$
- If def cannot make bail, he/she may use a bail bond... pay someone else to put up the \$, usually 10%

Personal Recognizance

- aka personal bond
- Def promises to return and is not considered to be a threat to society

Other conditions

- Placing the def in custody of a third party
- Requiring the def to get/maintain a job
- Reside at a certain address
- Report in on a regular basis

Plea Bargaining

- ◎ Granting certain concessions to a defendant in exchange for a guilty plea
- ◎ A form of negotiating
- ◎ 90% of cases end this way

Pretrial Motions

- ◎ Formal request to the court to take action or make a ruling
- ◎ Some common motions:
 - > Discovery of evidence: defense has a chance to examine prosecutor's evidence
 - > Continuance: ask for more time to prepare the case
 - > Change of Venue: change location of trial
 - > Suppress evidence: certain evidence is not permitted in the trial

Exclusionary Rule

- ◎ Any evidence obtained during an "unreasonable search" is excluded from the trial

Preliminary Hearing

- ◎ A Grand Jury determines if there is enough evidence to continue with the case
- ◎ Grand Jury is a group of 16-23 people that review the facts
- ◎ If the Grand Jury determines there is sufficient evidence, they will issue an indictment
- > If not, the charges are dismissed

Felony Arraignment & Pleas

- ◎ "Guilty" – Judge sets a date for sentencing
- ◎ "Not Guilty" – Judge sets a date for trial
- > Also asks if def wants a jury trial or bench trial (trial by Judge)
- ◎ "Nolo Contendere" – aka "No Contest"
 - > Def does not admit guilt, but does not contest the charges
 - > Equivalent to pleading guilty
 - > Move directly to sentencing

The Trial CH 14

Right to trial by jury

- * Def can waive this right and have a bench trial

Right to a Speedy and Public Trial

- * What is the definition of "Speedy"
- * Some states have specific time limits
- * Ohio
- * Misdemeanor – 90 days
- * Felony – 270 days
- * Def can waive this right

Due Process

- * Fair procedures
- * 5th Amendment – Federal level
- * 14th Amendment – State level
- * Applies to all human beings
- * Procedural – how?
- * Substantive – why?

Jury Selection

- * Usually 12 people
- * Determine the facts of the case
- * Voir dire examinations
- * Removal for cause
- * Pre-emptory challenges

Right to Confront Witnesses

- * Allows def to ask witnesses questions
- * Defense attorney will question witnesses

Appeals

- * Only if there is an error of law
- * Motion to suppress evidence is denied... trial continues... def found guilty - APPEAL
- * Appellate court
- * No jury, no new evidence, only concerned with the evidence that was not suppressed
- * Affirm decision of trial court - appeal to next level
- * Reverse decision - new trial
- * Remand to trial court - new laws have been passed that may affect the outcome of the appeal

Freedom from Self-Incrimination

- * Def does not have to testify against him/herself
- * During questioning
- * During trial

Right to an Attorney

- * The Prosecution will have access to a number of resources...
- * Forensics, psychiatrist, medical staff
- * The Defendant should accept the help of a lawyer

You make the TEST

Create a test covering this material
Use Chapter notes and textbook

Multiple Choice, Matching, T/F, Fill-in – 1pt each
Short Answer – 2pts

Must have ONE Essay – 10pts using one of these:

**Apply, complete, construct, demonstrate,
diagram, illustrate, interpret, operate,**

practice, create, sketch, use, justify, rate,

support, compare, plan

And create an answer sheet

Must be at LEAST 40 Points

Due by the end of the class