CRM 425 TRIALS OF THE CENTURY Fall 2015

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Required Text:
-Outrage, by Bugliosi.
-Summer of the Gods, by Larson.
-A Death in the Delta, by Whitfield.

Optional Study Materials:
The Beatles "White" Album.

Course Objectives:
In 1904, Supreme Court Justice Oliver Wendell Holmes, Jr. stated, "Great cases, like hard cases, make bad law. For great cases are called great, not by reason of their real importance in shaping the law of the future, but because of some accident of immediate overwhelming interest which appeals to the feelings and distorts the judgment". Indeed, many great cases in recent memory have evoked strong emotional responses. Sadly, many impressions of the current state of our criminal justice system (and many suggestions for its future) are based upon cursory knowledge of popular trials. In this class we will look at some of these popular trials in depth. We will see that these cases rarely represent the true state of our criminal justice system. They are unusual cases, which should not be used to make judgments about how our system should be modified. Note that this course seeks to analyze important criminal trials, all of which took place during the Twentieth Century. The cases covered will vary from semester to semester and may occasionally include cases from the Nineteenth Century. Thus, the course title is not meant to refer to a particular historical period. It merely reflects the importance of these individual cases. Actually, over thirty trials were dubbed “trial of the century” by the media during the Twentieth Century. Unfortunately, we cannot cover them all.

The basis for selecting these particular trials is that they reflect important constitutional, social, and even psychological issues. Though they are not representative trials, they are all important. For example, the Simpson murder trial revealed much about the current state of race relations in America. It also stimulated calls for various reforms in the legal system. The same can be said of the Hinckley case, which started a movement to abolish the insanity defense in the United States. While stopping short of abolishing the insanity defense, it did impose new limitations on insanity claims. Among those were new restrictions on psychiatric testimony concerning ultimate issues in criminal trials. You will undoubtedly notice as the semester unfolds that few of these cases actually resulted in great legal changes. Often, they merely reflected social issues outside of the legal realm. The Scopes case provides a good example in that regard.

Grading Scheme:
You will all take three tests. Test one will cover Outrage and the Jeffrey MacDonald trial. Test two will cover the Hinckley trial, the Von Bulow appeal, and Summer of the Gods. Test three (the final) will cover the Manson case and A Death in the Delta.

Each test will be equally weighted. Ten percent grade cutoffs are employed.
Note: I will take attendance this semester. If you miss a class it is no big deal. If you miss two classes I will attach a minus to your final grade. For every additional absence I will deduct a letter grade.

LECTURE TOPICS:

Week 1 Course Introduction.

Week 2 O. J. Simpson:
Reasonable doubts? The concept of burden of proof in criminal trials.
An overview of the DNA evidence in the Simpson case.
A closer look at the Simpson jurors.

Week 3 Simpson Continued:
Prosecutorial and judicial errors in the Simpson case. The change of venue
Ito’s mistakes
Evidence withheld
A bad summation

Week 4 Jeffrey Macdonald:
The power of circumstantial evidence v. physical evidence.

Week 5 Test One.

Week 6 John W. Hinckley, Jr:
Discussion of the insanity defense in general.
Specific discussion of what went wrong with this case. Was it the law? The jury? Both? Neither?

Week 7 John Thomas Scopes:
Notes on historical/social context of the case coupled with analysis of transcripts, especially defense arguments.
Void for vagueness doctrine
Threats to free expression and academic freedom

Week 8 The Von Bulow Trials.

Week 9 Test Two.

Week 10 The Manson Family:
Criminal conspiracies and special rules for trials of co-defendants.

Week 11 Manson Continued:
Analysis of the trial, the man, and the motive(s).

Week 12 The Emmett Till Case: A Death in the Delta.

Week 13 Test Three

Course Learning Objectives:
1. Expand student understanding of the role that great criminal trials have played in shaping public opinion of our system of justice;
2. Develop student ability to analyze and critique judicial rulings and trial strategy decisions in numerous major American criminal cases;
3. Increase student knowledge of the fact that “course learning objectives” are mandated and do not in any way enhance student learning. They merely demonstrate that American higher education is held captive by bureaucratic interest groups that do nothing for students and merely irritate faculty and distract them from their more important duties.
Who is Davidson Myers?

If you have not yet heard (or read) about me, I am an outspoken professor who has, at times, been critical of certain aspects of evolution. I mention this because it affects the way I see you and the way I will treat you this semester. Rather than seeing you as the mere product of random mutation, I see you as a unique individual endowed by his Creator – not just with a right to life, liberty, and the pursuit of happiness – but with a purpose. Each one of you has unique and special talents and along with that a distinct purpose in life that makes you not just unique but irreplaceable.

Unfortunately, I sometimes have students who resist fulfilling their God-given potential. Often, they do things in college that hurt their chances of success in life. One good example is a fellow named Davidson Myers whom I first taught in the fall of 1999.

Davidson, who aspired to be a lawyer, came into my class late on several occasions. He was also prone to turning around in his seat and yapping in class with another student by the name of Paula Tyndall. This went on for weeks until Davidson the aspiring lawyer got back his first test grade. It was a “C” in a class called “Criminal Law and Procedure” that was central to his career aspirations. He was devastated so he came by the office to see me.

When Davidson came by he told me he could not afford to be getting “Cs” because he was going to be a lawyer. My response to Davidson was simple: “No, you’re never going to be a lawyer. Not until you get your (offensive term deleted) together.”

A truly bizarre thing happened to Davidson after I told him to get to class on time and pay attention or he would never amount to anything. He actually did what I told him to do.

In addition to getting an “A” on my next exam he took another of my courses the next semester. He got an “A.” Today, he is a lawyer married to another lawyer. He and his wife have successful practices here in North Carolina. When I called him to ask permission to share his story he laughed uncontrollably. I consider him a friend and someone I would hire were I to get into trouble with the law.

By the way, here is the (threefold) reason I am sharing Davidson’s story with you today:

1. Every time you enter my class late— even one second late (as you should be in your chair before the class begins) — I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.

2. Every time you flap your jaws with one of your classmates while I am lecturing I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.

3. Every time I see or hear your cell phone in my class I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.

All points deducted will go into a special fund available to credit (at semester’s end) those students who follow the rules. In other words, they will go to those who never received a “Who is Davidson Myers?” email.