

CRIM 408: CRIMINAL COURTS

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Office Hours: Mondays, before/after class; Virtual, by appointment

Spring 2024

Monday, 4:30-7:10 pm

Buchanan Hall D23

This course provides an overview of criminal courts in the United States. We will cover the structure, organization, and operation of the courts. Topics to be discussed include, but are not limited to: the role of courts; key actors involved in adjudicating criminal cases (judges, prosecutors, defense attorneys, and juries); pre-trial procedures (arraignment, bail, plea bargaining, etc.); criminal trials and jury decision-making; sentencing; appeals and post-conviction processes; specialized courts; and court policymaking and reform.

You are expected to keep up with the assigned readings and attend class each week prepared to discuss the relevant materials. By staying enrolled in this course, you are agreeing to the terms set forth in this syllabus.

Course Modality: Face-to-face (fully in-person)

This is a *face-to-face* (i.e., *fully in-person*) course. We will meet once-per-week (see above for day, time, and location). You are expected to arrive on-time and prepared. We only have one day per week together, so I expect you to be engaged during our limited class time, with distractions (including cell phones) kept to a minimum.

All exams will be completed in-class. Assignments will vary; some will be completed and/or turned in in-person, while others may be completed and/or turned in online. This will be specified throughout the semester.

Learning Outcomes

Upon completion of this course, you should be able to:

- Identify and describe the major steps in the criminal legal process
- Understand the basic structure of federal and state court systems in the United States
- Understand the roles of various courts and critically evaluate their operation
- Understand the roles of various actors in the criminal legal process
- Think critically about problems facing the criminal court system in the U.S. and evaluate potential solutions

Required Materials

There is one required book for this course (listed below). It is affordable and available from the GMU bookstore, as well as Amazon and other online retailers. However, you do need the book before the third week of the semester, so plan to get it as soon as possible. Additional required readings and materials will be posted on Blackboard.

- Bach, Amy. 2009. *Ordinary Injustice: How America Holds Court*. New York: Holt.

<u>Grading Scale</u>			
A	93-100	C+	77-79
A-	90-92	C	73-76
B+	87-89	C-	70-72
B	83-86	D	65-69
B-	80-82	F	64 or below

<u>Grade Breakdown</u>	
Exams	50%
<i>Ordinary Injustice</i> assignments	40%
In-class assignments	10%

Grade Requirements

Exams (50% of overall grade)

There will be three exams throughout the semester. The first two will be taken during regular class meetings and they will cover only new material up to that point; these are each worth 15% of your overall grade. The final exam will be held during the scheduled final exam period and will be cumulative; this is worth 20% of your final grade. All exams will be completed in-person and may include things from in-class lectures, assigned readings, and any additional materials distributed. I will provide a list of potential topics for each exam and there will be an opportunity to ask review questions prior to each.

***Ordinary Injustice* Assignments (40% of overall grade)**

Throughout the semester, you will read Amy Bach's book, *Ordinary Injustice*. You will complete a total of four essay assignments related to the chapters; each one is worth 10% of your overall grade. These may include basic questions about that portion of the book or reflective essays. The due dates are listed on the schedule below; assignments must be submitted by the beginning of class on the scheduled due date.

In-class Assignments (10% of overall grade)

During some weeks throughout the semester, there will be brief in-class tasks or assignments to complete. These may be brief writing assignments (such as personal reflections or thoughts about something), surveys, group tasks, or any number of other things. If you are not in class or do not complete the task, you will receive a 0 for that day's assignment. For those who complete the assignment, you will receive a 1 or 2, depending on how much effort you put in and/or how well you complete the specific task.

Class and University Policies

Contacting Me:

You should feel free to talk to me before/after class or send me an email at any time during the semester if you have any questions, comments, or concerns. If you need to meet with me and are unable to do so before/after class, please email me to arrange a time for a virtual meeting. I will schedule all virtual meetings through Zoom.

When sending an email to me (and this is good practice for contacting any faculty members!), please:

1. **Use your GMU email** account; I will not respond to messages from personal email addresses
2. **Put the course number in the subject line** so your message is not confused for spam
3. **Include your name in your email**
4. Write all emails **in a formal, professional manner**
5. Make sure you **clearly ask whatever question you have or let me know what you need**

I may not respond to emails that do not follow these guidelines. In general, I **try to respond to emails within 24-48 hours on Monday-Friday. If you email me on a Friday afternoon/evening or over the weekend, you may not hear back until the following week.** Please do not send a follow-up before allowing this time to pass, but if you have not heard back from me after this period, feel free to send a gentle reminder.

Late/Missed Work:

If you know ahead of time that you have something coming up that will interfere with your ability to complete something, **it is your responsibility to let me know ahead of time and make arrangements.** Unless you have a legitimate, excused reason for missing an assignment or exam, **you must complete things on the days specified in the schedule below.** Acceptance of late assignments and rescheduling of due dates is up to my sole discretion, unless you obtain prior approval. If you do not obtain prior approval, I may or may not accept late work. If I do accept late work, it may come with a grade penalty, depending on the circumstances.

Missing Class:

I will not take attendance in this class; you can make the decision about whether or not to attend. However, bear in mind that, should you choose not to attend class, you might miss an in-class assignment or miss something important for an exam. Further, if you miss class, it is your responsibility to get notes from a classmate.

Note on Missing Class: I understand that things arise that are either beyond our control or are valid, excused absences. These include matters such as GMU-sponsored activities, religious observances, deaths in the family, documented emergencies, and so forth. However, birthdays, weddings, and vacations are not the same. For these latter situations, it is your responsibility to look at the academic calendar and plan accordingly; you are an adult, with agency, and can make decisions about potential trade-offs.

Extra Credit and Grading Questions:

In general, I do not offer extra credit. If you keep on top of things, this course will be easily manageable; you will have plenty of opportunities to do well. If there is an opportunity for extra credit, I will notify you. If you believe an error was made in grading something you submitted, please let me know ASAP and we can discuss it. Otherwise, it is inappropriate to ask me to increase your grade, and I will not do so.

In-Class Etiquette:

We will be discussing issues in this class that may be controversial, political, and/or emotional. I encourage good-faith engagement, disagreement, discussion, and debate. However, **rudeness and hostility will not be**

tolerated. I want you all to **be critical of arguments, not the individuals making those arguments.** We can and will discuss opposing viewpoints and perspectives respectfully. Further, **do not fall asleep in class** and **do not behave in a rude way with your cell phone, tablet, or laptop.** I know our meeting is long and on Monday afternoons, and I know we all live in a hyper-plugged in world, but falling asleep and/or being constantly distracted during class are extremely rude.

Plagiarism and Academic Dishonesty:

GMU's Honor Code requires all members of this community to maintain the highest standards of academic honesty and integrity. Students are expected to abide by the Mason Honor Code, which prohibits lying, cheating, stealing, and plagiarizing (<https://oai.gmu.edu/mason-honor-code/>). Familiarize yourself with this policy and **remember your legal fundamentals: Ignorance of the rules is not a valid defense!**

Note: All graded work for this class must be completed independently. Please be sure that the work you submit in this class is your own, and that you provide proper citations when referencing another person's words or ideas. Instructors are required to report all violations of the Honor Code to the Mason Honor Committee. Violations of the Honor Code may result in a failing grade for the assignment or exam, a failing grade for the course, or any additional penalties determined by the committee, including dismissal from the university.

Accommodations for Special Needs:

If you need academic accommodations, please inform the instructor and contact the Office of Disability Services (703-993-4306; <https://ds.gmu.edu>). All academic accommodations must be made through that office.

Sexual Harassment, Sexual Misconduct, and Interpersonal Violence:

George Mason University is committed to providing an environment that is free from discrimination, sexual misconduct, and other acts of interpersonal violence in order to promote community well-being and student success. We encourage students who believe that they have been sexually harassed, assaulted, or subjected to sexual misconduct to seek assistance and support. University Policy 1202: Sexual Harassment and Misconduct speaks to the specifics of Mason's process, the resources, and the options available to students (<https://universitypolicy.gmu.edu/policies/sexual-harassment-policy/>). As a faculty member and designated "Responsible Employee," I am required to report all disclosures of sexual assault, interpersonal violence, and stalking to Mason's Title IX Coordinator per university policy. If you wish to speak with someone confidentially, please contact the Student Support and Advocacy Center (703-380-1434) or Counseling and Psychological Services (703-993-2380). You may also seek assistance from Mason's Title IX Coordinator (703-993-8730; titleix@gmu.edu).

Counseling and Psychological Services: If you are facing significant life stressors and feel overwhelmed, there are resources available to help you. These include Counseling and Psychological Services (703) 993-2380, which provides confidential services, including 24/7 crisis intervention. There is also Student Support (703) 993-5376, which helps students negotiate life situations by connecting them with appropriate resources. Student Support also has an on-line referral system (for non-emergencies only): <https://ssac.gmu.edu/>. The non-emergency number for the GMU police is (703) 993-2810. See <https://ulife.gmu.edu/about-us/offices-of-university-life/> for a full listing of service areas and contact information.

The Writing Center and Mason Library:

The Writing Center at Mason (<https://writingcenter.gmu.edu>) is a fantastic and free resource providing information and one-on-one tutoring for all your writing needs. While you will not be writing papers or essays in this class, I want you to know that the Writing Center is available throughout your Mason career should you

need assistance before submitting any assignments. They can help with any part of the writing process, from planning and organizing your paper to proof-reading and revising. Their website also has guides on best practices for reading, note-taking, and citing sources. Mason Library also has excellent tutorials on writing, reading, note-taking, giving presentations, time management, and academic integrity. See <https://library.gmu.edu/tutorials> for a full list.

Purdue OWL:

As a general resource for any college student, Purdue University's Online Writing Lab (OWL) is a great resource for tips on writing and citations. In particular, if you are unsure of how to cite materials in your work, be sure to check their website, which is available at https://owl.purdue.edu/owl/purdue_owl.html.

Weekly Schedule

- Note: Weekly topic schedule is subject to change as the semester progresses. I will notify you of any changes in class and/or via Blackboard Announcements as soon as possible.

Class Meeting Date	Topic	Readings/ Materials	Notes
Jan. 22	<ul style="list-style-type: none"> • Introductions and course overview • Overview of criminal legal system 		
Jan. 29	<ul style="list-style-type: none"> • Purpose, types, and sources of law • Crime control vs. Due process 	<ul style="list-style-type: none"> • Carp et al., “Foundations of Law,” pp. 4-17 • Mays & Fidelie, “Foundations and Functions of Law,” pp. 40-43 • Packer, “Two Models of the Criminal Process” 	
Feb. 5	<ul style="list-style-type: none"> • The structure and roles of criminal courts 	<ul style="list-style-type: none"> • Spohn et al., “Introduction: Courts and Case Processing,” pp. 1-12 • Carp et al., “The Federal Judicial System,” pp. 35-43 • Carp et al., “State Judicial Systems,” pp. 57-65 	<u>DUE</u> : <i>Ordinary Injustice</i> Assignment 1 (Introduction and Chapter 1)
Feb. 12	<ul style="list-style-type: none"> • Legal actors and the “courtroom workgroup” 	<ul style="list-style-type: none"> • Spohn et al., “Prosecutors and Defense Attorneys,” pp. 119-133 • Spohn et al., “Judges and Jurors,” pp. 165-176 	
Feb. 19	<ul style="list-style-type: none"> • Legal actors and the “courtroom workgroup” 	<ul style="list-style-type: none"> • Schoenfeld, “Violated Trust: Conceptualizing Prosecutorial Misconduct” • Kirchmeier, “Drink, Drugs, and Drowsiness” 	
Feb. 26	EXAM 1		

March 4	!!!---*---!!! SPRING BREAK !!!---*---!!!		
March 11	<ul style="list-style-type: none"> Evidence Pretrial procedures 	<ul style="list-style-type: none"> Spohn et al., “Pretrial and Trial Processes,” pp. 209-217 Mays & Fidelie, “Trials and Trial Procedures,” pp. 203-216 Feeley, “The Process is the Punishment,” pp. 32-39 in Spohn et al. book 	
March 18	<ul style="list-style-type: none"> Plea negotiations 	<ul style="list-style-type: none"> Dripps, “Guilt, Innocence, and the Due Process of Plea Bargaining” 	<u>DUE</u> : <i>Ordinary Injustice</i> Assignment 2 (Chapter 2)
March 25	<ul style="list-style-type: none"> Jury selection Trial procedures 	<ul style="list-style-type: none"> Diammond & Rose, “The Contemporary American Jury” Macpherson, “Why do we ask jurors to promise that they will do the impossible?” 	
April 1	<ul style="list-style-type: none"> Jury decision-making Sentencing 	<ul style="list-style-type: none"> Kovera & Levett, “Jury Decision Making,” pp. 271-293 Spohn et al., “Sentencing,” pp. 303-327 	<u>DUE</u> : <i>Ordinary Injustice</i> Assignment 3 (Chapter 3)
April 8	EXAM 2		
April 15	<ul style="list-style-type: none"> Appeals The U.S. Supreme Court 	<ul style="list-style-type: none"> Carp et al., “The Federal Judicial System,” pp. 28-34 Epps & Sitaraman, “How to Save the Supreme Court” 	
April 22	<ul style="list-style-type: none"> The process in action: Wrongful convictions Capital punishment 	<ul style="list-style-type: none"> Norris et al., “Thirty years of innocence” Drummond and Norris, “An Opportunity for Abolition” 	
April 29	<ul style="list-style-type: none"> Specialized courts Catch-up and review 	<ul style="list-style-type: none"> Loong et al., “The Effectiveness of Mental Health Courts” Gifford et al., “A Study of Drug Treatment Courts” Russell, “Veterans Treatment Court” 	<u>DUE</u> : <i>Ordinary Injustice</i> Assignment 4 (Chapter 4 and Conclusion) <i>Note: These readings are a bit long and dense. Please just skim them to get a sense of some overall takeaways.</i>

May 6	FINAL EXAM
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