

POLS 3376-01 | Spring 2019
Texas Courts & Criminal Justice

Dr. Marcus E. Hendershot,
Assistant Professor

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School of Liberal Arts

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Class Hours

Monday:

Tuesday:

12:15 to 1:30am-Weir 109

Wednesday:

Thursday:

12:15 to 1:30am-Weir 109

Friday:

Office Hours

Monday:

Noon to 1:10pm

Tuesday:

1:30 to 2:30pm

Wednesday

Noon to 1:10pm

Thursday:

11:00 to Noon

Friday:

By Appointment

I. Course Description

This course offering focuses on a range of social science theories of American judicial and law enforcement actors, but with a particular focus upon those found at the state and local level. The class will cover the various constraints that exist within the decision-making outcomes of state courts, as well as the institutional biases found within state run criminal justice systems. It will look at the increasingly partisan nature of state court election cycles, the problem of wrongful convictions, and the day-to-day processes of local law enforcement. The readings will discuss systems found throughout the United States, but where possible I make an effort to tie them to Texas or the Southwest region.

The course will be of interest to any student of political science, those who are considering pursuit of a law degree, those considering careers in law enforcement, or those simply interested in the role of courts and criminal justice within American society.

Our learning objectives are four-fold this semester:

- 1) Gain a reference knowledge of the judicial politics and criminal justice literatures
- 2) Develop analytical skills that allow us to apply abstract theories to concrete fact sets.
- 3) Develop the research skills necessary to frame a current policy-debate or controversy
- 4) Learn how to cogently communicate this knowledge

You can and will get frustrated with the course material this semester. However if you stick with it, you will begin to understand how abstract theory helps us better understand real world collective action problems. That type of knowledge has real value.

II. Required Text and Readings

The following texts are required and will act as a general resource for course lectures and topics:

Murphy, Walter F., C. Herman Pritchett, Lee Epstein, and Jack Knight. 2006. *Courts, Judges, and Politics: An Introduction to the Judicial Process*. 6th ed. New York: McGraw Hill. ISBN 9780072977059

We will also be using the following nonfiction account as a case study for the course:

Grisham, John. 2007. *The Innocent Man: Murder and Injustice in a Small Town*. New York: Dell Publishing. ISBN 9780440243830

These texts will be supplemented with topical readings from newspapers, journals, and books. These materials will be made available to students in Adobe PDF format through the Schreiner Canvas system, which provides a web-based resource for the course that will act as the current calendar of readings/lectures:

Schreiner Canvas System

<https://schreiner.instructure.com/>

Please make note of the help button on the lower left-hand menu. It will be useful for issues specific to the Canvas system. For other Schreiner technical issues, such as user accounts, email and passwords, you can utilize:

Schreiner Help Desk

(830) 792-7344

helpdesk@schreiner.edu

III. Calendar of Topics

Tuesday	01/15/19	<u>Lecture / Discussion</u> Introduction to Course
Thursday	01/17/19	<u>Lecture / Discussion</u> The Common Law System
Tuesday	01/22/19	<u>Lecture / Discussion</u> Theoretical Approaches & Legal Systems Murphy, et al. 2006. – Ch 1 ¹ 1.1 Blackstone - Commentaries on the Laws of England 1.2 Hamilton - Federalist #78 1.3 Tocqueville - Judicial Power in the United States Drop-Add deadline (1/22)

¹ When you see Murphy, et al. 2006 Ch [#] that means you should read the front material to the chapter. If it is without a chapter number and is just followed by the numbered reading then you should read just that edited reading.

Thursday	01/24/19	<p><u>Lecture / Discussion</u></p> <p>State Courts & Judicial Organization</p> <p>Murphy, et al. 2006. – Ch 3 & Ch 4</p> <p>3.2 Cohen - Inside Appellate Courts</p> <p>3.4 Wyzanski - The Importance of the Trial Judge</p> <p>3.6 Williams & Newman - Solutions to Judicial Gridlock</p>
Tuesday	01/29/19	<p><u>Lecture / Discussion</u></p> <p>Murphy, et al. 2006.</p> <p>3.7 Kagan, et al. - The Evolution of State Supreme Courts</p> <p>3.8 Brennan - Guardians of Our Liberties</p> <p>4.8 Marshall - Comments on the Missouri Plan</p>
Thursday	01/31/19	<p><u>Lecture / Discussion</u></p> <p>New Style State Supreme Court Elections</p> <p>Gibson, James L. 2008. "Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and 'New-Style' Judicial Campaigns." American Political Science Review, 102-1 (February): 59-75.</p>
Tuesday	02/05/19	<p><u>Lecture / Discussion</u></p> <p>Electoral Consequences</p> <p>Hall, Melinda Gann. 1987. "Constituent influence in state supreme courts: Conceptual notes and a case study." Journal of Politics 49-4 (November): 1117-24.</p> <p>Murphy, et al. 2006.</p> <p>4.9 Wold and Culver - The Defeat of the California Justices</p>
Thursday	02/07/19	<p><u>Film</u></p> <p>Ewing, Wayne. 2005. "The Last Campaign." Washington DC: Wayne Ewing Films. (video in class)</p>
Tuesday	02/12/19	<p><u>Film / Discussion</u></p> <p>Barnes, Robert, "Case may define when a judge must recuse self," Washington Post, 2 March 2009.</p> <p>Liptack, Adam, "Justices tell judges not to rule on major backers," New York Times, 9 June, 2009.</p>
Thursday	02/14/19	<p><u>Lecture / Discussion</u></p> <p>[Open Date]</p> <p><i>Four Week Grades Due (02/14)</i></p>

Tuesday	02/19/19	Exam #1
Thursday	02/21/19	<u>Lecture / Discussion</u> Wrongful Convictions & Theories of Criminal Justice Grisham, John. 2007. <i>The Innocent Man: Murder and Injustice in a Small Town</i> . New York: Dell Publishing.
Tuesday	02/26/19	<u>Lecture / Discussion</u> Grisham, John. 2007. <i>The Innocent Man: Murder and Injustice in a Small Town</i> . New York: Dell Publishing. Weinberg, Steve. 2012. "Believing," <i>The American Prospect</i> , November/December: 46-54.
Thursday	02/28/19	<u>Lecture / Discussion</u> The State as a Repeat Player Murphy, et al. 2006. 6.4 Galanter - Why the Haves Come Out Ahead 6.5 Vose - Litigation as a Form of Pressure Group Activity
Tuesday	03/05/19	<u>Lecture / Discussion</u> Plea Bargaining & Trials Uhlman, Thomas M., and N. Darlene Walker. 1980. "He Takes Some of My Time; I Take Some of His': An Analysis of Judicial Sentencing Patterns in Jury Cases." <i>Law and Society Review</i> , 14-2 (Winter): 323-41.
Thursday	03/07/19	<u>Lecture / Discussion</u> Murphy, et al. 2006. 5.3 Blumberg - The Practice of Law as a Confidence Game 5.4 Bailey - The Defense Never Rests 9.1 Frankel - The Adversary Judge <i>Midterm grades due (03/07)</i>
Tuesday	03/12/19	<i>Spring Break</i>
Thursday	03/14/19	<i>Spring Break</i>

Tuesday	03/19/19	<u>Lecture / Discussion</u> Jury Trials & the Courtroom Murphy, et al. 2006. – Ch 9 9.2 Zeisel and Kalven - The American Experiment 9.4 Darrow - How to Pick a Jury 9.5 Etzioni - Science: Threatening the Jury Trial
Thursday	03/21/19	<u>Lecture / Discussion</u> 9.6 Saks - The Limits of Scientific Jury Selection 9.7 Butler - Black Jurors: Right to Acquit? 9.10 Baldus - The Death Penalty Dialogue Drop deadline (03/21 @ 1pm)
Tuesday	03/26/19	<u>[Open Date]</u>
Thursday	03/28/19	<u>Due Date / Film</u> Case Analysis Due Loeterman, Ben. 1999. "Real Justice." Alexandria, VA: PBS Video. (<i>video in class</i>)
Tuesday	04/02/19	<u>Lecture / Discussion</u> Texas Criminal Justice Weiss, Harold J. 1994. "The Texas Rangers Revisited: Old Themes and New Viewpoints." <i>Southwestern Historical Quarterly</i> 97-4: 620-40. Reading TBA
Thursday	04/04/19	<u>Lecture / Discussion</u> The Modern Job of Policing Taub, Benjamin Robert "The spy who came home" <i>The New Yorker</i> , 7 May 2018. Jackman, Tom "Who wants to be a police officer?" <i>Washington Post</i> , 4 December 2018.
Tuesday	04/09/19	<u>Lecture / Discussion</u> The Psychology of Murder Buss, David M. 2005. <i>The Murderer Next Door: Why the mind is designed to kill</i> . New York: Penguin. Ch 1.

Thursday	04/11/19	<u>Lecture / Discussion</u> Criminal Profiling Muller, Damon A. 2000. "Criminal Profiling Real Science or Just Wishful Thinking?" <i>Homicide Studies</i> 4-3: 234-264.
Tuesday	04/16/19	<u>Lecture / Discussion</u> Crime Scene Analysis Douglas, John E., and Corinne Munn. 1992. "Violent Crime Scene Analysis: Modus Operandi, Signature and Staging." <i>FBI Law Enforcement Bulletin</i> 61-2: 1-11.
Thursday	04/18/19	<u>Lecture / Discussion</u> Murder Investigation Simon, David. 2006. <i>Homicide: A year on the killing streets</i> . New York: Henry Holt. Ch 4.
Tuesday	04/23/19	<u>Lecture / Discussion</u> Issues with CSI and Evidence Toobin, Jeffrey "The CSI effect: the truth about forensic science" <i>The New Yorker</i> , 7 May 2007. Selk, Avi "The ingenious and 'dystopian' DNA technique police used to hunt the 'golden state killer' suspect." <i>Washington Post</i> , 28 April 2018.
Thursday	04/25/19	<u>Lecture / Discussion</u>
Tuesday	04/30/19	[Open Date]
Tuesday	05/07/19	Final Exam (1:30 to 3:30pm)

IV. Course Requirements / Grading

Half of the final course grade will be associated with a midterm and final examination. These exams will take an essay form and will require you to apply theoretical frameworks and knowledge of institutional rules to a political / crime scenario.

In addition to these two examinations, we will be conducting a case analysis of a wrongful conviction (see required Grisham book) that will require you to use systemic theories to explain the conviction and appeals of the case in state courts. We will also be doing a service learning project in the course, that we will collectively design and execute over the course of the semester.

Attendance will be recorded for each class session. An excused absence will be allowed per university guidelines, but prior notice is mandatory. Attendance will begin with the first class session. I will post a complete attendance policy to the online system with

additional detail.

Occasionally, a student will be traveling for academic or athletic events during a regularly scheduled examination period. Please contact me the week before the examination, so that we can arrange an alternative time/format.

Students with a documented medical excuse that conflicts with a course assignment should likewise contact me to establish an alternative time for submission / completion. All others that miss an assignment or exam deadline potentially are subject to a late penalty. Typically, I will assess a 5% penalty for each school day that it is delayed.

The breakdown of the course grade will be the following:

	Requirement	Weight
1.	Attendance	5%
2	Exam #1	25%
3.	Case Analysis	30%
4.	Service Learning	15%
5.	Final Exam	25%
		100%

Numerical	Letter
100-90	A
89-80	B
79-70	C
69-60	D
59-0	F

V. Policies and Guidelines

Academic Integrity and Student Conduct Policies

Activity in this course is subject to the *Schreiner University Academic Code of Conduct* and the *Student Code of Conduct*, both of which are located within the *Student Handbook*:

<http://www.schreiner.edu/student-life/student-handbook.aspx>

Schreiner University Academic Code of Conduct

These rules govern the standards and penalties for violations of academic integrity, such as cheating, plagiarism, fabrication, collusion and other questionable practices. Broadly speaking, an incident of *academic dishonesty* occurs when a student presents another's work (in whole or part) as his or her own. More specifically, *plagiarism* is the act of stealing or using the ideas or written text of another and representing them as one's own.

These types of behaviors can occur within exam answers, research papers, and other course assignments.

You should know that plagiarism and any other forms of cheating will not be tolerated and it will be handled according to the appropriate provision within these university regulations. Student papers are subject to review by a plagiarism checking service (e.g., turnitin.com). Violations will be pursued and may result in an F grade for this course and possible expulsion from the University.

Student Code of Conduct

The *Student Handbook* also addresses more general matters of personal conduct, such as violations of criminal law, fraud, alcohol/drug use, student hazing, and sexual misconduct

or violence (see also, Title IX below). Although these particular items are less likely to be encountered within a classroom setting, an issue could present itself. To the extent that this set of policies become relevant, we will abide by the intent and purpose of Schreiner University's *Student Code of Conduct*.

Title IX: Sexual Discrimination/Harassment/Misconduct/Assault

Schreiner University is committed to maintaining a learning environment that is free from inappropriate conduct based on gender. As required by *Title IX*, the University does not discriminate on the basis of sex in its education programs and activities, and it encourages any student or employee who thinks that he or she has been subjected to sex discrimination, sexual harassment (including sexual violence) or sexual misconduct by another student, member of the faculty or staff, or campus visitor or contractor, to immediately report the incident to any of the individuals or offices listed below:

Sarah Campfield
Director of Residence Life
(830) 792-7283
scampfield@schreiner.edu

David Geherels
Director of Student Activities
(830) 792-7465
dgeherels@schreiner.edu

Dr. Charles Hueber
Dean of Students
(830) 792-7278
cmhueber@schreiner.edu

Dr. Diana Comuzzie
Provost & VP for Academic Affairs
(830) 792-7371
comuzzie@schreiner.edu

Wendy L. Blaettner, PHR
Director of Human Resource Services
(830) 792-7375
wblaettner@schreiner.edu

Schreiner University takes acts of sexual violence and sexual harassment seriously. In an effort to comply with the *Violence Against Women Act* and the Office for Civil Rights federal guidelines, all students are required to complete training on sexual violence prevention. Along these lines, you are already be aware of these policies and understand that you are expected to abide by them.

For those who have confidentiality concerns regarding a Title IX report, you should know that faculty and staff are *Mandatory Reporters* under this act. If you discuss a potential violation with a professor, then he or she *must* report it.

You do have a couple of other options for consultation. First, you may take advantage of Schreiner University Counseling Services, which has stronger confidentiality protections. You may also utilize the Campus Conduct Hotline as an anonymous means of reporting questionable conduct:

Kim Woods
Director of Counseling Services
Mountaineer Fitness Center | CMB 6220
(830) 792-7279 | KJWoods@schreiner.edu
<https://www.schreiner.edu/student-life/counseling.aspx>

Campus Conduct Hotline
(866) 943-5787

Given this course is in the discipline of political science we will throughout the semester be discussing issues and policies that are discomfoting or controversial in some manner.

We will make every attempt to take an academic orientation toward these topics, but students and faculty can and do make errors that can be insulting or off putting to others. Feel free to contact me in a confidential manner and we will address any such issue.

Matters of Accommodation

Schreiner University supports the Americans with Disabilities Act (ADA) and welcomes requests for reasonable accommodation. The University in compliance with Title VI and VII of the Civil Rights Act of 1964, Executive Order 11246 as amended, Title IX of the Education Amendments of 1972, Americans with Disabilities Act of 1990, and other federal laws and regulations, does not discriminate on the basis of race, color, national origin, sex, age, religion, disability or status as a veteran in any of its policies practices or procedures. This includes but is not limited to admissions, employment, financial aid and educational services.

Every effort will be made to make accommodations for those who fall under the *Americans with Disabilities Act of 1990* and the *Rehabilitation Act of 1973*. Students desiring academic adjustments/auxiliary aids should contact:

Dr. Jude Gallik

Director of Learning Support Services/Section 504 Coordinator
(830) 792-7258 | jgallik@schreiner.edu

In terms of accommodations and this particular course, please contact me directly and we will handle it in a discrete manner according to University guidelines.

Unanticipated Events, Incomplete Grades & Withdrawals

On some occasions, a student will come down with an extended illness, or get called up for military duty, etc. These situations will be dealt with on a case by case basis and are often resolved through withdrawal from the course or through an incomplete grade agreement between the student, academic advisor and professor. I am extremely reluctant to go forward with an incomplete grade in any course. In the event that a substantive cause is present to do so, we will proceed through the guidelines found in the *Student Handbook*.

Withdrawal from this course will be governed by the University's procedure and applicable deadlines. Students contemplating withdrawing from the university during the term, or not returning after a break, should contact the Registrar. In addition to discussing reasons for withdrawing, it is very important that the withdrawal policy be followed, so that severe financial problems can be avoided. Please refer to the *Schreiner University Catalog* for more information about withdrawals.