

**SUL ROSS STATE UNIVERSITY- RIO GRANDE COLLEGE  
CASTROVILLE \* DEL RIO \* EAGLE PASS \* UVALDE  
DEPARTMENT OF NATURAL AND BEHAVIORAL SCIENCE  
CRIMINAL JUSTICE PROGRAM  
COURSE SYLLABUS**

- COURSE TITLE:** CRIM 4310: American Courts
- COURSE PERIOD:** Online Web Course
- INSTRUCTOR:** Dr. Ferris Roger Byxbe
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- OFFICE HOURS:** By appointment, by Email or by Phone.
- COURSE DESCRIPTION:** A thorough survey of the dynamics of federal, state, and local judicial systems, the interrelated relationship of the judge, jury, prosecution, defense; judicial theory, and an in-depth study of the criminal case within the court.
- TEXTBOOK:** America's Courts and the Criminal Justice System, 11<sup>th</sup> ed.  
David W. Neubauer and Henry F. Fradella  
Wadsworth-Cengage Learning, Inc.  
ISBN: 978-1-285-06194-8
- ACADEMIC SUCCESS:** Students enrolling in online Web Courses at Rio Grande College must be aware that such courses are not self-paced and require considerable vested time in order to meet requirements. Students should be prepared to devote a considerable amount of time to accomplish the requisites in this self-directed course of study. Each semester will require a student to devote approximately 12 hours per week to each web class – which equates to 3 hours of class time plus 9 hours of research, reading, writing and other course preparation.
- COMPUTER LABS:** Rio Grande College computer labs are open Monday – Thursday 8:00 AM - 9:00 PM and Friday 8:00AM – 5:00 PM. **RGC Computer labs are not open weekends.** However, students may avail themselves to the SWTJC computer labs with valid ID.

Students should have available a high-speed internet connection on a regular basis for off-campus course work, exams, assignments and research.

**DISHONESTY:**

Academic cheating and plagiarism is not acceptable behavior. It violates university policy and human ethics. If a violation occurs the penalty will result in the grade of “F” for the semester.

**EXAMINATIONS:**

Exams have been structured to mandate maximum participation in this self-directed course of study.

- There will be a chapter reading exam each week.
- Chapter reading assignments are of the utmost importance in student assessment and evaluation.
- Exams will consist of multi-formatted questions taken from weekly reading assignments.
- It is recommended that all exams be taken in the computer laboratory on the Rio Grande College campus. However, this is not required. Exams may be taken at any location using a high-speed internet connection (No cell phones).
- **Weekly exams will be made available for 12 hours each Tuesday (09:00 am – 9:00 pm) on Blackboard. See last pages of syllabus for exam schedule and dates.**
- Weekly exams may be accessed one-time only for a period of 75 minutes (one class period). Exams may not be copied, saved or returned to later. Exams must be completed in one setting.
- Students are advised NOT to use a cell phone for tests for it may be detrimentally affected by service disruptions.
- Please note that no exams will be reset due to student omissions and/or mistakes.

*The professor assumes no responsibility for student omissions or technology problems.*

<b>GRADING SCALE:</b>	1260 -1400 = A
	1120 -1259 = B
	980 -1119 = C
	840 - 979 = D
	0 - 839 = F

***NOTE: Each exam is worth 100 points x 14 exams = 1400 total points.***

**SEMESTER GRADES:**

Final semester grades are reported to the Office of Admissions & Records at the appropriate time. Student grades are posted on Banner for review at the conclusion of each semester.

**CHAPTER OBJECTIVES:** Upon reading assigned chapters in the textbook with a thorough review of the key concepts, terms, case law and learning objectives within each chapter the student will acquire extensive knowledge of the following subject-matter materials to be inclusive on each examination.

### **Chapter 1: Courts, Crime, and Controversy**

1. Describe how the courts are related to the other components of the criminal justice system.
2. Discuss the major types of courts found in the United States.
3. Identify the most important actors in the courthouse.
4. List the steps in a typical felony prosecution.
5. Explain how a law in action perspective complements a law on the books approach to studying the criminal courts.
6. Distinguish between the crime control model of criminal justice and the due process model of criminal justice.

### **Chapter 2: Law and Crime**

1. List the four key elements defining law.
2. Identify the three key characteristics of common law.
3. Explain the importance of the adversary system.
4. Name the four amendments of the Bill of Rights that deal specifically with criminal procedure.
5. List the five major areas of civil law.
6. Identify the major elements of a crime.
7. Identify some of the most important legal defenses in American law.
8. Discuss the effects of the criminal law on courts.

### **Chapter 3: Federal Courts**

1. Define the four primary types of jurisdiction: geographical, subject matter, personal, and hierarchical.
2. Compare and contrast the tasks of trial and appellate courts.
3. Explain the historical evolution of the federal courts into their present structure and operations.
4. Analyze the different responsibilities and workloads of U.S magistrate judges, district judges, circuit judges, and Supreme Court justices.
5. Analyze the impact the federal courts have on the administration of criminal justice at the state and local levels through their federal question jurisdiction.
6. Differentiate the jurisdiction and functions of Article III courts from Article I courts and other specialized federal courts.
7. Distinguish the various agencies and their hierarchical responsibilities for the administration of the federal court system.

8. Evaluate the major problems facing the federal courts and the strengths and weaknesses of the major solutions that have been proposed to address these problems.

#### **Chapter 4: State Courts**

1. Outline the four layers of a typical state court system.
2. Describe the types of criminal cases handled by the trial courts of limited jurisdiction.
3. Discuss the similarities and differences between justice of the peace courts and municipal courts.
4. List the four primary problems confronting the lower courts in the United States.
5. Identify the types of civil and criminal cases filed in trial courts of general jurisdiction.
6. Explain briefly the differences between a state supreme court in states with and without intermediate courts of appeals.
7. List the key components of court unification.
8. Identify how problem solving courts using therapeutic jurisprudence handle cases.
9. Discuss the consequences of court organization.

#### **Chapter 5: The Dynamics of Courthouse Justice**

1. Have a general sense of who works where in the courthouse.
2. Analyze the importance of assembly-line justice.
3. Describe why discretion is found in the criminal courts.
4. Identify the principal actors in the courtroom workgroup.
5. Indicate why ethics is important to the American legal system.
6. Contrast differing understandings of why delay is a problem in the courts.
7. Discuss the strengths and weaknesses of speedy trial laws.
8. Explain why law in action approaches to court delay are more effective than law on the books approaches.

#### **Chapter 6: Prosecutors**

1. Discuss the two major characteristics of prosecutors in the United States.
2. Describe the three most important entities in federal prosecution.
3. Identify the three somewhat overlapping agencies involved in prosecution in state courts.
4. Explain the major factors affecting the work life of assistant district attorneys.
5. Analyze the principal factors affecting prosecutorial ethics.
6. Outline two major examples of the expanding domain of the prosecutor.

#### **Chapter 7: Defense Attorneys**

1. Interpret the four major legal issues surrounding the right to counsel.
2. Discuss how the courtroom workgroup affects how defense attorneys represent their clients.
3. Explain why most lawyers do not represent criminal defendants.
4. Compare and contrast the three systems of providing indigents with court-appointed attorneys.
5. Recognize possible tensions between lawyers and clients.
6. Analyze the importance of legal ethics to the defense of criminal defendants.

## **Chapter 8: Judges**

1. Discuss the role of the judge within the courtroom workgroup.
2. Name the three major ways that judges are selected in the United States.
3. Analyze the consequences of different methods of judicial selection.
4. Recognize major changes in the composition of the bench over that last several decades.
5. Describe the activities of state judicial conduct commissions.
6. Explain the difference between the impeachment and the removal of a federal judge.

## **Chapter 9: Defendants and Victims**

1. List the three characteristics of defendants.
2. Describe how victims and witnesses view the court process.
3. Describe how court actors view victims and witnesses.
4. Discuss the prior relationships between defendants and victims and why this is important in domestic violence cases.
5. Identify three types of programs that are designed to aid victims and witnesses in coping with the criminal justice process.
6. Explain why some view victim programs as aiding victims whereas others view these programs as manipulating victims.

## **Chapter 10: From Arrest and Bail through Arraignment**

1. Define the two methods of estimating the amount of crime in the United States.
2. Discuss how arrests made by the police impact the criminal court process.
3. List the four ways that criminals are formally charged in court and who are the major actors in each of these important documents.
4. List the four most common ways that defendants secure pretrial release.
5. Compare and contrast "law on the book" and "law in action" approaches to bail setting, including the overall effects of the bail system on criminal defendants and their cases.
6. Explain the role bail agents play in the criminal justice system.
7. Contrast how the law on the books approach to criminal justice and the law in action perspective offer contrasting views of the preliminary hearing.
8. Explain why some jurisdictions use grand juries extensively and others do not.
9. Delineate the three major reasons for case attrition.
10. Describe the four layers of the criminal justice wedding cake.

## **Chapter 11: Disclosing and Suppressing Evidence**

1. Explain the reasons why the process of discovery exists in both civil and criminal cases, but is significantly curtailed in the latter.
2. Differentiate formal and informal discovery and the reasons why both are used in criminal cases.
3. Identify the types of evidence subject to mandatory criminal discovery.
4. Compare and contrast the exclusionary rule and the fruit of the poisonous tree doctrine.

5. Summarize how the decision in *Miranda v. Arizona* regulates the process of police interrogations of suspects.
6. Explain the requirements governing the application for search warrants, the issuance of search warrants, and the execution of search warrants.
7. Identify the major exceptions to the Fourth Amendment's warrant requirement.
8. Analyze the effect of the exclusionary rule on the operations of the courtroom workgroup.
9. Evaluate whether the exclusionary rule should be abolished.

### **Chapter 12: Negotiated Justice and the Plea of Guilty**

1. Distinguish between the three most common types of plea agreements.
2. Discuss the three major factors influencing bargaining and discretion.
3. Recognize the importance of *Boykin v. Alabama*.
4. List the major reasons each of the members of the courtroom work group engages in plea bargaining.
5. Indicate why few cases go to trial but most defendants plead guilty.
6. Explain why adherents of the crime control model of criminal justice oppose plea bargaining for different reasons from those of adherents of the due process model of criminal justice.

### **Chapter 13: Trials and Juries**

1. Trace the history of trials by jury.
2. Analyze the scope of the right to a trial by jury in a criminal case.
3. Evaluate the impact of differences in jury size and unanimity requirements.
4. Explain how a jury is summoned and selected, including the constitutional limitations on these processes.
5. Discuss the function of jury consultants in the process of scientific jury selection.
6. Distinguish between the presumptions that apply at the start of trials and the burdens of proof applicable to overcoming them.
7. Summarize the basic rules of evidence concerning trustworthiness and relevance of evidence.
8. Analyze how special limitations on expert witnesses affect the litigation of criminal cases, especially with regard to leading types of forensic evidence.
9. Identify the steps in a criminal trial.
10. Describe the effects and implications of pretrial publicity and the solutions that courts use to prevent those effects from affecting a criminal trial.

### **(\*)Chapter 14: Sentencing Options**

1. Distinguish between the five major sentencing philosophies.
2. Describe how the three branches of government are involved in sentencing.
3. List at least four major issues related to imprisonment as a sentence in the United States.
4. Identify the three major alternatives to imprisonment.
5. Summarize the two Supreme Court rulings from the 1970s on capital punishment that led to the bifurcated process for death penalty sentencing.
6. Indicate how the Court has narrowed the list of death-eligible cases.
7. Discuss the major differences between the due process model of criminal justice and the crime control model of justice with regard to the death penalty.

### **(\*)Chapter 15: Sentencing Decisions**

1. Define the concept of normal crimes and indicate the two most important factors in determining normal penalties.
2. Distinguish between the concepts of discrimination and disparity.
3. Describe the three competing explanations of why women are sentenced more leniently than men and indicate which one has the most support in the literature.
4. Explain how scholars approach the issue of racial discrimination differently than the general public and the implications these differing approaches have for the conclusions reached.
5. Indicate why the offender–victim dyad is important in studies of racial discrimination in capital punishment.
6. List the two major factors related to disparities and sentencing.
7. Recognize the main objective of changes in sentencing structure beginning in the late 1960s and the major consequences of these changes.
8. Outline how the U.S. Supreme Court has limited state sentencing guidelines.
9. Identify the most recent changes in how the U.S. Supreme Court has responded to federal sentencing guidelines.
10. Explain the law in action perspective on researching the impact of mandatory minimum sentences.

### **Chapter 16: Appellate Courts and Habeas Corpus Review**

1. Explain how appeals and appellate processes differ from trials and trial processes.
2. Describe the two primary functions of appeals.
3. Explain how Double Jeopardy limits appeals by the prosecution in criminal cases.
4. Define the contemporaneous objection rule and explain its impact on appeals.
5. Differentiate between mandatory and discretionary appellate jurisdiction.
6. Identify the different appellate standards of review and evaluate their impact on the criminal appeals.
7. Describe the six customary phases in the appeals process.
8. Compare and contrast plain error, reversible error, and harmless error.
9. Analyze the reasons why most criminal appeals result in convictions being affirmed.
10. Compare and contrast appeals and post-conviction review processes.
11. Identify the leading causes of wrongful convictions.
12. Analyze how state courts of last resort and the U.S. Supreme Court exercise their discretion to set justice policy.

### **(\*)Chapter 17: Juvenile Courts**

1. Describe the child-saving movement and its relationship to the doctrine of *parens patriae*.
2. List the five ways that juvenile courts differ from adult courts.
3. Discuss how states vary in terms on when a juvenile may be transferred to adult court for prosecution.
4. Contrast the three major types of cases that are heard in juvenile court.
5. Identify and briefly describe the single most important Supreme Court case with respect to juvenile justice.

6. Explain the difference between a juvenile case that is petitioned and one that is non-petitioned.
7. Compare and contrast how adherents of the crime control model and proponents of the due process model of criminal justice see the future of juvenile courts.

(\*) **Chapters not assigned this semester.**

**WEEKLY READING ASSIGNMENTS AND EXAM DATES**

WEEK ONE: Jan 17 - 20	Chapter 1: Courts, Crime and Controversy
WEEK TWO Jan 23 - 27	Chapter 2: Law and Crime Exam #1, Chapter 1: Jan. 24 <sup>th</sup>
WEEK THREE: Jan 30 – Feb 3	Chapter 3: Federal Courts Exam #2, Chapter 2: Jan. 31 <sup>st</sup>
WEEK FOUR: Feb 6 - 10	Chapter 4: State Courts Exam #3, Chapter 3: Feb. 7 <sup>th</sup>
WEEK FIVE: Feb 13 – 17	Chapter 5: The Dynamics of Courtroom Justice Exam #4, Chapter 4: Feb. 14 <sup>th</sup>
WEEK SIX: Feb 20 – 24	Chapter 6: Prosecutors Exam #5, Chapter 5: Feb. 21 <sup>st</sup>
WEEK SEVEN: Feb 27 – Mar 3	Chapter 7: Defense Attorneys Exam #6, Chapter 6: Feb. 28 <sup>th</sup>
WEEK EIGHT: Mar 6 – 10	Chapter 8: Judges Exam #7, Chapter 7: Mar. 7 <sup>th</sup>
<b>Spring Break:</b> Mar. 13 - 17	<b>No Classes</b>
WEEK NINE: Mar 20 – 24	Chapter 9: Defendants and Victims Exam # 8, Chapter 8: Mar.21 <sup>st</sup>
WEEK TEN: Mar 27 – 31	Chapter 10: From Arrest and Bail through Arraignment Exam #9, Chapter 9: Mar. 28 <sup>th</sup>
WEEK ELEVEN: Apr 3 – 7	Chapter 11: Disclosing and Suppressing Evidence Exam #10, Chapter 10: Apr. 4 <sup>th</sup>



WEEK TWELVE: Chapter 12: Negotiated Justice and the Plea of Guilty  
Apr 10 - 14 Exam #11, Chapter 11: Apr. 11<sup>th</sup>

WEEK THIRTEEN: Chapter 13: Trials and Juries  
Apr 17 – 21 Exam #12, Chapter 12: Apr. 18<sup>th</sup>

WEEK FOURTEEN: Chapter 16: Appellate and Habeas Corpus Review  
Apr 24 – 28 Exam #13, Chapter 13: Apr. 25<sup>th</sup>

WEEK FIFTEEN: Exam #14, Chapter 16: May 2<sup>nd</sup>  
May 1 – 4

WEEK SIXTEEN: Final Exams Week (None Scheduled)  
May 8 – 11

**PROGRAM LEARNING OUTCOMES (PLO):** The graduating student will

- 1) Demonstrate proficiency in the application of legal concepts, theoretical applications, scientific principles, and historical trends in the criminal justice arena.
- 2) Demonstrate the application of organizational principles, cultural, social and behavioral knowledge, critical thinking skills and cognitive thought processes within the criminal justice arena.