

**CRIJ 5324**  
**SEMINAR IN COURTS AND SENTENCING**  
**SPRING 2022**  
**MONDAY, 6:00 PM TO 8:50 PM, EDUC 112**

Professor: Dr. Mario V. Cano  
Office: Prospect Hall, Room 228  
Office Hours: Monday and Wednesday, 1:00 PM to 2:30 PM; or by appointment  
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**COVID-19 PRECAUTION STATEMENT**

Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, so that we can work on appropriate accommodations. If you have tested positive for COVID-19, please report your results to [covidaction@utep.edu](mailto:covidaction@utep.edu), so that the Dean of Students Office can provide you with support and help with communication with your professors. The Student Health Center is equipped to provide COVID-19 testing.

The Center for Disease Control and Prevention recommends that people in areas of substantial or high COVID-19 transmission wear face masks when indoors in groups of people. The best way that Miners can take care of Miners is to get the vaccine and/or booster. If you still need the vaccine and/or booster, it is widely available in the El Paso area and on campus. For more information about the current rates, testing, and vaccinations, please visit [epstrong.org](http://epstrong.org).

**COURSE OVERVIEW**

This course examines theory and research associated with criminal case processing and sentencing outcomes. The final part of the course is devoted to an examination of American capital punishment. Specific attention is paid to punishment extralegal disparities and reforms.

**REQUIRED BOOKS**

Clair, Matthew. 2020. *Privilege and punishment: How race and class matter in criminal court*. Princeton University Press.

Hessick, Clarissa Byrne. 2021. *Punishment without trial: Why plea bargaining is a bad deal*. Abrams Press.

Kohler-Hausmann, I. 2018. *Misdemeanorland: Criminal courts and social control in an age of broken windows policing*. Princeton University Press.

## **COURSE STRUCTURE AND GRADING**

**Attendance and Participation:** This course is a graduate seminar, in that students will be expected to make a meaningful contribution to the discussion, and carry a large part of the conversation. In addition to completing the assigned readings, students should attend class with the readings and notes in hand, including questions and critiques. The class works best when students are engaged. Do not be afraid to talk or to share ideas—you are just as likely (if not more likely) to gain insights and learn from each other as you are from the professor. Consistent attendance, coupled with thoughtful participation that advances the class discourse, are required to earn full credit. Please become familiar with the class attendance policy:

<u>Missed Classes</u>	<u>Final Course Grade Penalty</u>
One	No penalty
Two	B or less
Three	C or less
Four or more	F

Any ongoing issue(s) that may preclude a student from attending and participating in class may merit an excused absence, and should be discussed with the professor in a timely manner, not toward the end of the semester. An excused absence will be granted at the discretion of the professor. Attendance and participation are worth 10 percent of the overall course grade.

**Weekly Paper:** Students will be expected to synthesize the assigned readings for 10 of the 13 class sessions. The student may select which three of the 13 weeks to “skip” the weekly paper. Papers should be thoughtful and demonstrate a critical focus and an in-depth knowledge of the readings. Please refrain from simply stating that you “like” or “agree” the assigned readings or the readings are “interesting” or “good”. Please address the following three questions: (1) What does the study/book inform on the topic? (2) How does the study/book contribute to the knowledge of the specific topic? (3) Why are the findings important? The three questions do not need to be literally outlined in the paper. Make an attempt to bring the readings together in a meaningful way. With respect to mechanics, papers should be typed and double-spaced, use Times New Roman, twelve-inch font with one-inch margins, be approximately two and a half pages in length, and use APA or Chicago format. To receive full credit, papers should be submitted by the day after the scheduled class date—that is, Tuesday by 11:59 PM—to the assignment submission link in Blackboard. Each weekly paper is worth 5 percent of the overall course grade.

**Supreme Court Case Brief:** To familiarize students with legal precedent and the judicial philosophy that guides courts’ decision-making, students will brief one U.S. Supreme Court decision. Each student will be assigned a case (i.e., majority opinion). In-depth information on briefing a High Court decision (including a sample case brief) will be provided in the *Supreme Court Case Brief* folder in Blackboard by the second week of class. With respect to mechanics, papers should be single-spaced, use Times New Roman twelve-inch font with one-inch margins, and be exactly one page in length (not including the title page). Please contact the professor if you have questions on the paper. To receive full credit, the assignment should be submitted electronically on the Blackboard assignment link by Sunday, March 6th. The case brief assignment is worth 15 percent of the overall course grade.

**Courts and Sentencing Research Paper:** Students will be required to write a research paper. The paper should discuss one topic in the courts and sentencing empirical literature. At least 10 academic references should be used in the paper. Academic references for this paper comprise peer-reviewed journal articles and academic books. The paper should be written on one of the following topics:

*Disparities* in presentence detention and bail, charging and plea negotiation practices, defense attorneys, prosecuting attorneys, judges, juries, sentencing decisions, probation/parole, appeals, or special courts.

With respect to the paper's structure, after a brief introduction, a quarter of the paper should discuss the selected topic in courts and sentencing. The remaining three-fourths of the paper should be devoted to a comprehensive literature review of the research articles/books. In reference to writing mechanics, papers should be double-spaced, use Times New Roman font with 1-inch margins, be between six to eight pages in length (not including the title and reference pages), and use APA, MLA, or Chicago format. Do not use direct quotes in the paper. Papers with direct quotes will not be graded. Enlarged headings or margins or extra spacing between lines or paragraphs are not included in the page requirement. Please be cautious when citing the work of others. Purdue University's Online Writing Lab is an excellent source for guidance on how to cite articles and books correctly—<https://owl.english.purdue.edu/owl/>. In-depth guidelines for the research paper will be posted in the *Courts Research Paper* folder on Blackboard.

To receive full credit, the assignment should be submitted electronically on the Blackboard assignment link by Sunday, May 8th. The research paper is worth 25 percent of the overall course grade.

**Percentage Values for Course Requirements:**

Attendance and Participation	10 percent
Weekly Paper x 10	50 percent
Case Brief	15 percent
Research Paper	<u>25 percent</u>
	100 percent

**Grade Percentage Distribution:**

A = 89.5 or more percent	B = 79.5 to 89.4 percent	C = 69.5 to 79.4 percent
D = 59.5 to 69.4 percent	F = 59.4 percent or less	

**ACADEMIC INTEGRITY AND HONESTY**

All student papers are submitted to SafeAssign, a software used to detect plagiarism. The University of Texas at El Paso has a system of Academic Integrity and Scholastic Integrity based on personal integrity of all scholastic work undertaken at the University. Academic dishonesty comprises, but is not limited to, cheating, plagiarism, collusion, or submitting work for credit that is fully or partially completed by someone else. In addition to other guidelines of academic integrity, submitting work that is identical or relatively similar to work submitted in a different course is considered plagiarism. At a minimum, students who engage in academic misconduct will receive a failing grade on the assignment or in the course. Please become familiar with the

University policy on academic integrity and honesty outlined in Student Conduct and Discipline, Section II, Chapter I of the UTEP Handbook of Operating Procedures in the UTEP Handbook of Operating Procedures. Information can be found on the website of the Office of Student Conduct and Conflict Resolution: <http://sa.utep.edu/osccr/student-conduct/>.

### **EXPECTATIONS FOR CLASSROOM CONDUCT**

No texting is permitted, as it is a great distraction to other students and the professor. Use of a cellular phone in case of an emergency should be discussed with the professor before class. Electronic devices are only permitted for taking notes or following along with the course readings. Students who engage in behavior that disrupts the learning environment will be asked to leave the class. Students who consistently text during lectures will be asked to leave the class. All student activities at the University, including this course, are governed by the provisions of the policy on Student Conduct and Discipline, Section II, Chapter I of the UTEP Handbook of Operating Procedures.

Copyright 2022 (Mario Cano) as to this syllabus and all lectures. During this course, students are prohibited from selling notes, lectures, and presentations or being paid for taking notes by any person or commercial firm without the express written permission of the professor teaching this course.

### **EMAIL POLICY**

The professor will answer emails in a timely manner. As most of you are currently or will be professionals (criminal justice or otherwise), a certain amount of professionalism is expected in your communications. As such, all emails will be expected to contain proper grammar. They must be formatted in a professional manner as well (salutation and closing, etc.). If your emails are not well-articulated and professional, there is a high likelihood that there will be no response. In particular, this means no “text speak” or “Internet lingo,” use of all caps, and no swearing. The email should indicate the course in which you are enrolled.

### **STUDENTS WITH DISABILITIES**

The professor is committed to assisting students with a documented disability. If you have a disability (or believe you may have a disability) and need classroom accommodations, please contact the Center for Accommodations and Support Services (CASS) at 747-5148, or by email at [cass@utep.edu](mailto:cass@utep.edu), or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at [www.sa.utep.edu/cass](http://www.sa.utep.edu/cass).

**The University Writing Center:** The University Writing Center offers free synchronous online one-on-one writing assistance for UTEP Connect students. Graduate and undergraduate consultants work with writers on projects for a wide variety of classes and provide assistance during all parts of the writing process, including: prewriting, drafting, revising, and editing. Online assistance is available by appointment through the UWC’s website ([uwc.utep.edu](http://uwc.utep.edu)). Most UWC consultants are bilingual Spanish and English speakers. Consultants will not edit your paper for you, and you are the one ultimately responsible for the work you submit and the grade you earn. Instead, Writing Center consultants will guide you through the writing process and teach you valuable writing skills. Visit the UWC’s website to learn more about the services they provide, or make an appointment for an online consultation.

**Important Notes:** Please make sure that you have immediate access to the personal email linked to your Blackboard account, as all course emails and notifications will be sent through Blackboard. With the exception of book chapters (which will be posted in Blackboard), students are expected to locate all assigned journal article readings using online databases and UTEP Library resources. Begin collecting assigned readings early, as the professor is not responsible for readings you cannot get to as a result of procrastination. The professor reserves the right to make any changes to the course requirements and deadlines.

### **COURSE SCHEDULE**

#### Week 1: Course Introduction, Nature of Crime, and Criminal Justice Institutions

01/24

Introduction

#### Week 2: Status of Courts and Sentencing Research

01/31

Johnson, Brian. 2011. Sentencing. *The Oxford handbook of crime and criminal justice*, 696-729. (posted on Blackboard)

Tonry, Michael. 2011. Mandatory Penalties. *The Oxford handbook of crime and criminal justice*, 730-756. (posted on Blackboard)

Ulmer, Jeffery T. 2012. Recent developments and new directions in sentencing research. *Justice Quarterly*, 29: 1-40.

#### Week 3: Court Case Processing and Sentencing Theories

02/07

Albonetti, Celesta. 1991. An integration of theories to explain judicial discretion. *Social Problems*, 38: 247–266.

Dixon, Jo. 1995. The organizational context of criminal sentencing. *American Journal of Sociology*, 100: 1157–1198.

Steffensmeier, Darrell, Jeffery Ulmer, and John Kramer. 1998. The interaction of race, gender, and age in criminal sentencing: the punishment cost of being young, black, and male. *Criminology*, 36: 763-798.

Ulmer, Jeffery T. 2019. Criminal courts and inhabited institutions: Making sense of difference and similarity in sentencing. *Crime and Justice*, 48: 483-522.

Week 4: Prosecutorial Discretion

02/14

Spohn, Cassia. 2018. Reflections on the exercise of prosecutorial discretion 50 years after publication of the challenge of crime in a free society. *Criminology and Public Policy*, 17: 321-340.

Levine, Kay, Ronald F. Wright, and Marc L. Miller. 2014. The many faces of prosecution. *Stanford Journal of Criminal Law and Policy*, 1: 27-47.

Spohn, Cassia, and Robert Fornango. 2009. US attorneys and substantial assistance departures: Testing for interprosecutor disparity. *Criminology*, 47: 813-846.

Hartley, Richard D., and Rob Tillyer. 2018. Examining prosecutorial discretion in federal criminal cases: Legal and extra-legal determinants of declination and charge change decisions. *Justice Quarterly*, 35: 1195-1225.

Week 5: Plea Bargaining I.

02/21

Hessick, Clarissa Byrne. 2021. *Punishment without trial: Why plea bargaining is a bad deal*. Abrams Press. (Chapters 1-5)

Week 6: Plea Bargaining II.

02/28

Hessick, Clarissa Byrne. 2021. *Punishment without trial: Why plea bargaining is a bad deal*. Abrams Press. (Chapters 6-10)

Week 7: Plea Bargaining III.

03/07

Johnson, Brian D., Ryan D. King, and Cassia Spohn. 2016. Sociolegal approaches to the study of guilty pleas and prosecution. *Annual Review of Law and Social Science*, 12: 479-495.

Spohn, Cassia, and Katharine Tellis. 2019. Sexual assault case outcomes: Disentangling the overlapping decisions of police and prosecutors. *Justice Quarterly*, 36: 383-411.

Kutateladze, Besiki Luka, Nancy R. Andiloro, and Brian D. Johnson. 2016. Opening Pandora's box: How does defendant race influence plea bargaining?. *Justice Quarterly*, 33: 398-426.

Metcalf, Christi, and Ted Chiricos. 2018. Race, plea, and charge reduction: An assessment of racial disparities in the plea process. *Justice Quarterly*, 35: 223-253.

Week 8

03/14

No Class: Spring Break

Week 9: Court Case Processing I.

03/21

*Kohler-Hausmann, I. 2018. Misdemeanorland: Criminal courts and social control in an age of broken windows policing. Princeton University Press. (Chapters 1-3)*

Week 10: Court Case Processing II.

03/28

*Kohler-Hausmann, I. 2018. Misdemeanorland: Criminal courts and social control in an age of broken windows policing. Princeton University Press. (Chapters 4-6)*

Week 11: Court Case Processing III.

04/04

*Kurlychek, Megan C., and Brian D. Johnson. 2019. Cumulative disadvantage in the American criminal justice system. Annual Review of Criminology, 2:291-319.*

*Hester, Rhys. 2017. Judicial rotation as centripetal force: Sentencing in the court communities of South Carolina. Criminology, 55: 205-235.*

*Yan, Shi, and Shawn D. Bushway. 2018. Plea discounts or trial penalties? Making sense of the trial-plea sentence disparities. Justice Quarterly, 35: 1226-1249.*

*Petersen, Nick. 2019. Low-level, but high speed?: Assessing pretrial detention effects on the timing and content of misdemeanor versus felony guilty pleas. Justice Quarterly, 36: 1314-1335.*

Week 12: Race, Courts and Sentencing I.

04/11

*Clair, Matthew. 2020. Privilege and punishment: How race and class matter in criminal court. Princeton University Press.*

Week 13: Race, Courts, and Sentencing II.

04/18

*King, Ryan D., and Michael T. Light. 2019. Have racial and ethnic disparities in sentencing declined?. Crime and Justice, 48: 365-437.*

Spohn, Cassia and David Holleran. 2000. The imprisonment penalty paid by young unemployed Black and Hispanic male offenders. *Criminology*, 38: 281–306.

King, Ryan D., and Brian D. Johnson. 2016. A punishing look: Skin tone and Afrocentric features in the halls of justice. *American Journal of Sociology*, 122: 90-124.

Ulmer, Jeffery T., and Brandy R. Parker. 2020. Federal sentencing of Hispanic defendants in changing immigrant destinations. *Justice Quarterly*, 37: 541-570.

#### Week 14: Race, Courts, and Sentencing III.

04/25

Kramer, Kelsey L., and Xia Wang. 2019. Assessing cumulative disadvantage against minority female defendants in state courts. *Justice Quarterly*, 36: 1284-1313.

Ulmer, Jeffery, Michael T. Light, and John Kramer. 2011. The “liberation” of federal judges’ discretion in the wake of the Booker/Fanfan decision: Is there increased disparity and divergence between courts?. *Justice Quarterly*, 28: 799-837.

Yang, Crystal S. Free at last? 2015. Judicial discretion and racial disparities in federal sentencing. *The Journal of Legal Studies*, 44: 75-111.

Johnson, Brian D., Cassia Spohn, and Anat Kimchi. 2021. Life lessons: Examining sources of racial and ethnic disparity in federal life without parole sentences. *Criminology*, 59: 704-737.

#### Week 15: Death Penalty

05/02

Paternoster, Raymond, and Robert Brame. 2008. Reassessing race disparities in Maryland capital cases. *Criminology*, 46: 971-1008.

Land, Kenneth C., Raymond HC Teske Jr, and Hui Zheng. 2009. The short-term effects of executions on homicides: Deterrence, displacement, or both?. *Criminology*, 47: 1009-1043.

Ulmer, Jeffery T., Gary Zajac, and John H. Kramer. 2020. Geographic arbitrariness? County court variation in capital prosecution and sentencing in Pennsylvania. *Criminology and Public Policy*, 19: 1073-1112.

Lehmann, Peter S., and Justin T. Pickett. 2017. Experience versus expectation: Economic insecurity, the great recession, and support for the death penalty. *Justice Quarterly*, 34: 873-902.