

CRIMINAL PROCEDURE: SURVEY FALL 2015

Syllabus

Professor Omar Saleem

Course no. 3989

Class no. 4086

Sec no. 301

Class times: Tuesday & Thursday 11am to 12:15pm

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Office Hours: to be announced

Required Texts:

Tomkovicz & White, "Criminal Procedure: Constitutional Constraints upon Investigation And Proof" (7th Ed. 2012) (ISBN: 978-0-7698-7). Reading assignments are subject to change.

Course Goals:

- 1- Pass Criminal Procedure portion of the Bar Examination
- 2- Improve skills in reading, writing and analyzing (RAP)
- 3- Exposure to basic Constitutional Law practice skills to think tactically and strategically
- 4- Go beyond mere memorization ("Imagination is more important than knowledge" Albert Einstein)

Class rules and information:

1. Regular and punctual class attendance is required. The attendance policy is governed by the rules in the Student Handbook. Late arrivals are not allowed.
2. A student's final grade will be primarily based on the quality of his or her final grade. In class "surprise" exams or assignments are also possible. I reserve the right to increase grades based on consistent and high quality class participation, and to lower grades based on excessive lack of preparation or effort in class, or a lack of professional conduct or discourteous conduct.
3. Examination: There will be a final examination. You will be responsible for all issues raised in the assigned readings, whether or not they are discussed in class. You will also be responsible for all issues raised in class, whether or not they are covered in the assigned readings.

4. Etiquette: Students are expected to refrain from activities that could distract themselves or others from the discussion. These include, among others, e-mail and instant message communication, Internet browsing, side conversations, game playing, and eating. To facilitate compliance, I request that students turn off and put away all electronic devices before class begins. This prohibition includes but is not limited to laptop computers, cell phones, PDAs, and pagers.
5. Failure to complete or submit the entire exam will result in a failing grade in the course
6. External assignments may be assigned
7. You are responsible materials in the notes

READING ASSIGNMENTS

The Threshold of the Fourth Amendment: what is a search?

1. Searches and Non-searches pgs. 3 - 34
 - Katz v. United States
 - United States v. White
 - Smith v. Maryland
 - California v. Ciraolo
 - Oliver v. United States (notes)
 - United States v. Jones (notes)

2. Searches (continued) pgs. 34 - 57
 - Bond v. United States
 - Kyllo v. United States
 - Florida v. Jardines**
 - http://www.supremecourt.gov/opinions/12pdf/11-564_5426.pdf**
 - Problems pgs. 49 - 57

3. “Standing” pgs. 1017 - 1050
 - Rakas v. Illinois
 - Minnesota v. Carter
 - Problems pgs. 1045 - 1050

4. The Requirement of Probable Cause pgs. 59 - 102
 - Spinelli v. United States
 - Illinois v. Gates
 - Whren v. United States
 - Florida v. Harris**
 - http://www.supremecourt.gov/opinions/12pdf/11-817_5if6.pdf
 - Problems pgs. 94 -102

5. The Warrant Requirements pgs. 105 - 167
 - Johnson v. United States
 - United States v. Watson
 - Atwater v. City of Lago Vista
 - United States v. Grubbs
 - Andersen v. Maryland
 - Maryland v. Garrison (notes)
 - Wilson v. Arkansas
 - United States v. Bailey**
 - http://www.supremecourt.gov/opinions/12pdf/11-770_j4ek.pdf
 - Problems pgs. 158 – 167

6. Stop and Frisk pgs. 381 – 399
 - Terry v. Ohio
 - Dunaway v. New York

 - Terry “Seizures” pgs. 400 – 426
 - United States v. Mendenhall
 - Florida v. Bostick
 - California v. Hodari
 - Problems pgs. 420 - 426

7. Reasonable Suspicion pgs. 426 - 452
 - Illinois v. Wardlow
 - Alabama v. White
 - Florida v. J.L.
 - Navarette v. California**
 - http://www.supremecourt.gov/opinions/13pdf/12-9490_3fb4.pdf
 - Problems pgs. 447 - 452

8. The Permissible Scope of Stops pgs. 452 - 503
 - Hayes v. Florida
 - United States v. Sharpe
 - United States v. Place

 - The Permissible Scope of Frisks
 - Michigan v. Long
 - Minnesota v. Dickerson
 - Maryland v. Buie
 - Problems pgs. 494 - 503

9. Special contexts: pgs. 505 - 542
 - New Jersey v. TLO
 - Michigan v. Sitz
 - Indianapolis v. Edmond
 - Illinois v. Lidster

10. Special context continued: pgs. 568 -605
 - United States v. Flores-Montano
 - Problems pgs. 571 – 580
 - Tennessee v. Garner
 - Schmerber v. California
 - Winston v. Lee
 - Missouri v. McNeely**
 - http://www.supremecourt.gov/opinions/12pdf/11-1425_cb8e.pdf**
 - Problems pgs. 599-605

- 11 . Exceptions to the Warrant Requirement: Search Incident to Lawful Arrest
 - pgs. 169 - 233
 - Chimel v. California
 - United States v. Robinson
 - Riley v. California**
 - http://www.supremecourt.gov/opinions/13pdf/13-132_819c.pdf**
 - New York v. Belton
 - Arizona v. Gant
 - Payton v. New York
 - Steagald v. United States
 - Problems pgs. 226 - 233

12. More Exceptions: Exigent Circumstances pgs. 234 - 252
Warden v. Hayden
Vale v. Louisiana
Kentucky v. King
Problems pgs. 245 - 252
- More Exceptions: Inventory Searches pgs. 293 - 317
South Dakota v. Opperman
Illinois v. Lafayette
Colorado v. Bertine
Maryland v. King
http://www.supremecourt.gov/opinions/12pdf/12-207_d18e.pdf
Problems pgs. 310 - 317
13. More Exceptions: The Automobile Exception pgs. 253 - 292
Chambers v. Maroney
California v. Carney
United States v. Chadwick
California v. Acevedo
Problems pgs. 286 - 292
14. More Exceptions: Consent Searches pgs. 317 - 360
Schneekloth v. Bustamonte
United States v. Matlock
Georgia v. Randolph
Illinois v. Rodriguez
Fernandez v. California
http://www.supremecourt.gov/opinions/13pdf/12-7822_he4l.pdf
Problems pgs. 353 - 360
- More Exceptions: The Plain View Doctrine pgs. 361 - 380
Horton v. California
Arizona v. Hicks
Problems pgs. 374 - 380

15. Remedies: The Exclusionary Rule pgs. 995 - 1014

Weeks v. United States

Mapp v. Ohio

Exclusionary Rule Exceptions:

Independent Source; Inevitable Discovery pgs. 1051 - 1091

Silverthorne Lumber Co. v. United States

Murray v. United States

Nix v. Williams

Problems pgs. 1068 - 1074

Wong Sun

Brown v. Illinois

16. Exclusionary Rule Exceptions continued: pgs. 1091 - 1112

Hudson v. Michigan

Problems pgs. 1108 - 1112

Good Faith Exception pgs. 1113 - 1156

United States v. Leon

Massachusetts v. Sheppard

Herring v. United States

problems pgs. 1149 – 1156

17. Confessions: Due Process Limits pgs. 651 - 685

Ashcroft v. Tennessee

Spano v. New York

Colorado v. Connelly

Problems pgs. 677 - 685

18. Confessions: The Privilege Against Self Incrimination pgs. 687 - 731

Miranda v. Arizona

New York v. Quarles

Dickerson v. United States

Problems pgs. 728 – 731

19. Custody pgs. 731 - 760
- Berkemer v. McCarty
- J.D.B v. North Carolina
- Problems pgs. 753 – 760
- Interrogation
- pgs. 760 - 783
- Rhode Island v. Innis
- Illinois v. Perkins
- Problems pgs. 778 - 783
-
20. Warnings and Waiver pgs. 783 -801
- Berghuis v. Thompson
- Colorado v. Spring
- Problems pgs. 796 - 801
- Invoking the Miranda Protections pgs. 801 - 843
- Michigan v. Mosley
- Edwards v. Arizona
- Davis v. United States Problems pgs. 832 - 843

21. Miranda Exclusion Doctrine pgs. 1157 - 1197

Oregon v. Elstad

Missouri v. Seibert

United States v. Patane

Problems pgs 1189 – 1193

Harris v. New York pgs 1194 - 1197

22. The Right to Counsel: At Trial pgs. 845 - 864

Betts v. Brady

Gideon v. Wainwright

Scott v. Illinois

Problems pgs. 859 - 864

23. The Right to Counsel: During Pretrial Questioning pgs. 867 - 918

Massiah v. U. S.

United States v. Henry

Kuhlmann v. Wilson

Fellers v. United States

Brewer v. William

Problems pgs. 911 - 918

24. The Right to Counsel: Pretrial Identification Procedure pgs. 923 - 961

U.S. v. Wade

Kirby v. Illinois

United States v. Ash

Problems pgs. 958 - 961

Pretrial Identification Procedures: Due Process pgs. 963 - 991

Stovall v. Denno

Manson v. Brathwaite

Problems pgs. 983 - 991