This class will examine the constitutional principles governing the conduct of criminal prosecutions and the admissibility of evidence in those proceedings. The core federal constitutional amendments are the Fourth, Fifth, Sixth and Fourteenth. We will examine the history of these amendments and the U.S. Supreme Court’s interpretation of them. Analysis of U.S. Supreme Court case law will be critical to understanding modern criminal procedure.

**Required Reading Assignments:**

All cases reviewed in this class may be obtained on Westlaw or Lexis/Nexis. You are required to read the entire case unless otherwise directed. It is expected that students will be able to analyze carefully and engage in a critical discussion of these cases including procedural history of the case, prior holdings, facts, holdings and rationales.

**Class Participation:**

Participation in class is required and will be considered when grading. Class will be conducted by calling on students at random and asking questions regarding the selected material. Volunteering is encouraged. Should a student be unprepared for a particular class, he or she must notify me in advance of the class. “Passing” when called upon or stating that one is not prepared or otherwise providing an excuse for not being able to answer questions when called upon is not acceptable in this class. Continual unpreparedness for class discussion may result in the student being marked as absent from class.

**Attendance Policy:**

According to law school policy, class attendance is the obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowable absences may be compelled to withdraw from the course, or may be barred from sitting for the final exam. A student who is compelled to withdraw or who is barred from sitting for the final exam will receive an “F” in the course. There are five (5) maximum allowable absences within the semester.

**Grades:**

Grades will be based upon the final exam, class participation and attendance.
Contact Information:

I may be reached by e-mail at any time at nsforster@gmail.com. My telephone number is 410-337-5048 between the hours of 9:00 a.m. and 6:30 p.m. during the week or weekend. Please note that the “gmail” address must have an “s” before my last name.

READING ASSIGNMENTS

Part I: The Criminal Justice Process

Week 1

A. Regulation of State Criminal Processes
B. Overview of Typical Criminal Process
C. 14th Amendment Due Process: Clash of Theories

Part II: Police Practices

Weeks 2 and 3

A. The Fourth Amendment and the Exclusionary Rule

   B. Protected Areas and Interests: What is a “search”?

WEEK 4

A. Probable Cause

B. Arrest Warrants

C. Search Warrants: Elements

**WEEK 5**

A. Search Warrants: Execution

**WEEKS 6 and 7**

A. Exceptions to the Warrant Requirement: Exigent Circumstances

B. Exceptions to the Warrant Requirement: Searches Incident to Arrest

**WEEK 8**

A. Exceptions to the Warrant Requirement: Cars and Containers

B. Inventory Searches
WEEK 9
A. Exceptions to the Warrant Requirement: Plain View And Touch

B. Exceptions to the Warrant Requirement: Consent

WEEK 10
A. Lesser Intrusions: The *Terry* Doctrine

B. What is a “seizure”? Person

C. What is a “seizure”? Automobile Passengers

WEEK 11
A. *Terry’s* “Reasonable Suspicion” Requirement

B. *Terry* Frisk Following Lawful Seizure

C. Extending the *Terry* Doctrine
WEEK 12
A. Reasonableness in a “Special Needs” Context

WEEK 13
A. Remedies for 4th Amendment Violations: Standing

B. Remedies: Exclusionary Rule and Good Faith Exception
   1. U.S. v. Leon, 468 U.S. 897

C. Independent Source and Inevitable Discovery Doctrines

PART III: POLICE INTERROGATION AND CONFESSIONS

WEEK 14
A. The Fifth Amendment Voluntariness Requirement

B. The Fifth Amendment and Miranda Self-Incrimination

WEEK 15
A. Miranda: When Does It Apply?

WEEK 16
A. Invocation of Miranda Rights

B. Waiver of Miranda Rights

WEEK 17
A. Sixth Amendment Right to Counsel: When Does It Apply?

B. Sixth Amendment Right to Counsel: Invocation

C. Waiver of Sixth Amendment Right to Counsel

D. Sixth Amendment Right to Counsel: Identifications