CONSTITUTIONAL CRIMINAL PROCEDURE I
Professor Byron L. Warnken
COURSE MANUAL & SYLABUS – FALL 2015

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Introduction

This is my 112th semester in the classroom. The rules of Constitutional Criminal Procedure I (CCPI) are set forth in this Course Manual. Students are responsible for the content of the Course Manual or, at least, go to the Course Manual before asking a question.

Constitutional Underpinnings of This Course

For 16 years (1953-69), the “Warren Court” created a “revolution” of rights for criminal Defendants by limiting the power of Government. This “constitutionalization” of criminal procedure began in 1961 when the Court “incorporated” the Fourth Amendment’s limitations against state and local governments. By 1970, almost all constitutional protections of the Fourth, Fifth, Sixth, and Eighth Amendments had been incorporated against the states. In the 46 years since the end of the Warren Court, there has been somewhat of a counter-revolution by the “Burger Court” (1969-86), the “Rehnquist Court” (1986-2005), and the “Roberts Court” (since 2005). Since the start of the Warren Court 62 years ago, no area of law has grown as rapidly as constitutional criminal procedure, evolving from a small portion of a Criminal Law course or a Constitutional Law course to its own three-credit course. Today, constitutional criminal procedure can barely be covered in six credits (three credits each in CCPI and CCPII).

Professor’s Perspective on Course Coverage

Unlike many academics, I have practiced the subjects I teach. Twenty-three years ago, after I had been a law professor for 15 years, my wife and I started Warnken, LLC, Attorneys-at-Law. In November 2013, I retired by reducing my private practice time to six hours per week. My son, Byron B. Warnken, Esq., now owns Warnken, LLC. My goal, in this course, is to make use of my legal experience by providing you a litigation perspective. In particular, I want to demonstrate trial
strategies and practical considerations for both prosecutors and defense counsel. This course is a “how to” course, advising tomorrow’s assistant state’s attorneys, assistant public defenders, and private defense counsel what to do, when to do it, how to do it, and why to do it.

The fall 2015 semester starts my 39th year on the law faculty. I have taught CCPI since 1979. In 1985, I began using a hornbook for “the law,” accompanied by my own selected cases, analysis questions, and hypothetical problems. In 2007, I replaced the hornbook with my own written materials, geared to practicing criminal law and procedure in Maryland, with an emphasis on passing the Maryland and multistate bar exams. I now use only my three-volume treatise and my selected Supreme Court cases.

There is one disadvantage to creating one’s own teaching materials, instead of using a standard casebook. The disadvantage is that it is incredibly time consuming. I read every criminal law and procedure case (that’s more than one-third of all appellate opinions) filed by the Supreme Court of the United States, the Court of Appeals of Maryland, and the Court of Special Appeals of Maryland. There are two advantages when creating one’s own teaching materials, and they outweigh the disadvantage. First, I know why the next case and next hypothetical problem are in the materials. Second, I am able to – and I do – update the materials each semester. Keeping course materials current is essential because the case law constantly changes our understanding of the Constitution.

**Why Should Law Students Take This Course?**

For students with no interest in the field of criminal law, there is one reason to take CCPI. In the last decade, both the multistate and Maryland bar examiners have increased their testing of constitutional criminal procedure. Thus, if you are not interested in criminal law, you should take this course as late as possible (third year day or fourth year evening).

For students interested in the field of criminal law, the following courses are essential: CCPI, CCPII, Evidence, Trial Advocacy, Judicial Internship, and Criminal Practice Clinic. CCPI is “constitutional law for criminal law majors,” and CCPII is “civil procedure for criminal law majors.” CCPI is more fun than CCPII, but CCPII is more important on a day-to-day basis. Thus, if you are interested in criminal law, you should take CCPI as early as possible (second year day or second of third year evening). Moreover, just as Constitutional Law and Civil Procedure could be taken in any order, CCPI and CCPII can be taken in any order.

**Course Materials**

This course is online through TWEN, and you register through Shavaun O’Brien (room 1112; 410-837-4635; sobrien@ubalt.edu), my administrative assistant. I have been a law professor since 1977. I have taught CCPI since 1979. I have used my own course materials in CCPI since 1985. I update and change the materials every course. In CCPI, I use only Supreme Court cases. The newest case in this casebook was decided June 22, 2015. I even change the course materials during a course if a new case is decided that proves to be an excellent “teaching” case. Knowing that I am always looking for new materials, I reserve the right to amend the class assignments until seven days before class. You are responsible for all assigned material. For each class, the assigned pages correspond with the class number, e.g., Class #1 includes all pages that start “1-“.

In October 2013, after many years of work, I published a three-volume, 34-chapter, 1,769-page treatise, titled *Maryland Criminal Procedure*. All 28 of the classes in CCPI and all 28 of the classes in CCPII come from the treatise, and students are assigned the treatise. The treatise is
available in both digital form and as a hard-bound three-volume set. The digital version is available for $149, and the hard-bound version is available for $289, plus shipping. There is no rebate on the digital version. There is a $50 email in rebate for students enrolled in this course who purchase the hard-bound treatise from Amazon. Email your Amazon receipt to my son, Byron B. Warnken, at byron@27legal.com. Rebates are issued about one month after the semester starts. You receive the 2013-to-2015 supplement at no cost.

The course materials include the following for each of 28 classes: (1) my chart that provides an overview of that class; (2) my treatise; (3) my edited treatise materials for class preparation and exam review; (4) two heavily edited Supreme Court opinions; (5) analysis questions for each opinion, which are designed to guide your understanding and assist you in preparing for class; and (6) a hypothetical problem that provides the basis for discussion and application of the law for that class. I also provide you with other materials on a “for what it’s worth” basis. You are not responsible to read these materials, and they will not be tested. They are (1) Steps in the Criminal Justice System; (2) About Professor Warnken; (3) Curriculum Vitae of Professor Warnken; and (4) Writings of Professor Warnken.

The first class is Tuesday, August 18, from 6:15 to 7:30 p.m., in Law Center room 803. The first class – and every class – starts with a seven-minute, seven-question, multiple-choice Daily Quiz. Thus, it is essential that you obtain and prepare the materials for the first class as soon as possible. Every student will take the Daily Quiz, regardless of whether that student is prepared for class. Just prior to 6:15 p.m., I will instruct you to open your laptop, sign onto TWEN, and find the Daily Quiz. I will instruct you what the password is for that particular Daily Quiz on that particular day. At 6:22 p.m., you will lose access to the TWEN. IT IS AN HONOR CODE VIOLATION TO ACCESS ANY MATERIAL DURING THE DAILY QUIZ. Your computer will inform you of your Daily Quiz score for that quiz.

Prior to taking the first Daily Quiz on August 18, you must see Shavaun O’Brien, my administrative assistant, in room 1112, and sign an acknowledgement of the Honor Code policy, which provides: “I have read the Course Manual, and I know that it is an Honor Code violation to access any material during the Daily Quiz, including anything on a computer, any notes, any text, any materials, or anything.” This requirement to sign, acknowledging the Honor Code requirements, is new, and is based on the following incident.

In Spring 2015, one of my students, during the Daily Quiz, on multiple occasions, switched back and forth from the Daily Quiz to the course materials. Another student, who saw this, reported it. It was investigated by the Honor Board. In the hearing, the student admitted the conduct, but claimed that it was carelessness in not reading the Course Manual. The student claimed to not know the Daily Quiz was closed book. The student was found guilty, but was not dismissed and did not receive an “F.” The student’s grade was reduced by two and one-third letter grades, and the student was required to write a letter of apology to all members of the class. I want to ensure that this does not happen again.

Course Personnel

Professor: Professor Byron L. Warnken (room 1109; 410-837-4640 (law school); 410-868-2935 (cell); bwarnken@ubalt.edu).

Administrative assistant: Shavaun O’Brien (room 1112; 410-837-4635; sobrien@ubalt.edu).
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

No person . . . shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law . . .

In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.

No State shall . . . deprive any person of life, liberty, or property, without due process of law . . .

In this course, the approach for each constitutional protection is “applicability-compliance-remedy (‘ACR’).” First, is the constitutional protection even applicable? Second, if applicable, did the Government comply with the constitutional requirements? Third, if applicable, yet not complied with, what, if any, remedy is available to the Defendant whose constitutional rights were violated? This course devotes 16 classes to the Fourth Amendment (2 “A” – 12 “C” – 2 “R”), 6.5 classes to the Fifth Amendment (2 “A” – 3.5 “C” – 1 “R”), and 5.5 classes to the Sixth Amendment (2 “A” – 3.5 “C” – 0 “R”). The following is a breakdown of that coverage, by class:

<table>
<thead>
<tr>
<th>Amendment</th>
<th>ACR</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>IV</td>
<td>A</td>
<td>Governmental action; from trespass to reasonable expectation of privacy; standing Consent searches</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>“Issuance” of a warrant “Execution” of a warrant Sliding scale from accosting to stop/detention to arrest; arrests in public; arrests in Maryland Arrest in one’s home; arrest in a third party’s home; remedy for illegal arrest; prompt presentment requirement Stop/detention Frisk; protective sweep; search incident to a lawful arrest Hot pursuit &amp; other exigencies Administrative searches Checkpoints; inventories “Special needs balancing” Plain view Automobile exception</td>
</tr>
<tr>
<td></td>
<td>R</td>
<td>Remedy of exclusion of evidence Restricting the criminal remedy; creating a civil remedy</td>
</tr>
<tr>
<td>V</td>
<td>A</td>
<td>Scope of the privilege Immunity</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>Voluntariness versus compulsion</td>
</tr>
</tbody>
</table>
Scope of Miranda
Waiver of Miranda rights & assertion of Miranda rights
Remedy of exclusion of a statement & limitation on exclusion
Fifth/Sixth Amendment overlap for suppressing statements
Right to counsel if indigent
Right to counsel of choice if not indigent & waiver of the right to counsel
Effective assistance of counsel
Conflict of interest
Eyewitness identifications

Class Dates, Times, & Attendance
This three-credit course has 28 classes, which are scheduled at a pace of two classes per week. Each class is 75 minutes. Class meets on Tuesday and Thursday from 6:15 to 7:30 p.m. in room 803.

Who Am I & Who Are You?
You can learn about me by reading “About Professor Warnken.” I want to learn about you. I am interested in you, and I am interested in your success during law school and beyond. That process starts with me knowing who you are. In the 1973 movie, “The Paper Chase,” Mr. Hart, the protagonist, was a first-year student at Harvard Law School. His toughest professor was Professor Kingsfield (that’s me), and the goal of Mr. Hart (that’s you) was to earn an “A” in Professor Kingsfield’s class. The sad moment for Mr. Hart came at the end of the movie. He earned an “A” from Professor Kingsfield and encountered the professor on the elevator, only to realize that Professor Kingsfield had no idea who he was. That will not happen with you and me. I will know you now, and I will know you 12 years from now when I retire after 50 years of teaching.

You must help me in my quest to know you. First, you must sit in the same seat each class. During the first class, I will distribute a seating chart. In the box that corresponds with your seat, print -- in large, clear, block capped letters – the name by which you wish to be called in class. The vast majority of students use their first name or a nickname, e.g., BILL SMITH, MARY JONES. A few students prefer an honorarium, e.g., MR. SMITH, MS. JONES, MISS JONES, MRS. JONES. On the first day of class, some of you will be required to move forward to fill in vacant seats.

Second, identify yourself in class. If “I call on you,” by name, I know your name – at least at that moment. If “you call on me,” e.g., I seek a volunteer, you offer a comment, or you ask a question, I will not know who you are. When you begin speaking, you must identify yourself in the same manner as indicated on the seating chart. If you do not identify yourself, “the floor” will be given to another student. The requirement for you to identify yourself by name is waived only when you are certain that I know your name. I may have called on you earlier in that same class, but that does not mean that I know your name – yet. Third, please introduce yourself if we meet in the hall. Fourth, please sign up for a 20-minute office hour time (room 1109) and introduce yourself.

Class Format & Preparation
This course does not use “the hidden ball trick.” For each class, the course materials contain (1) the law (in charts, treatise, class preview text); (2) two heavily edited Supreme Court opinions, with accompanying analysis questions; and (3) a hypothetical problem. Class assignments vary greatly in length, and you should plan accordingly.
When you prepare for class, I recommend the following: (1) examine the chart for an overview; (2) read the treatise; (3) read the class preview text; (4) for each of the two assigned cases, (a) read the analysis questions for a perspective on the issues, (b) make a written case brief and create an outline for discussion of the analysis questions; (5) create an outline for discussion of the hypothetical problem; and (6) prior to class, review the chart, the preview text, your case briefs, your written answers to analysis questions, and your outline of the analysis for the hypothetical problem.

I assume that you are prepared for class, meaning that you understand the principles of law in the materials, and you are ready to refine the law’s philosophy, policy considerations, analytical framework, subtle nuances, and practical considerations. The class structure is more like a “workshop” than a lecture. Consequently, class time is spent more “at work” than in note taking, which is why you are permitted – even encouraged – to audiotape the classes.

**Class Phase One**

Each class starts with a seven-minute, seven question Daily Quiz. There is no make-up for a Daily Quiz that is missed. Period. Do not ask. If you miss more than five classes, I have the right to preclude you from taking the Final Exam.

Students should bring a laptop to class. The laptop is for the limited purposes of (1) taking the Daily Quiz, and (2) taking notes. If you are caught, even once, using a laptop for any other purpose, you will be admonished, and you will receive a one-third of a letter grade reduction for the course. If you are caught twice using a laptop for any other purpose, you will be required to withdraw from the course with an “F.” Students are permitted to bring an audiotape recorder to audiotape the class. Students are encouraged to take the Midterm Exam and the Final Exam on a laptop, if they are in compliance with the Law School’s exam software policies and procedures.

Students take the seven-question, multiple-choice Daily Quiz on TWEN. Just prior to 6:15 p.m., make sure that (1) your laptop is closed on your desk; (2) TWEN is easily accessible, i.e., there is an icon on the desktop; and (3) your laptop is plugged in or it has sufficient battery. If you do not have a laptop, or your laptop is broken, see me in class five minutes before class, and I will provide you with a hard copy, which you must submit to me at the end of the Daily Quiz. The Daily Quiz is timed for seven minutes. Along with the Daily Quiz, you will receive a copy of the Problem for that class because Daily Quiz questions #6 and #7 are taken from the Problem for that class. Just prior to 6:15 p.m., I will instruct you to open your laptop, sign onto TWEN, and find the Daily Quiz. I will instruct you what the password is for that particular Daily Quiz. After seven minutes, TWEN will automatically lock you out of the Daily Quiz. Your computer will inform you of your Daily Quiz score for that quiz.

**IT IS AN HONOR CODE VIOLATION TO ACCESS ANY MATERIAL DURING THE DAILY QUIZ, AND IT IS AN HONOR CODE VIOLATION TO FAIL TO STOP WHEN INSTRUCTED.**

Prior to taking the first Daily Quiz on August 18, you must see Shavaun O’Brien, my administrative assistant, in room 1112, and sign an acknowledgement of the Honor Code policy, which provides: “I have read the Course Manual, and I know that it is an Honor Code violation to access any material during the Daily Quiz, including anything on a computer, any notes, any text, any materials, or anything.” This requirement to sign, acknowledging the Honor Code requirements, is new, and is based on a Spring 2015 incident. One student, during the Daily Quiz, on multiple
occasions, switched back and forth from the Daily Quiz to the course materials. Another student saw this and reported it. It was investigated by the Honor Board. In the hearing, the student admitted the conduct, but claimed to have been careless in not reading the Course Manual, and not knowing that the Daily Quiz was closed book. The student was found guilty. I want to ensure this does not happen again.

Three questions on the Daily Quiz test your understanding of the chart, the treatise, the class preview outline, i.e., the law. Two questions test your understanding of the two assigned cases, with one question based on each case. Two questions test your understanding of the hypothetical problem. The Daily Quiz is closed book. If I think there might be an Honor Code violation, I will not deal with it. Instead, I will submit the student’s name to the Honor Board and let the Honor Board personnel sort it out. The seven questions on the Daily Quiz are designed, in part, to test you in this course, and, in part, to prepare you for the 200 multiple-choice questions on the Multistate Bar Exam, which includes 33 questions on Criminal Law and Procedure. Like the Multistate Bar Exam, the Daily Quiz seeks the “best answer” among four answers, recognizing that there may be no correct answer, four correct answers, or somewhere in between.

Class Phase Two

Phase two of each class includes my answers to all seven questions on the Daily Quiz and any general discussion or lecture that I choose to offer. For the first three questions on the Daily Quiz, I provide the analysis that supports the answer, meaning why the correct answer is the “best answer” and why each of the other three answers is either incorrect or, even if correct, is not the “best answer.” Although you will receive the answers for Daily Quiz questions #4 and #5, the analysis may wait for our discussion of the two cases from which those two questions arise. The analysis for Daily Quiz question #6 and #7 will wait until we discuss the hypothetical problem for that class, from which those two questions arise.

If you would like to challenge my answer to a Daily Quiz question, send me an email, no later than 24 hours after the Daily Quiz, explaining why you believe that another answer is the best answer. You may only submit one Daily Quiz challenge during the semester. I will not entertain any question about the Daily Quiz at the time that I provide the answers and analysis to the Daily Quiz, because I do not want to compromise any Daily Quiz question in the event that a student may wish to challenge that answer. If you wish to discuss, but not challenge, a Daily Quiz question and/or answer, waive your right to challenge the Daily Quiz, and I will discuss the Daily Quiz question.

Class Phase Three

Phase three of each class takes about 55 minutes. It is a Socratic dialogue, covering the analysis and arguments relating to the two cases and the hypothetical problem. I will call on individual students to discuss (1) their analysis for the questions following the assigned cases, and (2) their analysis and arguments for the hypothetical problem, making appropriate arguments on behalf of the State and/or the Defendant.

The Socratic dialogue is designed to assist you in mastering essential “lawyering” skills. First, a Socratic dialogue teaches you to handle the integration of law and fact. Second, a Socratic dialogue teaches you to recognize how the analysis may change with even a minor change in the facts. Third, a Socratic dialogue teaches you to appreciate when your position is legally and/or factually sound and when it is legally and/or factually weak. Fourth, a Socratic dialogue teaches the
attorney (that’s you) to handle yourself under the pressure that is inherent when appearing before a judge (that’s me).

I do not expect your analysis to be at my level. There are many ways for you to be incorrect in your analysis. You may not understand the law. You may not understand the facts. You may be drawing irrational inferences from the facts. You may not be answering the question that I asked. I will challenge you. If you have “screwed up,” I will call on other students to show how you “screwed up.” Please do not take it personally. At that point, I will be using you as a teaching tool. If you have a “thin skin,” you are going to have a problem in this class and a problem in the practice of law. When my children (now attorneys at age 37 and 33) were growing up, there were times when I wanted to hug them and tell them it would be OK, but, at that moment, “tough love” was the appropriate approach. I would be delighted if you love me but, if you cannot, I would rather you hate me today, and love me five years from now, than vice versa. I am on your side, and we are all in this together.

If I call on you, do not read your answer or your analysis to the class. Instead, understand your answer and analysis well enough that you and I can have a dialogue. I have been a law professor since 1977, and I have been teaching this course since 1979, which is before most of you were born. I use my own teaching materials. If I call on you in class, you may be only two words into your answer, but I know exactly where you are going. Let’s assume that you are going in the wrong direction, and I do not have time, at that moment, to slowly turn you around. I may interrupt you with a follow-up question, or I may move to another student. If you are an attorney in court, the best way to be harmful to your client is to interrupt the judge, raise your voice and try to talk over the judge, and/or give the judge a dirty look in response to the judge’s ruling. In this classroom, I am the judge. Don’t hurt your client.

**Students Contacting the Professor**

I am willing to discuss with you any academic or non-academic topic, except I will not discuss course material that we have not yet covered in class, because that might place other students at a disadvantage. I recognize “professor-student” confidentiality. If you would like to meet with me, please use one or more of the following methods. (1) Sign up for a 20-minute appointment, using the office hour sign-up sheet on my office door (room 1109). Office hours are on Tuesday and Thursday from 1:00 to 2:00 p.m., from 4:00 to 5:20 p.m., and from 7:45 to 9:05 p.m. (2) Call me to ask a question (410-837-4640 (UofB) or 410-868-2935 (cell)). (3) Identifying yourself by name, email me at **bwarnken@ubalt.edu** to ask a personal question or course-related question about material we have already covered.

**Course Grade**

Eight years ago, the law faculty approved a mandatory grade range for law students at UofB. For upper class courses, such as CCPI, the mandatory grade range is a section-wide average of 3.00 to 3.50. At the end of the semester, the numbers from your (1) 25 highest Daily Quizzes, (2) the Midterm Exam, and (3) the Final Exam will be totaled, based on their percentage of the course grade. The Daily Quizzes, the Midterm Exam, and the Final Exam are all graded anonymously. The 196 Daily Quiz multiple-choice questions are graded online (using your seven-digit student ID number), and the 14 Midterm Exam multiple-choice questions and 56 Final Exam multiple-choice questions are graded online (using your exam number).
I grade the two 25-minute essays on the Midterm Exam and the five 25-minute essays on the Final Exam. I will not know which student goes with which exam number until after I have graded the exams and, for the Final Exam, submitted the Final Exam grades to the Dean’s Office. When I grade the two essays on the Midterm Exam, and when I grade the five essays on the Final Exam, I grade the entire class on the first essay, then the entire class on the second essay, and so on. The course grade breaks down as follows:

1. The Daily Quiz grade makes up 25% of the course grade. The raw score for the Daily Quiz grade consists of the highest 25 Daily Quiz scores from among the 28 Daily Quizzes. Because the Daily Quiz tests you on individual cases, you will not be tested on individual cases on the Midterm Exam or Final Exam.

2. A one-hour, closed book Midterm Exam will be administered on Sunday, October 4, from 11:00 a.m. to 12:00 p.m., in a room TBA. The Midterm Exam, which makes up 15% of the course grade, consists of two 25-minute essays, covering Class #1 through Class #14, and 14 multiple-choice questions (one question from each of the first 14 classes). The essays are 25 minutes each because the essays on the Maryland Bar Exam are 25 minutes each. On the Midterm Exam, you are not responsible for the assigned cases. You are only responsible for the material covered in the Midterm Exam Review for Class #1 through Class #14. On Saturday, October 3, from 9:00 to 10:30 a.m., in a room TBA, I will offer an optional Midterm Exam review session, covering Class #1 through Class #14. I will answer any question that you have about the material from Class #1 through Class #14.

On Friday, October 9, from 6:00 to 7:00 p.m., in a room TBA, I will offer an optional Midterm Exam Critique Session. If you would like to keep open the option of having me review, with you, on a one-on-one basis, your answer on one of the two essays on the Midterm Exam, you must attend the Midterm Exam Critique Session (attendance will be taken). It is my experience that those attending the Midterm Exam Critique Session understand the Midterm Exam and how they performed, and do not need a one-on-one 20-minute critique session.

3. A three-hour, closed book Final Exam will be administered by the Law School. The Final Exam, which makes up 60% of the course grade, consists of five 25-minute essays and 56 multiple-choice questions (two questions from each of the 28 classes). One or two of the five essays cover primarily Class #1 through Class #14, and three or four of the five essays cover primarily Class #15 through Class #28. The Final Exam does not test the 56 cases assigned throughout the course, and the Final Exam is limited to the material in the Final Exam Review Outline for Class #1 through Class #28. One essay on the Final Exam is an actual or modified hypothetical problem from the 28 classes. To assist you in preparing for the Final Exam, I will offer an optional Final Exam Review Session, covering all 28 classes, on Tuesday, November 24, from 6:00 to 9:00 p.m., in a room TBA.

4. There is a potential for a one-third letter grade decrease based on lack of class preparation.

Accommodations under the Americans with Disabilities Act

If you believe that you are entitled to accommodation under the Americans with Disabilities Act (ADA), see Leslie Metzger in the Dean’s Suite. If the Law School grants you accommodation, Leslie Metzger will coordinate the administration of your Daily Quizzes, Midterm Exam, and Final Exam.
Students Interested in Criminal Law as a Potential Career

If you are interested in criminal law, I suggest the following. (1) Satisfy the requirements for the UofB Criminal Law Concentration (I serve as Faculty Co-Adviser). (2) Become a member of the UofB Criminal Law Ass’n (I serve as Faculty Adviser). (3) Become a student member of the Maryland State Bar Ass’n (MSBA) Criminal Law & Practice Section (I am a former Vice-Chair of the 22-member elected Section Council). (4) Become a student member of the Criminal Law Committee of either the Bar Ass’n of Baltimore City (I am a member and past Chair) or the Baltimore County Bar Ass’n (I am a member).

(5) Become a student member of the Maryland Criminal Defense Attorneys Ass’n (MCDDA), which will entitle you to (a) continuing legal education programs, (b) access to an active and helpful ListServe, and (c) attendance at four annual dinner meetings, with a speaker, where you can meet some of the “players” in the criminal defense bar in Maryland (I serve on the MCDDA Board of Governors). (6) Attend continuing legal education programs sponsored by the MSBA and by local bar assn’s. (7) Intern for a judge, a prosecutor, and/or a criminal defense attorney.

The Professor’s Seven “Pet Peeves”

“Pet peeve” (1): Do not ask me a question until you have read the Course Manual thoroughly and have determined the Course Manual does not provide the answer, which it probably does.

“Pet peeve” (2): Do not request to make up a Daily Quiz because the Course Manual makes it clear that there is no makeup of a Daily Quiz, regardless of the reason you missed the Daily Quiz.

“Pet peeve” (3): Do not fail to identify yourself in class, which is required by the Course Manual.

“Pet peeve” (4): Unless you expressly waive your right to challenge a Daily Quiz question, do not attempt to discuss a Daily Quiz question prior to the expiration of the 24-hour period for submitting a challenge because the Course Manual expressly prohibits that.

“Pet peeve” (5): Do not interrupt me in class or try to talk over me in class because the Course Manual expressly prohibits that.

“Pet peeve” (6): You must answer my question. Do not answer my question by asking a question.

“Pet peeve” (7): Do not attempt to discuss course material with me or before that material is discussed in class because the Course Manual expressly prohibits that.

Information for the First Class

Warnken materials are found online in three different locations. (1) All Warnken course materials are on TWEN. (2) Locate Course Manual & Syllabus and First Class Assignment by going to (i) UofB home page, (ii) Current Students, and (iii) Fall 2015 Syllabi. (3) Locate (a) “About Professor Warnken,” (b) Curriculum Vitae of Professor Warnken, and (c) Writings of Professor Warnken by going to (i) UofB home page, (ii) Schools & Colleges, (iii) Law School, (iv) Faculty, and (v) Faculty Profiles. If you have any questions, please contact Shavaun O’Brien (room 1112; 410-837-4635; sobrien@ubalt.edu), my administrative assistant.

There are 28 classes spread over 14 weeks. Each class (including the first class) starts with a seven-question, seven-minute, multiple-choice Daily Quiz. Thus, you must obtain and prepare the materials for the first class as soon as possible, because each student will take the first Daily Quiz, covering Class #1, on Tuesday, August 18, at 6:15 p.m., in room 803 of the Law Center. All
students will take the Daily Quiz, regardless of whether they have actually read this and have actually prepared the assignment.

Students take the seven-question, multiple-choice Daily Quiz on TWEN. Just prior to class, make sure that (1) your laptop is closed on your desk; (2) TWEN is easily accessible, i.e., there is an icon on the desktop; and (3) your laptop is plugged in or has sufficient battery. The Daily Quiz is timed for seven minutes. You will be given a copy of the Problem for that class because Daily Quiz questions #6 and #7 are taken from the Problem. IT IS AN HONOR CODE VIOLATION TO ACCESS ANY MATERIAL DURING THE DAILY QUIZ.

At 6:15 p.m., I will instruct you to open your laptop, sign onto TWEN, and find the Daily Quizzes. I will instruct you what the password is for that particular Daily Quiz. At 6:22 p.m., you will no longer have access to TWEN. Your computer will inform you of your score for that Daily Quiz.

Syllabus

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