

Professor Steven Grossman Fall, 2017

Law 711-412

Tu Th 6:15-730

## **CONSTITUTIONAL CRIMINAL PROCEDURE I** **Syllabus**

The text to be used in this course will be Kamisar, LaFave, Israel, King & Kerr, Basic Criminal Procedure (14th edition). Page references appearing on the attached assignment sheet refer to this text. I have recommended, but not required, a hornbook, Criminal Procedure, by LaFave, Israel & King. The hornbook can be helpful if you are having trouble putting together the various concepts we cover. In addition to the matters covered in the text, a few Maryland decisions have been assigned.

The subject matter of the course relates primarily to issues surrounding searches and seizures, confessions and identifications in criminal cases. In so doing, we touch on the Fourth, Fifth and Sixth Amendments to the U.S. Constitution.

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

Class attendance is a primary 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 allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Students may use laptop computers for class related purposes.

If the instructor must cancel a class other than that already noted on the syllabus, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports.  
[Reference to School of Law Honor Code,  
[https://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/index.cfm](https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm)]

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services at 410-837-5623 or via email at [lmetzger@ubalt.edu](mailto:lmetzger@ubalt.edu).

Learning outcomes for CCP I come through the vehicles of students' participation in class, a midterm examination and a final examination. After the examinations are graded, an individual answer key is provided for each exam. This answer key enumerates every issue in a question, the best response to that issue, how many points the issue is worth and how many of those points the student earned through his or her answer. This allows me to achieve a specific set of learning outcomes for each student.

The midterm is returned to the students in class and I go over the exam and the answers with them. They are invited to see me in my office if they still have questions about their exams. The midterm counts for about 1/3 of a student grade with the final exam counting for the other 2/3. Class participation can play a role in the grade.

My office number is room 1119, and I am available and anxious to discuss with you matters dealing with the subject matter of this course or entirely unrelated to it. My office phone number is 410-837-4603 and my e-mail address is sgrossman@ubalt.edu. Feel free to stop by with or without an appointment.

<u>Class</u>	<u>Assignment</u>
8/22	Introduction to the Criminal Justice System and Due Process Incorporation, Pp 1-36
8/24	Exclusionary Rule, Pp. 202-227
8/29	Exclusionary Rule and Expectation of Privacy, Pp. 227-247
8/31	Expectation of Privacy (cont.), Pp. 247-264, after p.258, see * <u>Grady v. N.C.</u>
9/5	Probable Cause, Pp. 267-286
9/7	Warrants, Pp. 286-304
9/12	Warrant Exceptions, Pp. 304-323, after p. 319, see * <u>Birchfield v. N.D.</u>

- 9/14 Warrant Exceptions II, Pp. 323-343
- 9/19 Warrant Exceptions III, Pp. 343-362
- 9/21 **CLASS CANCELLED**
- 9/26 Warrant Exceptions IV, Pp. 362-382
- 9/28 Stop and Frisk, Pp. 382-397
- 10/3 Stop and Frisk II, Pp. 397-412, after p.405, see \* Rodriguez v. U.S.
- 10/5 Administrative Searches and Consent, Pp. 412-428, after p.413, see \* City of Los Angeles v. Patel
- 10/12 Tentative start time for class will be 5:15 p.m. to make up for missed class on 9/21. Consent Searches and Undercover Investigations, Pp. 428-445; Network Surveillance, Pp. 466-486
- 10/17 Midterm
- 10/19 Introduction to Confessions, Pp. 505-526
- 10/24 Miranda and Dickerson, Pp. 531-550 and 640-646
- 10/26 Miranda Warnings, Custody and Interrogation, Pp. 552-571 (don't miss fn s p.557 and fn t p.558
- 10/31 Miranda Exceptions and Waiver, Pp. 571-580 (through 12), 587(16)-595 (through Barrett)
- 11/2 Invocation of Miranda Rights and Consequences, Pp. 595--617
- 11/7 Invocation (cont.) and Comparing the Various Confession Law Constitutional Protections, Pp. 618-636
- 11/9 Confessions and Due Process and Evidence Derived from Confessions, Pp. 652-669
- 11/14 Due Process (cont.) and the Sixth Amendment, Pp. 684 note 4 -697, 76-80, 697-704 (through note 4)
- 11/16 The Sixth Amendment (cont.) and Introduction to Identifications, Pp. 704-721
- 11/21 Identifications, Pp. 721-746
- 11/28 Standing, Pp. 827-842; after p. 842, see \* Utah v. Strieff; Fruits of the Poisonous Tree, Pp. 842-856

\*denotes case summary on TWEN course website