

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW  
SUMMER 2018**

**Course:** Criminal Procedure II  
LAW 740  
Section 512

**Instructor:** David Jaros  
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410-837-4193

**Office Hours:** Thursday. 4:00 pm - 5:30 pm, or by appointment, or by pop-in  
(Seriously, I get lonely... drop by).

**Days/Time:** Tuesdays and Thursdays , 6:15 pm – 9:00 pm

**Location:** Check the Law School class schedule for the room assignment

**Course Materials:**

- (1) Myron Moskowitz, Cases and Problems in Criminal Procedure: The Courtroom (6<sup>th</sup> Edition) (LexisNexis)
- (2) Assigned cases and supplemental readings posted on TWEN webpage

**Catalog Course Description:**

Study of constitutional principles governing the conduct of criminal prosecutions, with special emphasis on the trial and post-trial stages. Subjects include the charging process; bail and pretrial release; discovery; double jeopardy and collateral estoppel; speedy trial; public trial; jury trial; guilty pleas and plea bargaining; right to confrontation; sentencing; appeals; and collateral post-conviction remedies. (Constitutional Criminal Procedure I is not a prerequisite.)

**Student Learning Outcomes:**

By the end of this course, the successful student will be able to:

1. Describe the criminal adjudication process from arrest through an application for post-conviction relief.
2. Explain the discovery obligations for prosecutors and defense lawyers including how formal requests for documents are made as well as issues of relevance; privilege; work-product protection; protective orders; discovery of testifying and consulting experts; physical and mental examinations; and sanctions for discovery misconduct.
3. Explain preliminary adjudication proceedings for dismissal of criminal charges.
4. Describe the grand jury process
5. Identify potential constitutional errors in a fact pattern involving criminal procedure and construct arguments for and against granting the defendant relief.

6. Describe the various methods of challenging the validity of a conviction and identify some of the hurdles that must be overcome to successfully overturn a conviction.

**Participation:**

This class relies on everyone arriving fully prepared to participate in the day's discussion and exercises. Getting answers wrong is entirely forgivable. Failing to read and prepare the day's assignment is not. These are professional norms as well. A lawyer who fails to show up in court or who shows up unprepared, can not only lose the case, but may also be fined, disciplined, or sued. I retain the discretion to reward strong class participation by raising your grade one-half step (e.g., A- to A); or to penalize weak class participation by reducing your grade by one-half step (e.g., A to A-). FYI: I also do not permit you to pass in class. If you get called upon and are unprepared, you are expected to do your best to answer the problem using a combination of wit, luck, and creativity.

**Grades:**

Your grade will be based on a midterm and a closed-book final examination, as adjusted by your class participation (see above). The midterm is worth 25 percent of your grade. The final exam is worth 75 percent of your grade. Both exams are closed book.

**Course Expectations:**

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 per week 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.

The assignments for each class session are listed below. You are responsible for reading the assigned materials and analyzing the assigned problems.

**Attendance:**

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 five allowed absences 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. The practice of law also requires timeliness. Accordingly, you are expected to arrive to class on-time. We will discuss this further on the first day of class.

**Course Web Site:**

This course has a TWEN webcourse that links to this syllabus, announcements, course documents, overheads, and other class materials. You are responsible for self-enrolling in the webcourse. You should check the webcourse regularly.

**Use of the Internet during Class (This is huge.):**

Don't get me wrong-- wireless internet is amazing. Facebook is bringing people together (or undermining democracy, depends who you ask). I love my iPhone... but you absolutely cannot be on the internet during class. You are required to turn off your wireless internet before the start of class. We will discuss this more on the first day. Suffice to say- we will discuss a lot of criminal activity this semester. This may be the biggest.

**Class Cancellation:**

If the instructor must cancel a class, 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.

**Academic Integrity:**

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.

**Title IX Sexual Harassment and Sexual Misconduct Policy:**

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>.

**Disability Policy:**

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).

## ASSIGNMENTS SUMMER 2018<sup>1</sup>

INSTRUCTIONS: Unless otherwise noted, reading assignments are from the Moskowitz casebook. Reading assignments include the Questions for Discussion that accompany the readings.

Note that the summer semester is a full semester condensed into 7 weeks. Each class is actually two complete class times. In other words, you have the equivalent of four complete “normal” length classes a week. Unfortunately, that means that there is a lot of reading per week. The good news is that you are done in early July. The bad news is that you are expected to arrive for class fully prepared. Here are the readings:

- 1. May 22- Introduction to the Problem Method (pp. vii-xviii) and Chapter 1: The Decision to Prosecute**
- 2. May 24- Chapter 2: Pretrial Release**
- 3. May 29- Chapter 3: Discovery**
- 4. May 31- Chapter 4: The Preliminary Hearing**
- 5. June 5- Chapter 5: The Grand Jury**
- 6. June 7- Chapter 6: The Right to a Speedy Trial**
- 7. June 12- Chapter 7: Plea Bargaining**
- 8. June 14- MIDTERM**
- 9. June 19- Chapter 10: Joinder and Severance**
- 10. June 21- Chapter 11: Double Jeopardy**
- 11. June 26- Chapter 12: Sentencing**
- 12. June 28- Chapter 13: Appeals**
- 13. July 3- Chapter 14: Effective Assistance of Counsel**
- 14. July 5- Chapter 16: Habeas**

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<sup>1</sup> This syllabus is for informational purposes only. I reserve the right to change, amend, alter, modify, or otherwise mess with this syllabus... and your heads.