

CONSTITUTIONAL CRIMINAL PROCEDURE I

LAW 711-511

Professor Jaros

Spring 2020

CONTACT INFORMATION

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Office ALS 1009

Class Meetings: Tuesday, 10:30 a.m. – 11:45 a.m.
 Thursday, 10:30 a.m. – 11:45 p.m.

Office Hours: Tuesday, 10:30 am – 12:00 pm, or by appointment, or by pop-in
(Seriously, I get lonely... drop by).

REQUIRED TEXT

- (1) Myron Moskovitz, Cases and Problems in Criminal Procedure: The Police (7th ed.)
- (2) Assigned cases and supplemental readings posted on TWEN

GRADING

There will be a midterm worth 20% of your grade. There will be a three-hour, closed-book examination at the end of the semester worth 80% of your grade. You will be encouraged to use exam software to type your answers. 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-).

You should review the entire syllabus and assess your personal conflicts (religious or otherwise) with the class schedule. If you identify any conflicts, you must alert the professor of all known conflicts no later than Monday, January 12, 2015.

CLASS PREPARATION

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 the day's assignment is not.

There may, of course, be entirely unforeseen events (meteor strikes, alien invasions, etc.) that prevent you from completing a given class assignment. In such a circumstance, you should notify me BEFORE class starts. I can be quite understanding when I am informed ahead of time... not so much when I discover you are unprepared during class discussion.

TWEN

Each of you must enroll in the TWEN site for this course. You will have access to TWEN through Westlaw. A Westlaw identification card and introduction to TWEN will be provided to you. It is your responsibility to check TWEN for any course announcements. In addition, you can rely on TWEN for course materials such as handouts and reading assignments.

USE OF THE INTERNET DURING CLASS (This is huge.)

Don't get me wrong-- wireless internet is amazing. Facebook is bringing people together. 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 cover some pretty serious criminal activity this semester. This may be the most serious.

PROFESSIONALISM

Learning cannot effectively take place in an environment that is unprofessional or uncivil. To that end, I expect that you will observe basic professional courtesies such as arriving on time and turning off your cell phone. (We will discuss lateness in greater detail in class.) Since one of the key goals of the class is learning how to make effective arguments, it is my hope that we can have lively class debates where all students feel comfortable participating and expressing their opinions. Respect for your colleagues is vital to fostering a healthy debate environment. At all times, remain mindful of the diversity of perspectives and experiences in our classroom and be respectful as you articulate your arguments. We need not agree on everything, but we do need to disagree professionally.

READING ASSIGNMENTS*

First Class Assignment for Jan. 13

TOPIC: Introduction & Probable Cause

READING: Moskowitz, pp. xxix-17

- *United States v. Draper*
- *Aguilar v. Texas*

2. Assignment for Jan. 15

TOPIC: Probable Cause

READING: Moskowitz, pp. 17-39

- *Illinois v. Gates*
- *Florida v. Harris*

3. Assignment for Jan. 22

TOPIC: Exclusionary Rule

READING: Moskowitz, pp. 41-86

- *Mapp v. Ohio*
- *People v. McMurry*
- *United States v. Leon*

* 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. Also, we are going to fall behind and then have to catch up.

4. Assignment for Jan. 17

TOPIC: Exclusionary Rule

READING: Moskowitz, pp. 87-126

- *United States v. Savoca* (1984)
- *United States v. Savoca* (1985)
- *Herring v. United States*
- *Byrd v. United States*

5. Assignment for Jan. 22

TOPIC: Search

READING: Moskowitz, pp. 127-157

- *Katz v. United States*
- *Oliver v. United States*

6. Assignment for Jan. 27

TOPIC: Search

READING: Moskowitz, pp. 157-174

- *California v. Greenwood*
- *Kyllo v. United States*

7. Assignment for Jan. 29

TOPIC: Search

READING: Moskowitz, pp. 174-204

- *United States v. Jones*
- *Florida v. Jardines*

8. Assignment for Feb. 3

TOPIC: Search and Search Incident to Arrest

READING: Moskowitz, pp. 204-238

- *Carpenter v. United States*
- *Schmerber v. California*
- *Chimel v. California*

9. Assignment for Feb. 5

TOPIC: Search Incident to Arrest

READING: Moskowitz, pp. 239-266

- *United States v. Robinson*
- *United States v. Chadwick*
- *New York v. Belton*

10. Assignment for Feb. 10

TOPIC: Search after Arrest

READING: Moskowitz, pp. 266-308

- *Arizona v. Gant*
- *Riley v. California*

11. Assignment for Feb. 12

TOPIC: Car/Container Searches

READING: Moskowitz, pp. 455-478

- *United States v. Chadwick*
- *California v. Carney*
- *Arizona v. Hicks*

12. Assignment for Feb. 17

TOPIC: Car/Container Searches

READING: Moskowitz, pp. 478-506

- *California v. Acevedo*
- *United States v. Bond*
- *Collins v. Virginia*

13. Assignment for Feb. 19

TOPIC: Stop & Frisk

READING: Moskowitz, pp. 309- 348

- *Terry v. Ohio*
- *Illinois v. Wardlow* (Note 7) (p. 330)
- *Whren v. US* (Note 9) (p. 336)
- *United States v. Mendenhall*

14. Assignment for Feb. 24

TOPIC: Stop & Frisk

READING: Moskowitz, pp. 348-357, 367-381

- *Minnesota v. Dickerson*
- *Hein v. North Carolina*
- *Rodriguez v. United States*

15. Assignment for Feb. 26

MIDTERM

16. Assignment for Mar. 2

TOPIC: Search of Home

READING: Moskowitz, pp. 383-407, 418-420

- *Warden v. Hayden*
- *Vale v. Louisiana*
- *United States v. Santana*
- *State v. Menz*

17. Assignment for Mar. 4

TOPIC: Search of Home

READING: Moskowitz, pp. 427-453

- *Hudson v. Michigan*
- *Kentucky v. King*

18. Assignment for Mar. 9

TOPIC: Consent Searches

READING: Moskowitz, pp. 509-551

- *Stoner v. California*
- *Bumper v. North Carolina*
- *Schneckloth v. Bustamonte*
- *Illinois v. Rodriguez*

19. Assignment for Mar. 11

TOPIC: Consent Searches

READING: Moskowitz, pp. 551-588

- *Florida v. Jimeno*
- *Davis v. State*
- *Georgia v. Randolph*



*** Spring Break March 16-22nd***

20. Assignment for Mar. 23

TOPIC: *Miranda* and *Dickerson*

READING: Moskowitz, pp. 651-704

- *Miranda v. Arizona*
- *Dickerson v. United States*

21. Assignment for March 25

TOPIC: *Miranda* Warnings

READING: Moskowitz, pp. 705-739

- *Rhode Island v. Innis*
- *New York v. Quarles*

- *Berkemer v. McCarty*

22. Assignment for March 30

TOPIC: *Miranda* Warnings

READING: Moskowitz, pp. Skim 739-764, Read 764-789

- *Pennsylvania v. Muniz*
- *People v. Elmarr*
- *Florida v. Powell*

Assignment for April 1

TOPIC: *Miranda* Waiver

READING: Moskowitz, pp. 791-820; Read Also Scripts for Police Academy I, II, and IV posted on TWEN

- *Michigan v. Moseley*
- *North Carolina v. Butler*
- *Arizona v. Roberson*
- Please watch: <https://www.youtube.com/watch?v=R9rymEWJX38>

23. Assignment for April 6

TOPIC: *Miranda* Waiver

READING: Moskowitz, pp. 820-874

- *Davis v. United States*
- *Maryland v. Shatzer*
- *Berghuis v. Thompkins*

24. Assignment for April 8

TOPIC: Due Process Limits on Interrogation

READING: Moskowitz, pp. 875-909; 913-916 (The first section of *Miller v. Fenton*); 959-964

- *United States v. Tingle*
- *Colorado v. Connelly*
- First section of *Miller v. Fenton* (we will discuss this case in class)
- *Arizona v. Fulminante*

25. Assignment for April 13

TOPIC: Line-ups

READING: Moskowitz, pp. 1035-1064

- Laura Beil, *The Certainty of Memory Has Its Day in Court*, N.Y. TIMES, Nov. 28, 2011, available on TWEN
- *Wade v. United States*
- *Foster v. California*

26. Assignment for April 15

TOPIC: Line-ups

READING: Moskowitz, pp. 977-1009; 1079-1089

- *Kirby v. Illinois*
- *Neil v. Biggers*

- *Perry v. New Hampshire*

27. Assignment for April 20

TOPIC: Introduction to Fruit of Poisonous Tree

READING: Moskowitz, pp. 1155-1169

- *Wong Sun v. United States*
- *Brown v. Illinois*

28. Assignment for April 22

TBA

28. Assignment for April 27

TBA