

SYLLABUS

Advanced Criminal Procedure: Investigation

Fall 2010

Monday & Wednesday, 10:15-11:45

Room TBA

Office Hours:

Office hour sign up sheets are posted on my door

Professor Deborah Ramirez

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Assigned Casebook:

Israel, Kamisar, LaFare & King, Criminal Procedure and the Constitution (2010 Ed.), plus Class Packet.

Some additional readings will be posted on TWEN.

CLASS NO. 1: Wednesday, September 1st.

Introduction to the Course and The Nature and Scope of Fourteenth Amendment Due Process

Read Ch. 2, Section 1 and 2 (pp. 26-47)

- Palko v. Connecticut (1937) (pp. 27-9)
- Adamson v. California (1947) (pp. 29-35)
- Duncan v. Louisiana (1968) (pp. 37-47)

NO CLASS MONDAY, SEPTEMBER 6TH – LABOR DAY

CLASS NO. 2 AND CLASS NO. 3: Wednesday, September 8th; Monday, September 13th.

Arrest, Search and Seizure: The Exclusionary Rule

Read Ch. 3, Section 1 (pp. 63-98)

- Wolf v. Colorado (1949) (pp. 63-5)
- Mapp v. Ohio (1961) (pp. 65-9)

- U.S. v. Leon (1984) (pp. 71-81)
- Herring v. U.S. (2008) (pp. 94-9)
- Weeks v. U.S. (1914) (TWEN)

CLASS NO. 4 AND NO. 5: Wednesday, September 15th; Monday, September 20th.

Arrest, Search and Seizure: Protected Areas and Interests

Read Ch. 3, Section 2 (pp. 99-123)

- Katz v. U.S. (1967) (pp. 100-4)
- California v. Greenwood (1988) (pp. 104-8)
- Florida v. Riley (1989) (pp. 108-11)
- U.S. v. Karo (1984) (pp. 111-15)
- Kyllo v. U.S. (2001) (pp. 115-20)
- U.S. v. White (1971) (pp. 120-23)

CLASS NO. 6: Wednesday, September 22nd.

Arrest, Search and Seizure: Probable Cause

Read Ch. 3, Section 3 (pp. 128-147)

- Spinelli v. U.S. (1969) (pp. 128-31)
- Illinois v. Gates (1983) (pp. 131-145)
- Maryland v. Pringle (2003) (pp. 146-48)

CLASS NO. 7: Monday, September 27th.

Arrest, Search and Seizure: Warrantless Arrest and Search of Persons

Read Ch. 3, Section 5 (pp. 157-82)

- U.S. v. Watson (1976) (pp. 158-63)
- U.S. v. Robinson (1973) (pp. 163-71)
- Whren v. U.S. (1996) (pp. 171-76)
- Atwater v. City of Lago Vista (2001) (pp. 176-82)

CLASS NO. 8: Wednesday, September 29th.

Arrest, Search and Seizure: Warrantless Seizure and Search of Premises

Read Ch. 3, Section 6 (pp. 189-203)

- Payton v. New York (1980) (pp. 189-94)
- Chimel v. California (1969) (pp. 194-9)
- Vale v. Louisiana (1970) (pp. 198-203)

Read carefully (p. 200, footnote a)

- Brigham City v. Stuart (2006)

CLASS NO. 9: Monday, October 4th

Arrest, Search and Seizure: Warrantless Seizure and Search of Vehicles and Effects

Read Ch. 3, Section 7 (pp. 203-13)

- California v. Carney (1985) (pp. 203-7)
- California v. Acevedo (1991) (pp. 215-23)
- Arizona v. Gant (2009) (pp. 207-15)

Supplemental Packet p. 17-18, Automobile Search Overview

CLASS NO. 10: Wednesday, October 6th

Arrest, Search and Seizure: Lesser Intrusions - Stop and Frisk

Read (pp. 223-43)

- Wyoming v. Houghton (1999) (pp. 223-30)
- Colorado v. Bertine (1987) (pp. 230-4)
- Terry v. Ohio (1968) (pp. 234-43)

Supplemental Packet p.24, Terry Review Sheet

NO CLASS October 11th – COLOMBUS DAY

CLASS NO. 11: Wednesday, October 13th

Read Ch. 3, Section 8 (pp. 243-6)

- Florida v. J.L. (2000) (pp. 242-245)
- Illinois v. Wardlow (2000) (pp. 246-9)
- Florida v. Royer (1983) (pp. 249-56)

(EXTRA) CLASS NO. 12: Friday, October 15th (Friday is a Monday Schedule).

Read Ch. 3, Section 8 (pp. 256-67)

- U.S. v. Drayton (2002) (pp. 256-62)
- Brendlin v. California (2007) (pp. 262-5)
- U.S. v. Place (1983) (pp. 265-9)

Supplemental Packet pp. 12-14, 4th Amendment Review Chart

CLASS NO. 13: Monday, October 18th.

Police Interrogation and Confessions: Due Process “Voluntariness” Test, Massiah, and Escobedo

Read Ch. 6, Sections 1 & 2 (pp. 343-61)

- Ashcraft v. Tennessee (1944) (pp. 345-51)
- Massiah v. United States (1964) (pp. 352-6)
- Escobedo v. Illinois (1964) (pp. 356-61)

Supplemental Packet pp. 21-22, 5th & 6th Amendment Analysis. Note we will be using this review chart throughout our discussion of the 5th and 6th amendments.

CLASS NO. 14: Wednesday, October 20th.

Police Interrogation and Confessions: Miranda

Read Ch. 6, Section 3 (pp. 362-80)

- Miranda v. Arizona (1966) (pp. 362-80)
- Berghuis v. Thompkins (2010) (pp. 398-407)
- Maryland v. Shatzer (2010) (pp. 407-16)

Supplemental Packet p. 13-15, 5th Amendment Analysis

CLASS NO. 15: Monday, October 25th.

Police Interrogation and Confessions: Applying and Explaining Miranda

Read Ch. 6, Section 4 (pp. 384-98)

- Yarborough v. Alvarado (2004) (pp. 384-90)
- Rhode Island v. Innis (1980) (pp. 390-5)
- Illinois v. Perkins (1990) (pp. 395-8)

CLASS NO. 16 and NO. 17: Wednesday, October 27th and Monday, November 1st.

Police Interrogation and Confessions: Applying and Explaining Miranda

Read Ch. 6, Section 4 (pp. 416-32)

- Montejo v. Louisiana (2009) (pp. 416-24)
- New York v. Quarles (1984) (pp. 424-29)
- United States v. Patane (2004) (pp. 429-32)

CLASS NO. 18: Wednesday, November 3rd.

Police Interrogation and Confessions: Applying and Explaining Miranda; Dickerson

Read Ch. 6, Sections 4 & 5 (pp. 432-55)

- Missouri v. Seibert (2004) (pp. 432-8)
- Moran v. Burbine (1986) (pp. 438-43)
- Dickerson v. United States (2000) (pp. 447-55)

Supplemental Packet pp. 14-16

CLASS NO. 19: Monday, November 8th.

Police Interrogation and Confessions: Chaves and Massiah Revisited

Read Ch. 6, Sections 6 & 7 (pp. 455-74)

- Chavez v. Martinez (2003) (pp. 455-61)
- Brewer v. Williams (Williams I) (1977) (pp. 463-71)
- Kuhlman v. Wilson (1986) (pp. 472-4)

Supplemental Packet pp. 14-16, 19-20

CLASS NO. 20: Wednesday, November 10th.

In Class Review