CLASS ASSIGNMENTS

Jan 25

PART ONE

THE CRIMINAL PROCESS

Chapter 1

Introduction to the Criminal Justice “System”

A. Introduction

Read CB pp. 3-9
Read Handouts- The Pew Center On The States-
1) One in 31-The Long Reach Of American
Corrections; and 2) Prison Count 2010

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B. Readings on the Criminal Justice Process

1. Perspectives on the System as a Whole

Read CB pp. 26-40

3. Plea Bargaining and Sentencing

Read CB pp. 44-52

5. The Police
Read CB pp. 55-60

6. The Lawyers and the Trial Courts
Read CB pp. 60-70

7. The Supreme Court
Read CB pp. 70-76

8. The Role of State Constitutions and State Constitutional Law
Read CB pp. 76-79

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Chapter 2
The Idea of Due Process
Read CB pp. 81-82

A Brief History
Read CB pp. 82-84

A. Defining Due Process
Read CB pp. 84-97

B. Incorporation
Read CB pp. 97-104

C. The Residual Due Process Clause
Read CB pp. 104-130

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PART TWO
THE RIGHT TO COUNSEL-THE LINCHPIN OF CONSTITUTIONAL PROTECTION

Chapter 3
The Right to Counsel and Other Assistance

A. The Constitutional Requirements

1. The Right to the Assistance of Counsel at Trial

   Read CB pp. 133-154

2. The Right to the Assistance of Counsel Before and After Trial

   a. When Does the Right to Counsel Begin?

   Read CB pp. 154-171

B. Effective Assistance of Counsel

1. The Meaning of Effective Assistance of Counsel

   Read CB pp. 199-216

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NOTES AND QUESTIONS ON THE APPLICATION OF STRICTLAND

Read CB pp. 232-41

2. Effective Assistance and Plea Bargaining

   Supplement pp. 8-38

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Chapter 4

The Rise and the Fall of Boyd v. United States

Read CB pp. 291-336

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Chapter 5

The Fourth Amendment

Read CB pp. 337-338

Text and History

Read CB pp. 338-339
Remedy and Right

Read CB pp. 339-340

A. Remedies

1. The Exclusionary Rule

Read CB pp. 340-352

2. Other Remedies

Read CB pp. 352-353

a. Damages

Read CB pp. 353-355

b. Injunctions

Read CB pp. 355-356

c. Criminal Prosecutions

Read CB pp. 357-359

d. Administrative and Political Remedies

Read CB pp. 359-361

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The Scope of the Fourth Amendment

1. The Meaning of “Searches”

a. The Relationship Between Privacy and Property

Read CB pp. 361-379

b. “Knowingly Exposed to the Public”

Read CB pp. 379-390

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c. Privacy and Technology

Read CB pp. 390-405
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2. The Meaning of “Seizures”

Read CB pp.405-418

C. Probable Cause and Warrants

1. The Warrant “Requirement”

Read CB pp. 421-432

3. The Probable Cause Standard

Read CB pp. 432-449

4. “Exceptions” to the Warrant “Requirement”

a. Exigent Circumstances

Read CB pp. 449-465
Supplement- pp. 60-73

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b. Plain View

Read CB pp. 465-475

c. Automobiles

Read CB pp. 475-495

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d. Arrests

Read CB pp. 495-515

e. Searches Incident to Arrest

Read CB pp. 515-535

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D. Reasonableness
1. **Stops and Frisks**
   Read CB pp. 539-569

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2. **Police Discretion and Profiling**
   Read CB pp. 569-597

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3. **“Special Needs”**
   Read CB pp. 597-598
   a. **Roadblocks**
      Read CB pp. 598-614
   b. **Non-Police Searches**
      Read CB pp. 614-630

**SPRING BREAK-Mar 18-22**

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4. **Reasonableness and Police Use of Force**
   Read CB pp. 630-640
   
   E. **Consent Searches**
      Read CB pp. 641-657

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F. **The Scope of the Exclusionary Rule**
   1. **The “Good Faith” Exception**
      Read CB pp. 658-763
      Supplement pp. 79-92

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2. **Standing**
   Read CB pp. 673-685
3. “Fruit of the Poisonous Tree” Doctrine

Read CB pp. 685-706

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4. Impeachment

Read CB pp. 706-710

Review Fourth Amendment

Apr 8

THE FIFTH AMENDMENT

Read CB pp. 711-713

A. The Fifth Amendment Privilege Against Self-Incrimination and Its Justifications

Read CB pp. 713-729

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B. The Contours of the Privilege Against Self-Incrimination

Read CB pp. 729-746

C. Limiting the Privilege

Read CB pp. 746-759

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D. Police Interrogation

1. The Miranda Revolution

Read CB pp. 759-994

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2. The Scope of Miranda

Read CB pp. 794-795

a. “Custody”

Read CB pp. 795-799

b. “Interrogation”

Read CB pp. 799-811
c. Warnings
Read CB pp. 811-828

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d. Invocations
Read CB pp. 814-828

d. Waivers
Read CB pp. 828-859

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3. The Consequences of a Miranda Violation
Read CB pp. 860-882

4. The Right to Counsel Reconsidered
Read CB pp. 882-897

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CHAPTER 7
Complex Investigations in the Fourth Amendment’s Shadow
Read CB pp. 899-900

A. Electronic Surveillance and the Search of Electronic Data
Read CB pp. 900-901

1. Wiretapping and Related Electronic Surveillance
Read CB pp. 901-909

2. The Search of Electronic Files
Read CB pp. 909-921

B. Undercover Agents and Entrapment
Read CB pp. 921-936
CHAPTER 10
Pretrial Screening and the Grand Jury

A. Background and Current Practice
Read CB pp. 989-993

B. Grand Jury Secrecy
1. The Scope of the Secrecy Rule
Read CB pp. 993-1001

C. Exceptions to the Secrecy Rule
Read CB pp. 1001-1004

D. The Investigative Power
Read CB pp. 1004-1005
1. The Subpoena Power
Read CB pp. 1005-1018

2. Limits on the Investigative Powers
   a. Immunizing Testimony
Read CB pp. 1019-1024

   b. Documents and the Act of Production
Read CB pp. 1024-1034