

CRIMINAL PROCEDURE I
Spring Semester-2013
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Case Book- Allen, et al., CRIMINAL PROCEDURE-Investigation and Right to Counsel-
Second Edition- (hereinafter referred to as **CB**), and the 2012
Supplement-Comprehensive Criminal Procedure

Hornbook- LaFave, et al., CRIMINAL PROCEDURE-(Fifth Edition)

CLASS ASSIGNMENTS

Feb 1

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

Make up- Read CB pp. 900-909

Feb 4

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

Make up Read CB pp. 909-921

Feb 8

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

Make up Read CB pp. 921-936

Feb 11

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

Make up Read CB pp. 989-1001

Feb 15

NOTES AND QUESTIONS ON THE APPLICATION OF STRICTLAND

Read CB pp. 232-41

2. Effective Assistance and Plea Bargaining

Supplement pp. 8-38

Make up Read CB pp. 1001-1005

Feb 18

Chapter 4

The Rise and the Fall of Boyd v. United States

Read CB pp. 291-336

Make up Read CB pp. 1005-1018

Feb 22

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

Make up CB pp. 1019-1024

Feb 25

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

Make Up Read CB pp. 1024-1034

Mar 1

c. Privacy and Technology

Read CB pp. 390-405

Read Supplement pp.41-59

Make Up Continue Discussion on Act of Production

Mar 4

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

Mar 8

b. Plain View

Read CB pp. 465-475

c. Automobiles

Read CB pp. 475-495

Mar 11

d. Arrests

Read CB pp. 495-515

e. Searches Incident to Arrest

Read CB pp. 515-535

Mar 15

D. Reasonableness

Read CB pp. 535-539

b. Stops and Frisks

Read CB pp. 539-569

SPRING BREAK Mar 18-22

Mar 25

2. Police Discretion and Profiling

Read CB pp. 569-597

Mar 29

3. “Special Needs”

Read CB pp. 597-598

a. Roadblocks

Read CB pp. 598-614

b. Non-Police Searches

Read CB pp. 614-630

Apr 1

4. Reasonableness and Police Use of Force

Read CB pp. 630-640

E. Consent Searches

Read CB pp. 641-657

Apr 5

F. The Scope of the Exclusionary Rule

1. The “Good Faith” Exception

Read CB pp. 658-763

Supplement pp. 79-92

Apr 8

2. Standing

Read CB pp. 673-685

3. “Fruit of the Poisonous Tree” Doctrine

Read CB pp. 685-706

Apr 12

4. Impeachment

Read CB pp. 706-710

Review Fourth Amendment

Apr 15

THE FIFTH AMENDMENT

Read CB pp. 711-713

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

- Read CB pp. 713-729
- Apr 19 **B. The Contours of the Privilege Against Self-Incrimination**
- Read CB pp. 729-746
- B. Limiting the Privilege**
- Read CB pp. 746-759
- Apr 22 **D. Police Interrogation**
- 1. The Miranda Revolution**
- Read CB pp. 759-994
- Apr 26 **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
- Apr 29 **d. Invocations**
- Read CB pp. 814-828
- d. Waivers**
- Read CB pp. 828-859
- May 3 **3. The Consequences of a Miranda Violation**
- Read CB pp. 860-882
- 7. The Right to Counsel Reconsidered**

Read CB pp. 882-897

Make up

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

Make up

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

