

## **CRIMINAL PROCEDURE I – SPRING 2008**

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Reading materials:

Required reading-

Allen et al., CRIMINAL PROCEDURE: Investigation And Right To Counsel (2005), (Aspen Publishers).(**Hereinafter CB**).

Optional reading-

Wayne R. LaFave, et al., CRIMINAL PROCEDURE ( 4th Edition 2004-West Publishing-Hornbook Series).

### **CLASS ASSIGNMENTS**

#### **PART I – THE CRIMINAL PROCESS.**

1. 14 Jan Introduction to the Criminal Justice “System”  
Read – CB pp.1-35, 39-45, 55-65
2. 17 Jan The Idea of Due Process  
Read- CB pp. 78-112

#### **PART II –THE RIGHT TO COUNSEL-THE LINCHPIN OF CONSTITUTIONAL PROTECTION**

3. 24 Jan The Right to Counsel and Other Assistance  
The Constitutional Requirements  
Read- CB pp. 115-139
4. 28 Jan Read- CB pp. 167-196  
Effective Assistance of Counsel

5. 31 Jan The Sixth Amendment Applied: Lineups, Showups, and Photo Arrays  
Read - CB pp. 255-273

**PART III – THE RIGHT TO BE LET ALONE-  
AN EXAMINATION OF THE FOURTH AND  
FIFTH AMENDMENTS AND RELATED  
AREAS**

6. 4 Feb The Rise and Fall of Boyd v. United States  
Read- CB pp. 277-304
7. 7 Feb Read-CB pp. 304-332
8. 11 Feb The Fourth Amendment  
Read- CB pp. 333-336  
The Exclusionary Rule  
Read- CB pp. 336-348  
The Scope of the Fourth Amendment
9. 14 Feb What is a “Search?”  
Read- CB pp. 349-379
10. 18 Feb Read- CB pp. 379-394
11. 21 Feb What is a “Seizure?”  
Read- CB pp. 394-409  
To Whom Does the Fourth Amendment Apply?  
Read- CB pp. 409-420

## Probable Cause and Warrants

12. 25 Feb The Probable Cause Standard  
Read- CB pp. 420-446
13. 28 Feb The Warrant “Requirement”  
Read- CB pp. 447-462  
  
“Exceptions” to the Warrant “Requirement”  
Exigent Circumstances and Plain View  
Read- CB pp. 462-489
14. 3 Mar Automobiles  
Read- CB pp. 489-509
15. 6 Mar Arrests  
Read- CB pp. 509-531
16. 10 Mar Searches Incident to Arrest  
Read- CB pp. 531- 552

## REASONABLENESS MODEL

17. 13 Mar Read- Camara v. Municipal Court, 387 U.S. 523 (1967)  
CB pp. 552- 557
18. 17 Mar Stop and Frisks  
Read- CB pp. 557-590

19. 20 Mar Police Discretion and Profiling  
Read- CB pp. 590-623

**SPRING BREAK-March 24-28**

20. Mar 31 “Special Needs”  
Read- CB pp. 624-658
21. 3 Apr Consent Searches  
Read- CB pp. 668-683
22. 7 Apr Remedies  
Limits on the Exclusionary Rule  
The “Good Faith” Exception  
Read- CB pp. 683-697  
Standing  
Read- CB pp. 697-709
23. 10 Apr “Fruit of the Poisonous Tree” Doctrine  
Read- CB pp. 709-724  
Impeachment  
Read- CB pp. 724-728  
Damages, Criminal Prosecution, and Administrative  
And Political Remedies  
Read- CB pp. 728-733, 745-750

24. 14 Apr The Fifth Amendment  
The Fifth Amendment Privilege Against Self-Incrimination and Its Justifications, the Contours of the Privilege, and Limiting the Privilege?  
  
Read- CB pp. 751-804
25. 17 Apr Police Interrogation  
  
Read – CB pp. 805-819
26. 21 Apr Miranda
27. 24 Apr Scope of Miranda  
  
Read – CB pp. 841-890
28. 28 Apr Miranda’s Constitutional Status  
The Right to Counsel Reconsidered  
  
Read – CB pp. 890-944