Constitutional Criminal Procedure

Fall 2020

Prof. Philip Meyer

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This course will be a “virtual” seminar taught on a “Zoom” platform. I will send a “link” in a Zoom invitation to all registered participants prior to our first class. If you do not receive a ZOOM invitation two days prior to our first class, please send me (and Lena Capps) an e-mail, including your e-mail address. Also, please download the “app” for Zoom enabling you to join virtual class meetings. The ZOOM app. is available for free download at ZOOM.US. I look forward to working with you all this semester.

Grades for the class will be based upon a final “take-home” paper (analyzing a Constitutional Criminal Procedure legal problem) and upon your in-class participation.

Objectives:

1. Analyze the 4th, 5th, 6th and 14th Amendments of the U.S. Constitution focusing upon protections afforded individuals.
2. Critically read and discuss the most important U.S. Supreme Court cases interpreting the meaning of 4th, 5th, 6th,  Amendments..
3. Discuss and balance competing policy objectives and purposes relevant to police practices and investigatory techniques under the 4th, 5th, and 6th Amendments (e.g. preserving individual liberties v. preserving order in society). Critically analyze whether the cases (and the implementation of the rules in the cases) achieve these purposes.

Required Course Materials:

Joshua Dressler & George Thomas, III, ***Criminal Procedure: Investigating Crime, (Sixth Edition) (2017). (“Casebook”)*** (This is a “softbound” book. It is **not** Dressler’s hardbound Criminal Procedure: Principles, Policies and Perspectives. Please make sure you purchase the ***Sixth Edition*** of Dressler’s casebook.)

Joshua Dressler, Alan C. Michaels, & Ric Simmons, ***Understanding Criminal Procedure, Volume I: Investigation (Seventh Edition) (2017)***.(“UCL”)

***Assignments:***

***(Note: Some assignments will require more than one class to complete. I may adjust assignments during the semester.)***

***Assignment # 1***

Chapter 1 - Introduction to Criminal Procedure (UCL, pages 1-19).

Chapter 3 - Incorporation of the Bill of Rights (UCL, pages 39-46).

Cases:

*Powell v. Alabama (Casebook, pages 25-32).*

*Duncan v. Louisiana (Casebook, pages 53-61).*

***Assignment # 2***

Chapter 4 – Fourth Amendment Overview (UCL, pages 47-57).

Chapter 5 – Fourth Amendment: Persons, Houses, Papers, and Effects” (UCL, pages 61-64).

Chapter 6 – Fourth Amendment Terminology: “Search” (UCL, pages 65-76).

Cases:

*Mapp v. Ohio (Casebook, pages 83-92).*

*Katz v. United States (Casebook, pages 96-101).*

***Assignment # 3***

Chapter 6 – Post-Katz “Search Jurisprudence” (UCL, pages 77-108, for Assignments 3 & 4).

Cases:

*United States v. White (Casebook, pages 105-112)*

*Smith v. Maryland (Casebook pages 116-122)*

***Assignment # 4 & 5***

(More) Post Katz Search Jurisprudence

Cases:

*Kyllo (Casebook, pages 135-143).*

*United States v. Jones (Casebook pages 147-159).*

*Jardines (Casebook pages 162-173).*

Chapter 7 – Fourth Amendment Terminology: Seizure (UCL, pages 109-120)

Case:

*Karo (Casebook, pages 173-175).*

***Assignment # 6***

Chapter 8 – Fourth Amendment: “Probable Cause” (UCL, pages 121-136)

Cases:

*Spinelli (Casebook, pages 178-185).*

*Gates (Casebook, pages 188-199).*

***Assignment #7***

Chapter 9 – Arrests (UCL, 145-160)

Case:

*Payton (Casebook, pages 205-213).*

Chapter 10 - Search Warrants: In General (UCL, pages 161-180)

*Cases:*

*Lo-Ji Sales (Casebook, pages 224-226).*

*Richards (Casebook, pages 229-232).*

***Assignment # 8***

Chapter 11 – Warrantless Searches: Exigent Circumstances (UCL, pages 181-187)

*Case:*

*Kentucky v. King (Casebook, pages 239-247).*

Chapter 12 - Search Incident to a Lawful Arrest (UCL, pages 189-208)

*Cases:*

*Chimel (Casebook, pages 251-258).*

*Riley (Casebook, pages 262-273).*

**Assignment # 9**

Chapter 12 (UCL, cont’d)

*Cases:*

*Belton (Casebook pages 276-280).*

*Arizona v. Gant (Casebook pages 286-296).*

Pretextual Stops and Arrests:

*Case*:

*Whren (Casebook, pages 298-304).*

***Assignment # 10***

Chapter 13 – Searches of Cars and Containers Therein (UCL, pages 209-228)

*Cases:*

*Chambers (Casebook, pages 306-313.)*

*Chadwick (Casebook, pages 320-327).*

*Acevedo (Casebook, pages 331-338).*

***Assignment # 11***

Chapter 14 – “Plain View” and Related Doctrines (UCL, pages 229-238)

*Cases:*

*Horton (Casebook, pages 339-345).*

*Hicks (Casebook, pages 346-351).*

***Assignment # 12***

Chapter 15 – Inventory Searches (UCL, pages 239- (top) 241 only)

Chapter 16 - Consent Searches (UCL, pages 247-262)

*Cases*:

*Schneckloth v. Bustamonte (Casebook, pages 352-359).*

*Randolph (Casebook, pages 362-373).*

*Rodriguez (Casebook, pages 376-381).*

***Assignment # 13***

Chapter 17 – Terry v. Ohio: The “Reasonableness” Balancing Standard in Criminal Investigations (UCL, pages 263-292)

*Cases:*

*Terry v. Ohio (Casebook, pages 389-401).*

*Dunaway (Casebook, pages 409-412).*

***Assignment #14***

Terry Seizure v. Non-Seizure

*Cases:*

*Mendenhall (Casebook, pages 417-423).*

*Hodari (Casebook, pages 427-430).*

“Reasonable Suspicion”

*Case:*

*Alabama v. White (Casebook, pages 433-37).*

Expanding the Scope of the Terry Balancing Approach

*Case:*

*Maryland v. Buie (Casebook, pages 454-459).*

***Assignment #15***

Chapter 18 – More “Reasonableness” Balancing Searches & Seizures Primarily Conducted for Non-Criminal Law Purposes (UCL, pages 293-306)

*Cases:*

*Michigan Dept. of State Police v. Stitz (Casebook, pages 474-480).*

*Edmond (Casebook, pages 481-487).*

***Assignment #16***

Chapter 19 – Fourth Amendment: Standing (UCL, pages 319-335)

*Case:*

*Rakas (Casebook, pages 497-504).*

***Assignments # 17 & 18***

Chapter 20 – Fourth Amendment: Exclusionary Rule (UCL, pages 337-379)

*Cases:*

*Mapp v. Ohio (Casebook, pages 83-92).*

*Murray (Casebook, pages 522-527).*

*Wong Sun (Casebook, pages 530-534).*

*Leon (Casebook, pages 538-551).*

*Hudson (Casebook, pages 553-566).*

*Davis (Casebook, pages 576-582).*

***Assignment #19***

Chapter 21 – Interrogation Law: Overview (UCL, pages 381-390)

Chapter 22 – Interrogation Law: Due Process Clause (UCL, pages 391-404)

*Cases:*

*Lisenba (Casebook, pages 591-600).*

*Spano (Casebook, pages 603-608).*

***Assignment #20***

Chapter 23 – Interrogation Law: Privilege Against Compelled Self-Incrimination (UCL pages 405-425)

Chapter 24 – Interrogation Law: Miranda v. Arizona (UCL, pages 427-442)

*Case:*

*Miranda v. Arizona (Casebook, pages 625-640).*

***Assignment #21***

Chapter 24 – Interrogation Law: Miranda v. Arizona (continued) (UCL pages 443-477).

Miranda’s Status Today and the Exclusionary Rule

*Cases:*

*Dickerson (Casebook, pages 670-677).*

*Seibert (Casebook, pages 678-687).*

*Berkemer (Casebook, pages 691-697).*

***Assignment #23***

Miranda Interrogation & Waiver

*Cases:*

*Innis (Casebook, pages 701-708).*

*Berghuis (Casebook, pages 720-732).*

*Edwards (Casebook, pages 733-737).*

***Assignment #24***

Chapter 25 – Interrogation Law: Sixth Amendment Right to Counsel (UCL, pages 479-503).

Cases:

*Massiah v. United States (Casebook, pages 755-758).*

*Brewer (Casebook, pages 764-777).*

*Patterson (Casebook, pages 778-787).*

***Assignment #25***

Chapter 26 – Eyewitness Identification Procedures (UCL, pages 505-516)

***Additional Assignments: Coverage of Additional Cases and Materials are presented in the Supplemental Syllabus (and will be covered in class as time permits). (See Supplementary Syllabus)***

***END OF COURSE***