

CRIMINAL PROCEDURE I ASSIGNMENTS

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Saltzburg & Capra, American Criminal Procedure,
Tenth Edition
&
2014 Supplement

NOTES:

- 1) **Office Hours:** Half an hour before and after each class. Also, available by appointment.
- 2) **Class Participation:** Students are expected to be prepared for class. The lack of adequate class participation, when called on, will be taken into account as a factor that will lower grades. Minimum preparation is to know the facts, holding and issues in the cases that are specifically noted, below.
- 3) **Attendance:** Good and regular attendance is mandatory. Attendance will be taken and an excessive number of absences may lead to involuntary withdrawal from the class.
- 4) **Final Examination:** Closed book.
- 5) **Learning Objectives**
 - 1) **This is a four credit bar course. Students will be exposed to the basic issues in Criminal Procedure that are most likely to be on the bar examination.** Students will be expected to have read the assignments prior to class and to be able to answer questions about the holdings of the cases named in the below assignments. I don't care if you read the Comic Book Classic version, but you **MUST** be able to tell us the basic facts, the issue(s) and the rule of law in each of those cases.
 - 2) This is a four credit course. My goal is that you will know a lot of law by the end of the course. That is why the readings seem extensive. In facts, they average less than 90 pages per two hour class.
 - 3) As you certainly know by now, knowing rules of law isn't enough to know how to use those rules to help a client or to achieve a goal. That is why, the students will be taken through a substantial number of hypothetical situations in which they will have opportunities to apply the rules to facts, the critical and most basic lawyering skill.

1 st Class:	7- 32; 925-950	Introduction: Incorporation/Retroactivity; Sixth Amendment: <u>Right to Counsel</u> - Teague v. Lane p.20 Gideon v. Wainright p.931 Nichols v US p.931
2 nd Class	1386-1428	Sixth Amendment: Ineffective Assistance of Counsel Strickland v. Washington p.1386 Burt v. Titlow Supplement p.43 US v. Cronin p.1429 Missouri v. Frye p. 1445 Lafler v Cooper p.1450

3 rd Class	1429-1455; 1456-1472	Sixth Amendment: Conflicts Holloway v. Arkansas p. 1358 Mickens v. Taylor p.1462
4 th Class	1478-1489; 883-919 1497-1514	Sixth Amendment: Choice of Counsel. Self Representation and Identification of Suspects US v. Wade p.886 Kirby v. Ill p. 893 Faretta v. Ca. 1497
5 th Class	647; 653-682 682-701	Fifth Amendment: - Self Incrimination - Documents Lefkowitz v. Turley p.660 McKune v. Lile p.893 Fisher v. US p. 672 Schmerber v. CA p.675 Marchetti v. US p. 694 CA. v. Byers p.695
6 th Class	701-709 712-732 850 -883	Fifth Amendment: Documents - Immunity Confessions - the Sixth Amendment Right Brown v. Miss p.713 Green v. scully p. 732 Massiah v. Az p. 851 Brewer v . Williams p. 855 Montego v. Louisiana p. 875 Brewer v. Williams p. 855
7 th Class	732-754;	Fifth Amendment: Confessions - Miranda - Interrogation/Custody Miranda v. Az p 732 ReRead: Brewer v. Williams RI v Innis p. 790
8 th Class	763-789 789-815	Fifth Amendment: Confessions - Exceptions: Emergency, Leads, Physical Evidence, Redo's Stansberry v. Ca. p. 790
9 th Class	815- 850; 33 - 37	Fifth Amendment: Confessions - Waiver, Invoke, Initiate & Introduction to The Fourth Edwards v. Az p.836 Oregon v Bradshaw p.837

Davis v. US P. 839
Md v. Shatzer p. 846
Berghuis v Thompkins p. 828

10 th Class	33-37; 545-556; 37-63;	Fourth Amendment: Suppression, The Right Mapp v. Ohio p. 549 Florida v. Jardines p. 57 Katz v. US p. p 38
11 th Class	64-102	Fourth: Not Protected: Open Fields, Garbage; Fly Overs + Ca. V Greenwood p. 75 Dow Chemical v. US p. 79 Bond v. US p US v. Place p. 81 Ill. v. Caballes P. 83 Kylo v. US p. 85 US v. Jones p. 95
12 th Class	103-133; 563-592	Fourth: Warrants & Good Faith Spinelli v. US p.109 Ill v. Gates p. 116 US v. Leon p. 562 Herring v. US p. 587
13 th Class	133-156 159-167; 170-185	Fourth: Probable Cause; Anticipatory Warrants, Knock and Announce Hudson v. Md. P. 181 US v. Banks, p. 180
14 th Class	176-185; 188-189 193-214	Fourth: Arrests; Scope of Search, standing US v. Watson p. 196 Payton v. US p.203 Steagald v. US P. 208 Minn v. Olson p. 210
15 th Class	214-251	Fourth: Stop and Frisk : Encounter:Consent Terry v. Ohio p. 215 US v. Mendhall P. 235 Ca. v. Hodari D p.251 Riley v. Ca. Supplement p.7
16 th Class	251-290	Fourth: Stop and Submit; Tips, Profiles,Sweeps Md v Dickerson p. 281 Md v. Buie p. 288 Fla v. J.L. P. 258

17 th Class	290-35	Fourth: Encounter v. Stop; Stop v Arrest, Search Incident to Arrest Chimel v. Ca p.309 US v. Robinson p. 320 Atwater v, City... p. 329 Fl v. Royer p.290 Hiibel v. Sixth... . 293 Us v. Sharpe p. 298 Samson v. Ca. P. 307 Chimel v. Ca. P. 309
18 th Class	336-388	Fourth Amendment: Cars and SIA, Us v. Belton P.336 Az v. Gant: 338 Whren v, US p. 351 Riley v. Ca. Supplement p.18
19 th Class	361-414	Fourth Amendment: Plain View. Car Search, Emergency Ky v. King p.402 Horton v. Ca. p. 362 Fla v. Hicks Chambers v. Maroney p. 369 Ca. v. Acevedo p. 377
20 th Class	414 -459	Fourth amendment: Special Needs, Drug Testing, Checkpoints Sitz p. 459 Safford v. Unifed school District.... p. 432 US v. Burger p. 418 Earls P. 439 Skinner v. Railway.... p.433 City of Ontario v. Quon p. 457
21 st Class	459-493	Fourth Amendment: Checkpoints, DNA,Inventory SD v. Opperman, p. 486 Fl v. Wells p. 489 MD v. King p. 472 – SKIM ONLY
22ndClass	494 - 527	Fourth Amendment: Inventory Searches, Border Searches, Consent Searches, DNA US v. Flores-Montano P.496 Schneckloth v Bustamonte p. 509 Ill v. Rodriguez P. 518 Fl. v. Jimeno p. 523
23 rd Class	595-630	Fourth Amendment: Standing, Inevitable Discovery & Independent Sources Rakas v. Ill p.596

US v. Salvucci p. 601
 Minn v. Carter p.602
 Dunaway v. NY p. 611
 Hudson v. Mich P. 614
 US v. Ceccolini p. 619
 Murray v. US p. 625
 Nix v. Williams P.626

24th Class	631- 645	Fourth Amendment: Permitted Uses Of Illegally Seized Evidence., Franks v. Del. P. 642
25 th Class	1129-1177	Guilty Pleas: Bordenckircher v. Hayes p. 1143 Henderson v. Morgan p. 1152 Padilla v. Ky p.1153 Alford v. p. 1163
26 th Class	1224; 1258-1329	Trial By Jury Apprendi v. NJ p. 1224
27 th Class	1069-1074; 1088-1129	Discovery Brady v. Md. P.1088 Kyles v. Whitley p.1098
28 th Class		REVIEW