

CRIMINAL PROCEDURE ASSIGNMENTS

PROFESSOR KESSLER

**Saltzburg & Capra, American Criminal Procedure,
Tenth Edition
&
2015 Supplement**

NOTES:

1) **Office Hours:** Half an hour before each class. Also, available by appointment.

2) **Class Participation:** Students are expected to be prepared for class. Class participation, when called on, will count in the final grade. A student can raise his/her final grade by as much as 2 points, or lower it by that amount as a result of participation. Each student is expected to know the assigned cases. 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) 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 fact, 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.

1st Class: 7- 32; 925-950 Introduction: Incorporation/Retroactivity;
Sixth Amendment: Right to Counsel -
Teague v. Lane p.20
Gideon v. Wainright p.931
Nichols v US p.931

2nd 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; 1497-1514 883-919	Sixth Amendment: Choice of Counsel. Self -Representation and Identification of Suspects Kirby v. Ill p. 893 Faretta v. Ca. 1497 US v. Wade p.886	
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			Rhode Island 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	