

Western Sierra School of Law
Criminal Procedure
Spring 2010
Syllabus

Instructor: Judge Robert B. Schneider (retired), professor@san.rr.com (e mail); 619-820-6388 (cell phone) 858-552-9029 (office phone).

Class Meeting Dates: This is a four unit class that meets ten times every Wednesday from 6: 30 PM to 10:00 PM beginning on March 10th and ending on May 22, 2010.

Required Text:

Israel, Jerold H., Yale Kamisar, Wayne R. LaFave, and Nancy J. King. Criminal Procedure and the Constitution: Leading Supreme Court Cases and Introductory Text (2009) Softcover American Casebook Series. West Publishing (2009)(ISBN: 978-0-314-90699-1; Emanuel, Steven L. Emmanuel Law Outlines. Aspen Publishers (2009)

Recommended Additional Materials:

Crunch Time. Criminal Procedure. Aspen Publishers.4th Edition Steven L, Samuel (2009); Tomkovicz, James J. Criminal Procedures. Aspen (2009)(ISBN# 1-56706-504-x); Bloom, Robert M. and Mark S. Brodin. Criminal Procedure: Examples and Explanations (Latest Edition) Aspen Publishers.

Course Description:

An introduction to the foundation for understanding Constitutional laws, the guarantees of the Constitution to the citizens of their civil right and civil liberties, and how the Constitution and its amendments influence the criminal justice system. This course covers the constitutional rules, established by the Supreme Court, for collecting evidence at crime scene, questioning witnesses/suspects, arresting suspects, and seizing evidence as well as the constitutional rights of the accused at trial. This course not only gives issues involving the police considerable attention but covers a number of other aspects of the criminal process e.g. criminal discovery, double jeopardy, fair trial/free press, plea bargaining and the trial.

Learning Outcomes: Upon completion of this course, students will be able to:

- Describe the legal system and the role that the U.S. Supreme Court plays in affecting the judicial system.
- Know how to research the law and find significant federal and state decisions affecting the criminal justice system.

- Identify from fact patterns what possible constitutional issues may be involved in determining the validity of a successful prosecution.
- Describe and identify the significant constitutional and statutory rules that may affect the civil rights and civil liberties of citizens including the meaning of First Amendment's freedom of speech and freedom of association and the second amendment's right to bear arms.

Course Requirements: Students are responsible for all assigned readings and material.

Class Schedule , Topics and Assignments

Week One

Topic 1: An Introduction to the Criminal Justice Process

Topic 2: The Nature and scope of Fourteenth Amendment Due Process: The Applicability of the Bill of Rights to the States

Palko v Connecticut p 27

Adamson v California p 29

Duncan v Louisiana p. 37

District Attorney's Office v. Osborne

Danforth v. Minnesota p. 59

Topic 3. Arrest, Search and Seizure

Wolf v. Colorado p 62

Mapp v. Ohio p 64

United States v. Leon p 70

Hudson v Michigan p 80

Herring v United States p 93

Reading Assignment: pp. 1-97

Week 2

Topic: Continuation of Arrest, Search and Seizure

- a. Protected Areas and interests, Probable Cause, search warrants, warrantless arrests and search persons and premises

Katz v. United States p 99

California v. Greenwood p. 103

Florida v Riley p. 107

United States v. Karo p 110
Kyllo v. United States p. 114
United States v. White p. 119
Zurcher v. Stanford Daily p. 122
Spinelli v. United States p. 127
Illinois v Gates p. 130
Maryland v Pringle p 145
Maryland v Garrison p. 147
Richards v. Wisconsin p. 153
United States v Watson p. 157
United States v Robinson p 162
Whren v United States p. 170
Atwater v City of Lago Vista p. 175
Tennessee v Garner p. 181

Reading Assignment: 98-187

Week 3

Topic: Continuation of Arrest, Search and Seizure

- a. Warrantless Seizure and Search of premises, vehicles and effects, Stop and Frisk, Inspections and Regulatory Searches and Consent Searches.

Payton v. New York p. 188
Chimel v California p 193
Vale v. Louisiana p. 198
California v. Carney p.206
Arizona v. Gant p. 206
California v. Acevedo p. 214
Wyoming v. Houghton p. 222
Colorado v. Bertine p. 229
Terry v. Ohio p. 233
Florida v. J.L. p. 242
Illinois v. Wardlow p. 245
Florida v. Royer p. 247
United States v. Drayton p. p. 255
Brendlin v. California p. 261
United States v. Place p. 264
Samson v. California p. 269
Schneckloth v. Bustamonte p 277
Georgia v. Randolph p. 283

Reading Assignment: pp. 188-292

Week 4.

Topic: Police Encouragement and the Defense of Entrapment

United States v. Russell p 293

Jacobson v. United States p 301

Topic: The right to counsel, transcripts and other aids, poverty, equality and the adversary system

Betts v Bradyp 313

Gideon v Wainwright p 316

Alabama v Shelton p 318

Rothgery v Gillespie County p 324

Douglas v. California p 331

Ross v. Moffitt p 335

Topic: Police Interrogation and Confessions

Ashcraft v. Tennessee p 344

Watts v. Indiana p. 349

Massiah v United States p. 355

Escobedo v. Illinois p 359

Miranda v. Arizona p. 365

Yarborough v. Alvarado p 387

Rhode Island v Innis p 392

Illinois v. Perkins p 397

Reading Assignment: pp. 293-399

Week 5

Topic: Police Interrogations and Confessions **continued**

Minnick v. Mississippi p 400

Montejo v. Louisiana p. 405

New York v. Quarles p. 413

United States v, Patane p. 417

Missouri v. Seibert p. 420

Moran v. Bubine p. 427

Dickerson v. United States 435

Chevez v. Martinez p. 443

Brewer v Williams (Williams I) p. 451

Kuhlmann v. Wilson p 460

Topic: Lineups, Showups and Other Pre Trial Identification Procedures

United States v. Wade p. 466

Kirby v. Illinois p 473

Manson v. Brathwaite p 477

Reading Assignment: pp. 400-486

Week 6

Topic: Investigation by Subpoena

Boyd v. United States p. 487

United States v. Dionisio p. 491

United States v. Mandujano p. 499

Kastigar v. United States p. 505

Fischer v. United States p. 513

United States v. Hubbell p. 521

Topic: Pretrial Release

Stack v. Boyle p.530

United States v. Salerno p. 531

Topic: The Decision Whether to Prosecute

United States v Armstrong p. 542

United States v. Batchelder p. 551

United States v, Goodwin p 553

Topic: Screening the Prosecutor's Decision to Charge.

Coleman v. Alabama p. 562

Vasquez v. Hillary p. 567

Costello v United States p 674

Reading Assignment: pp. 491-576

Week 7.

Topic: Speedy Trial and Other Speedy Disposition

Barker v. Wingo p 577

Doggett v. United States p. 583
United States v. Lovasco p 589

Topic: The Duty to Disclose

Willams v . Florida p.596
United States v. Bagley p.600
Pennsylvania. Ritchie p. 609

Topic: Guilty Pleas

Bordenkircher v. Hoyes p 617
Santobello v. New York p. 622
Mabry v. Johnson p. 624
United States v. Benchimol p. 625
United States v. Ruiz p. 627
Boykin v. Alabama p 631
Henderson v. Morgan p. 633
North Carolina v. Alford p 636

Reading Assignment: pp. 577-638

Week 8.

Topic: Trial by Jury

Duncan v. Louisiana p. pp. 639
Blanton v. City of North Las Vegas p.639
Burch v. Louisiana p 641
Singer v United States p. 644

Carter v. Jury Commissions p 647
Taylor v. Louisiana p 651
Turner v. Murray p 654
Lockhart v McCree p 657
Batson v. Kentucky p. 663
J.E.B. v. Alabama ex rel. T.B.p. 672

Fair Trial/Free Press

Murphy v. Florida p. 682
Gentile v. State Bar of Nevada p. 686
Chandler v. Florida p. 702
Press-Enterprise Co. v. Superior Court [Press Enterprise II] p 709

Reading Assignment: pp. 639-720

Week 9

Topic: The Role of Counsel

Srtickland v. Washington p. 721

Rompilla v. Beard p. 733

Florida v. Nixon p 745

Wheat v. United States p. 750

Michens v. Taylor p. 755

Faretta v. California p 769

Indiana v. Edwards p. 776

Reading Assignment: pp. 721-785

Week 10.

Topic: The Trial

Illinois v. Allen p.786

Crawford v. Washington p. 790

Richardson v. Marsh p. 803

David v. Alaska p. 809

Griffin v. California p 814

Rock v. Arkansas p. 817

Holmes v. South Carolina p. 823

Taylor v. Kentucky p. 827

Darden v. Wainwright p. 831

Topic: Retrials

Ashe v Swenson p 840

United States v Dixon p. 845

Health v Alabama p. 859

Hudson v United States p. 863

Topic Sentencing Procedures

United States v. Grayson p. p 889

Mitchell v United States p. 894

Blakely v Washington p. 903

McClesky v. Kemp p. 920

Roper v. Simmons p. 936

Reading Assignment: pp. 786-955