

**AJ 430 – Criminal Procedure – Fall 2009**  
**Writing Intensive Course**  
**Syllabus**

Instructor: Hayden Griffin

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Office: Arthell Kelley Hall 117

Office Hours: M 2:00-4:00, T 1:30-3:30, W 1:30-5:30, H 1:30-3:30 & by appointment

Class Meeting Time: W 6:30-9:15

Classroom: Bobby Chain Technology Building, Room 411

**Course Objectives**

This course is a study of criminal procedure. Instead of focusing on substantive criminal law, in this course we will analyze what powers and limitations the government has in enforcing the criminal law. Therefore, the question we will seek to answer is not whether a person has committed a crime. Instead, we seek to understand whether the actions of government officials were permissible or not. A person's guilt is of no consequence to us. This course primarily is an analysis of constitutional law concerning the Fourth, Fifth and Sixth Amendments of the United States Constitution. Our primary concern will be how the Supreme Courts interpret these amendments as it relates to practitioners in the criminal justice system.

**Course Materials**

- 1) Required Textbook: Samaha, Joel. (2008). *Criminal Procedure (7<sup>th</sup> Edition)*. Belmont, CA: Thomson Wadsworth.
- 2) Recommended Reference Book: *Black's Law Dictionary*.
- 3) Recommended Reference Book: *Publication Manual of the American Psychological Association*.
- 4) Two full-size completely blank (please do not fill out the front cover) bluebooks (examination booklets). These must be turned in one week before the mid-term, although students are encouraged to turn them in earlier. Students that do not turn in bluebooks will receive a 1 point deduction per day from their mid-term until they turn them in.

**Course Management**

This course will be taught using a "soft" Socratic Method. I expect all students to participate in discussion and to assist in maintaining our learning environment. All students will be expected to present the facts of the individual cases that they are required to turn in for grading. Additionally, I will usually ask each student a couple of questions about the implications of the case beyond the facts they presented. It is never my intention to either embarrass a student or to "put them on the spot". However, such an exercise is important to help you critically examine case law and help prepare those for a law school environment where professors will call on students without warning. Although class participation will not be evaluated in any strict sense, it will be considered during the course of the semester.

## Course Evaluation

- 1) Each student will be assigned four cases to brief and turn in for grading. The briefs are required to be two pages long (double-spaced, 12 point font, Times New Roman). Included within these two pages you must include a section called “my opinion” where you provide an analysis of the case decision that is approximately one half page. In addition to briefing two cases, each student will be expected to present the facts of each case to the class and will be asked a couple of questions about the implication of each case. Each case brief will be worth 5% of your final grade. Therefore, your four case briefs will comprise 20% of your final grade.
- 2) Each student is required to write a 8-10 page (double-spaced, 12 point font, Times New Roman) paper on some topic in criminal procedure (not substantive criminal or civil law). The topic **must** be approved by the Instructor. Please remember that issues such as murder, terrorism, self-defense, insanity, burglary and similar issues are covered in AJ 330 Criminal Law. Therefore, any topic covering any of these issues will not be approved. Each student will be expected to provide an initial paper topic and a subsequent preliminary bibliography of at least seven “approved” sources. “Approved” sources are either articles in scholarly journals, law reviews or periodicals, cases or summations of legal proceedings, and legal treatises. If you are unsure of a source please consult me. You are required to use at least five sources. Criminal procedure textbooks **are not** considered acceptable sources and you may not cite the instructor or class lecture as a source. Failure to conform to the basic requirements of this assignment will receive significant deductions. This paper will comprise 20% of your final grade.
- 3) One mid-term examination will comprise 25% of your final grade. Students are allowed to bring to class one sheet of paper that does not exceed 8 inches X 11.5 inches (standard sheet of computer paper or a lined notebook page if preferred). The student may handwrite anything they choose on **one** side of the paper from any sources they choose. Students may collaborate in preparing these study aids but the piece of paper must be in their own handwriting. Any aids that are not handwritten will be confiscated and returned after the exam has concluded.
- 4) A final comprehensive exam will comprise 35% of your final grade. For the final exam students are allowed to bring in a sheet of paper complying with the conditions set forth for the mid-term. For the final the study aid can be written on **both** sides of the paper. If a student chooses they may reuse one of their test-aids and simply write on the back of it for the final.

## Final Grade Scale

- A 90-100
- B 80-89
- C 70-79
- D 60-69
- F <60

**Attendance**

All students are expected to attend every class. Students that miss more than two classes without an excuse from either the Dean of Students or a licensed physician will have their final grade reduced by one letter grade.

**Late Work**

All late case briefs will face a one point deduction per day and late papers will face a two point deduction per day they are late until the value of the assignment reaches zero. Assignments will not be accepted beyond this date.

**Submission of Work**

Case briefs and papers will not be accepted via e-mail unless the student receives prior approval and some necessity exists for the electronic submission of the work.

**Class Conduct**

Please turn off or silence all cell phones and pagers before class begins. Those that repeatedly disrespect the learning environment in this manner will be asked to leave.

**Students Needing Accommodations**

In accordance with University policy, if a student has a disability that qualifies under the American with Disabilities Act (ADA) and requires accommodations, he/she should contact the Office for Disability Accommodations (ODA) for information on appropriate policies and procedures. Disabilities covered by ADA may include learning, psychiatric, physical disabilities, or chronic health disorders. Students can contact ODA if they are not certain whether a medical condition/disability qualifies.

Address: The University of Southern Mississippi Office for Disability Accommodations  
118 College Drive #8586 Hattiesburg, MS 39406-0001

Voice Telephone: (601) 266-5024 or (228) 214-3232; Fax: (601) 266-6035

Individuals with hearing impairments can contact ODA using the Mississippi Relay Service at 1-800-582-2233 (TTY) or email Suzy Hebert at [Suzanne.Hebert@usm.edu](mailto:Suzanne.Hebert@usm.edu)

**Honor Code**

All students are expected to abide by the Honor Code of The University of Southern Mississippi. Although students may study together in groups no collaboration is allowed on your individual papers or case briefs. If you have any questions about either of these assignments please see me and I will be more than happy to help you out. It should be noted that many violations of the Honor Code are the results of misunderstandings regarding honor policies.

### **Important Dates**

September 1	Last Day to Drop Classes Without Financial Penalty
September 23	Paper Topics Due
September 30	Last Day to Drop Classes Without Academic Penalty
October 14	Mid-term Examination
October 21	Tentative Bibliography Due
November 4	Papers Due
December 2	Final Exam

### **Tentative Schedule**

August 19	Introduction, Chapter 1 Crime Control in a Constitutional Democracy
August 26	Chapter 2 Criminal Procedure and the Constitution, Chapter 3 The Definition of Searches and Seizures
September 2	Chapter 4 Stop and Frisk
September 9	Chapter 5 Seizure of Persons: Arrest
September 16	Class Cancelled (Southern Criminal Justice Conference)
September 23	Chapter 6 Searches for Evidence, Paper Topics Due
September 30	Chapter 7 Special-Needs Searches, Chapter 8 Self-Incrimination
October 7	Chapter 9 Identification Procedures, Review
October 14	Mid-term Examination
October 21	Chapter 10 Remedies for Constitutional Violations I: The Exclusionary Rule and Entrapment, Paper Sources Due
October 28	Chapter 11 Constitutional Violations II: Other Remedies Against Official Misconduct
November 4	Chapter 12 Court Proceedings I: Before Trial, Papers Due
November 11	Chapter 13 Court Proceedings II: Trial and Conviction, Chapter 14 After Conviction
November 18	Chapter 15 Criminal Procedure in Crisis Times, Review
November 25	Class Cancelled (Thanksgiving)
December 2	Final Exam