

Mr. John R. Howell  
Fall 2009

**AJ 430 -- Criminal Procedure  
Course Syllabus**

1. Scope.

This course examines procedures used by American police, prosecutors, and courts to bring criminal cases to trial and explores some of the defendant's rights at trial and on appeal. The course will consider the Common Law, constitutional, and statutory bases of procedural practices in American criminal law. Among the topics presented are: criminal procedure and the Constitution; federal and state court structure; constitutional concepts including due process of law, equal protection, probable cause, and reasonable suspicion; formal practices of criminal procedure such as warrants, arrest, pleas, and jury selection; and defendant's rights including the right to counsel, the privilege against self-incrimination, protections against unreasonable searches and seizures, and the right to a fair trial.

2. Course Materials. The course texts are Samaha, Criminal Procedure, 7<sup>th</sup> Edition (Thomson Wadsworth, 2008), and Coursepack (AJ 430) (additional instructional materials). The Samaha text is available at the University Textbook Center. The Coursepack is available from the Instructor. Students should bring both texts to all class sessions.

3. Course Requirements/Grading.

A. Exams/Quizzes. During the course there will be two quizzes, a mid-term exam, and a non-comprehensive final exam. The final exam date for this class is Tuesday, December 8, 2009.

B. Formal Writing Requirement. AJ 430 is a writing intensive course. In order to receive a passing grade for the course, students must complete the writing requirement satisfactorily. To fulfill the writing requirement, each student must prepare 12 formal written case briefs. Each case brief must consist of at least three typewritten pages prepared in a format prescribed by the instructor. Instructions for the writing requirement are provided separately.

C. Grades. All grading is on a 100-point scale. Grades will not be curved. The grading scale is as follows: 90 and above = A; 80 to 89 = B; 70 to 79 = C; 60 to 69 = D; below 60 = F. The graded exercises are weighted as follows: final exam (40%); mid-term exam (25%); quizzes (each 5%); writing requirement (20%); class participation (5%).

4. Make-ups/Drops. Make-ups for exams/quizzes are allowed only in case of a dire emergency. If you miss a quiz or exam, always discuss your options with the Instructor. Last day to drop this course and receive a 100% financial refund is Tuesday, September 1, 2009.

5. Class Attendance/Class Preparation.

A. Class Attendance Policies/Unexcused Absences. Students are expected to attend all class sessions from beginning to end. At each class session students must initial a class attendance roster. Exam and quiz material will come from class lectures as well as assigned readings, so students who miss class frequently are unlikely to do well in the course academically. In the case of students with more than three (3) unexcused absences from regular class meetings, the Instructor will assess a one-point deduction from the student's final course GPA for each excessive unexcused absence. Students who anticipate attendance problems should consult with Mr. Howell in advance.

B. Class Preparation. Students are expected to read ALL the assigned cases and materials in the course texts. Unless otherwise indicated, the reading assignment for all students at each class meeting is the next chapter of the Samaha textbook. The Instructor will assign students to present cases orally in class from written briefs. Students must complete all reading assignments prior to class and be prepared to participate fully in classroom discussion of the assignment.

C. Homework/Plagiarism. Additional homework assignments are at the discretion of the Instructor. Group consultation, printed matter, and internet materials are excellent resources, but all submitted written work that is not the student's must be documented. Plagiarism (undocumented use of the work of others) is unacceptable. Cheating on graded exercises and/or plagiarism will result in a grade of F for the course as well as further disciplinary action.

6. University Policy on Disability. If a student qualifies under the Americans with Disabilities Act (ADA) and requires accommodations, he/she should contact USM's Office of Disability Accommodations (ODA) for information on policies and procedures. Disabilities covered by the ADA include learning, psychiatric, and physical disabilities, as well as chronic health disorders. Students can contact ODA if they are not certain whether a medical condition/disability qualifies. Mailing address: 118 College Drive #8586, Hattiesburg, MS 39406-0001; Telephone: 601-266-5024; TTY: 601-266-6837; Fax: 601-266-6035. ODA office: Bond Hall.

7. Contact Information for the Professor! Students can contact me by leaving a message in my mailbox (#28) at the AJ Department; by telephone: AJ Department (601-266-4509); my personal home telephone (601-264-6615); or by email (probably the most effective route of communication). My email address is: [howellfamily15@comcast.net](mailto:howellfamily15@comcast.net).

## **Case Reading Assignments/In-Class Briefings**

Page references are to Samaha, Criminal Procedure, 7<sup>th</sup> Edition or to Coursepack (AJ 430), unless otherwise noted. The Instructor will assign specific students to present oral briefs in class from the list of cases below. Students are responsible for reading each chapter in its entirety, including ALL the case readings. Assignment of materials in the Coursepack will be made by the Instructor in class.

### **Chapter 1: Crime Control in a Constitutional Democracy**

### **Chapter 2: Criminal Procedure and the Constitution**

Rochin v. CA (33)  
US v. Armstrong (37)

### **Chapter 3: The Definition of Searches and Seizures**

Katz v. US (53)  
US v. White (59)  
Kyllo v. US (62)  
IL v. Caballes (66)  
CA v. Hodari D. (72)

### **Chapter 4: Stop and Frisk**

Terry v. OH (88)	US v. Sharpe and Savage (119)
Adams v. Williams (94)	People v. Courtney (122)
US v. Cortez (99)	US v. McCargo (124)
FL v. J. L. (102)	MN v. Dickerson (129)
IL v. Wardlow (106)	MD v. Wilson (132)
US v. Brignoni-Ponci (111)	US v. Montoya de Hernandez (135)
US v. Sokolow (115)	MI v. Sitz (139)

### **Chapter 5: Seizure of Persons: Arrests**

Draper v. US (154)	Graham v. Connor (173)
US v. Watson (159)	Kuha v. City of Minnetonka (176)
Payton v. NY (162)	Atwater v. City of Lago Vista (179)
TN v. Garner (170)	

## **Chapter 6: Searches for Evidence**

Wilson v. AR (192)  
US v. Banks (196)  
Chimel v. CA (201)  
NY v. Belton (203)  
Knowles v. IA (209)  
Whren v. US (211)

Schneekloth v. Bustamonte (216)  
US v. Rodney (222)  
US v. Gray (225)  
IL v. Rodriguez (226)  
WY v. Houghton (233)

## **Chapter 7: Special-Needs Searches**

CO v. Bertine (246)  
Mary Beth G. v. City of Chicago (251)  
Samson v. CA (255)

Board of Education v. Earls (262)  
Commonwealth v. Neilson (265)

## **Chapter 8: Self-Incrimination**

Schmerber v. CA (284)  
Miranda v. AZ (286)  
Berkemer v. McCarty (292)

Brewer v. Williams (296)  
Moran v. Burbine (302)  
CO v. Connelly (306)

## **Chapter 9: Identification Procedures**

Manson v. Brathwaite (325)

US v. Wade (Coursepack, 68)

## **Chapter 10: Remedies for Constitutional Violations I: The Exclusionary Rule and Entrapment**

Mapp v. OH (343)  
US v. Leon (350)  
AZ v. Evans (355)  
Jacobson v. US (364)

## **Chapter 11: Constitutional Violations II: Other Remedies Against Official Misconduct**

Anderson v. Creighton (376)  
Pinder v. Johnson (382)

## **Chapter 12: Court Proceedings I: Before Trial**

County of Riverside v. McLaughlin (405)  
US v. Salerno (412)  
Bell v. Wolfish (414)  
Gideon v. Wainwright (419)

## **Chapter 13: Court Proceedings II: Trial and Conviction**

Ballew v. GA (448)	Batson v. KY (Coursepack, 59)
Lockhart v. McCree (451)	Pointer v. TX (Coursepack, 72)
NC v. Alford (463)	Coy v. IA (Coursepack, 74)

## **Chapter 14: After Conviction**

Ewing v. CA (478)  
Blakely v. WA (484)

## **Chapter 15: Criminal Procedure in Crisis Times**

Hamdan v. Rumsfeld