CRIMINAL PROCEDURE
Spring 2018

Course Description and Assigned Materials

This course concentrates on constitutional and other limitations placed upon law enforcement officers and prosecutors in the United States, with special attention paid to the Fourth, Fifth, and Sixth Amendments to the Constitution of the United States. Topics covered will include the exclusionary rule, searches and seizures, the warrant requirement and exceptions to it, stops and frisks, interrogations and confessions, the right to counsel, and eyewitness identifications.

Text


This is not the most recent edition. I have ordered an older one because of the price difference. The MU bookstore has the 5th edition.

Policies and Procedures

Reading assignments: I will post each week’s reading assignment through TWEN (on the course’s calendar) by Friday morning of the prior week. Please sign up for TWEN.

Grades, attendance, and participation: Final grades will be determined primarily by a final examination, administered at the law school. Attendance is also required. I come to class planning to call on a group of students. I reserve the right to adjust each student’s grade in either direction by two points based on preparedness and quality of participation.

With respect to attendance, no distinction will be made between excused and unexcused absences. You may miss up to 6 classes without being dropped. If you miss seven or more classes, you will be dropped from the course barring extraordinary circumstances. I will pass around an attendance sheet in class. It is your responsibility to sign the sheet and to keep track of your absences.
**Learning outcomes:** In compliance with Standard 301(b) of the American Bar Association’s Standards and Rules of Procedure for Approval of Law Schools, the following statement reflects the learning outcomes for this course.

Criminal Procedure course focuses on the substantive constitutional doctrine placing limits on the state’s efforts to investigate crime. Students will

- learn and understand the relevant doctrine grounded in the Fourth, Fifth, and Sixth Amendments (topics include the exclusionary rule, searches and seizures, the warrant requirement and its exceptions, stops and frisks, interrogations and confessions, right to counsel, and eyewitness identification procedures);
- think about the appropriate goals of the criminal process and how such goals should shape constitutional doctrine;
- consider policy questions regarding the appropriate balance between fighting crime and protecting individuals from the government, and how those policy questions are related to the interpretation and enforcement of these constitutional rules;
- consider the relevance of race and racism to criminal investigations and the criminal process more generally;
- engage in legal analysis of facts, applying relevant rules, construct arguments, respond to counterarguments;
- consider how they might advise a client in light of the client’s circumstances and relevant legal rules.
- gain knowledge useful for success on the bar exam.

**Disabilities:** If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please talk with Dean Mitchell or Denise Boessen as soon as possible.

If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Office of Disability Services (http://disabilityservices.missouri.edu), 55 Memorial Union, 573-882-4696, and then contact Dean Wells or Denise Boessen, who will notify me of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on "Disability Resources" on the MU homepage.

**Intellectual Pluralism:** The School of Law community welcomes intellectual diversity and respects student rights. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean or Director of the Office of Student Rights and Responsibilities (http://osrr.missouri.edu). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.
**Academic Integrity:** Academic integrity is fundamental to the activities and principles of a university. All members of the Law School community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest, whether or not the effort is successful. The Law School community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include grade sanctions (up to and including failing the course) and disciplinary sanctions ranging from probation to expulsion. I encourage you to make sure that your work in this and other courses complies in all respects with the Law School’s Honor Code. If you have any question regarding whether your conduct complies with the Honor Code, you should contact me for clarification.

**Statement on University of Missouri System Executive Order #38:** University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in Section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under Section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

**Reading assignments for first four weeks:**

Class 1: pages 9-18, 34-42; 44-46; 48-55
Class 2: pages 64-71; 75-84; 86-92
Class 3: pages 95-102; 105-21
Class 4: pages 121-30; 133-46; majority and concurring opinions in Florida v. Jardines (under “Course Materials” on TWEN)
Class 5: pages 151-71
Class 6: pages 179-209
Class 7: pages 209-29
Class 8: Riley v. California (under “Course Materials” on TWEN); 238-48
Class 9: pages 248-275