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CLASS POLICIES:

Attendance and Preparation. It is my privilege to have the opportunity to work with you this term as you master certain fundamentals of the law of criminal procedure. To enhance the learning experience that I hope this class will afford you and to assist in the development of your analytical abilities, all students are expected, of course, to attend class and be fully prepared for class discussions. Students should consequently read all the material assigned for a class unless otherwise instructed.

I have typically found my students to be enthusiastic learners who are well prepared for class. In the unlikely event that a student misses more than three classes or is not adequately prepared for class, I may meet with the student and procure feedback from Associate Dean Ben Trachtenberg. Based on the feedback I receive from him and the student, I will then determine what follow-up measures, if any, need to be taken. Examples of measures that might be deemed appropriate under the circumstances include enlisting the support services available at the law school or main campus, reducing a student’s grade in the course by up to one full grade, or barring a student from taking the final examination.

Course-Related Materials Prepared By Others. No course-related full or partial outlines or transcripts prepared by other students, transcribed copies of such outlines or transcripts, or commercially prepared materials other than your casebook are allowed in the classroom, whether in print or electronic form.

Computer Use. Computers and other electronic devices brought into the classroom should be used during class sessions only to take notes and to retrieve notes you have prepared to facilitate your participation in class discussions. Audio or video recordings of the class are not permitted, except when a student has received permission to record the class as an accommodation under section 240.040 of the university’s Collected Rules and Regulations. Although I am sure that students will respect these and other class policies, it is important to remember that a violation of them could trigger the imposition of disciplinary sanctions.

LEARNING OBJECTIVES AND OUTCOMES: By the end of this course, students will:

- understand the constitutional rules governing the suppression of confessions under the Due Process Clauses of the Fifth and Fourteenth Amendments, Miranda, and the Sixth Amendment right to counsel and as the fruit of a Fourth Amendment violation.

- know the constitutional rules governing pretrial identification procedures and restrictions on the admissibility of an in-court identification following an unconstitutional lineup.
• comprehend how the Supreme Court has interpreted the scope of rights accorded by the Fourth Amendment.

• know the rules governing application of the Fourth Amendment exclusionary rule.

• be able to identify, articulate, and critique the rationales for different constitutional and judicially created rules governing criminal procedure in the investigatory context.

• be able to apply the legal rules learned in this class to new fact patterns – to spot the legal issues subsumed in a set of facts, identify, make, and rebut arguments on the resolution of a legal issue, and pinpoint the relevant facts bearing on an issue’s resolution.

• have honed skills in active listening and self-evaluation and in proffering and responding to views and arguments on controversial issues with civility, dignity, and respect.


After you have read about a criminal-procedure topic and we have discussed that topic in class, I encourage you to read a supplementary resource to buttress your understanding of the topic. I recommend either one of the following two books for this purpose: (a) Wayne LaFave, Jerold Israel, Nancy King, & Orin Kerr, Criminal Procedure (6th ed., 2017) (Hornbook Series), or (b) Leslie Abramson, Principles of Investigative Criminal Procedure (2022) (Concise Hornbook Series). Both books are published by West Academic Publishing.

EXAMINATION: The examination in this course, which will be held at the end of the term, will be closed book/closed computer.

CONTACT INFORMATION AND OFFICE HOURS: My office is in Room 311, and my email address is lynnbranham@missouri.edu.

My office hours are on Mondays from 3:30 to 5:30 p.m. and on Tuesdays from 3:00 to 5:00 p.m. If you cannot meet with me at any of these times, I would be happy to meet with you at another mutually convenient time, confer via Zoom or FaceTime, or have a teleconference with you. It would be helpful if you could give me advance notice if you would like to meet with me so that I can reserve that time for you. Thank you.

NOTICE TO STUDENTS WITH DISABILITIES: If you anticipate barriers related to the format or requirements of this course, have emergency medical information to share, or need to make special arrangements in case the building must be evacuated, please talk with Dean Trachtenberg or Denise Boessen, the school’s registrar, as soon as possible. If disability-related accommodations are necessary, please register with the Office of Disability Services (http://disabilityservices.missouri.edu), S5 Memorial Union, (573) 882-4696, and then contact Dean Trachtenberg 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.