CJUS 4200.001
CRIMINAL PROCEDURE
FALL 2015

Curry Hall, Room 104
T/Th 9:30 - 10:50 a.m.
Office: Chilton Hall, Room 265
Office Hours: T/Th: 11:00 a.m. - 12:30 p.m.
& by appointment

Professor P.M. Tobolowsky
Phone: 940-565-4085
Office: Chilton Hall, Room 265
Metro 817-267-3731, ext. 4085
E-mail: peggy.tobolowsky@unt.edu
Fax: 940-565-2548

COURSE DESCRIPTION: This course focuses on criminal procedure: the law that outlines the lawful process of investigation, prosecution, and punishment of offenders. In this connection, we will primarily explore the principles of criminal procedure established by the United States Supreme Court, with some examples of the application of these principles in the Texas and federal criminal justice systems.

COURSE OBJECTIVES: Through this course, students should gain:
1) an understanding of the constitutional and judicial parameters of criminal procedure regarding the investigatory phase of the prosecution;
2) an understanding of the constitutional and judicial parameters of criminal procedure regarding the adjudicatory phase of the prosecution; and
3) an understanding of the constitutional and judicial parameters of criminal procedure regarding the punishment phase of the prosecution.

REQUIRED READING:

COURSE REQUIREMENTS: Final course grades will be based on performance on the following activities: 4 examinations; 4 assignments; and class participation. Each of the exams will be evaluated on a 100-point scale and each exam will represent 20% of your final course grade. Each assignment will be evaluated on a 20-point scale and each will represent 4% of your final grade. Your class participation will be evaluated on a 20-point scale and will represent 4% of your final grade.

GRADING SCALE (Maximum of 500 points):
A= 448 – 500 points
B= 398 – 447 points
C= 348 – 397 points
D= 298 – 347 points
F= 0 – 297 points

EXAMINATIONS: The 4 exams will consist of multiple choice, definitional, descriptive, listing, and/or short written questions. The first examination is Thursday, September 17, 2015. The
second examination is **Tuesday, October 13, 2015**. The third examination is **Tuesday, November 10, 2015**. The fourth examination will be given from **8:00 a.m. - 10:00 a.m.** on **Thursday, December 10, 2015**. There will generally be no make-up exams.

**ASSIGNMENTS:** During the course of the semester, there will be 4 out-of-class assignments. They are attached to this syllabus, along with their due dates and related instructions. Your assignments will be submitted through the class Blackboard site. Students can earn **up to 20 points** for each assignment, for a maximum **total of 80 points** for these 4 activities. **No late assignments** will be accepted.

**CLASS PARTICIPATION:** The class participation component of each student’s grade will be based on the number of times that the student actually participates in the discussions of class material. Students may volunteer to participate and they will be called upon to participate. A student will be awarded **up to 4 points each time** that the student participates in class, up to a **maximum of 20 points for the semester.** No points will be deducted from or added to the student’s class participation score if the student gives an incorrect answer, is unable to respond to a question in class, or asks a question in class.

**ATTENDANCE:** No specific records will be kept regarding student attendance. Attendance, however, will strongly affect course grades because 1) at least 30% of each exam will be drawn from class presentations, 2) class presentations will elaborate on and review text materials, 3) class participation evaluations will be based on participation in class, and 4) each student will be responsible for the content of all class presentations, as well as for any announcements, schedule changes, etc. that are made in class.

**PANOPTO LECTURE CAPTURE:** We will be using the Panopto Lecture Capture system that makes an audio recording of the class presentations and preserves presented materials. These will be available to you via the class Blackboard site following the “captured” session(s). Your use of Panopto is designed to supplement your class attendance, such as if you have to miss a class, want to fill in class notes, or want to review class materials for an exam – **not substitute** for it. If use of Panopto has a serious negative impact on class attendance, Panopto will be terminated.

**ACADEMIC HONESTY:** The university rules and policies regarding cheating and plagiarism will be strictly enforced.

**DISRUPTIVE BEHAVIOR:** Disruptive behavior is not permitted in class. Students engaging in such behavior may be directed to leave the classroom and may be referred to the Center for Student Rights and Responsibilities for consideration of a violation of the Code of Student Conduct.

**SETE:** As part of the university-wide assessment of teaching effectiveness, students are strongly encouraged to complete the Student Evaluation of Teaching Effectiveness (SETE) online evaluations for this and all of their classes. Your input is valued. This semester’s SETE will be available at the end of the semester.

**ADA STATEMENT:** The University of North Texas complies with Section 504 of the 1973 Rehabilitation Act and with the Americans with Disabilities Act of 1990. The University of North
Texas provides academic adjustments and auxiliary aids to individuals with disabilities, as defined under the law. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disability. If you believe that you have a disability requiring accommodations, please see me and/or contact the Office of Disability Accommodation at 940-565-4323 during the first week of class. Please notify me and your other instructors regarding any recommended accommodations as soon as possible.

COURSE SCHEDULE

The following reflects the approximate schedule for required readings in the del Carmen text. Dates for examinations and other assignments are also included.

<table>
<thead>
<tr>
<th>Date</th>
<th>Class Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>August</strong></td>
</tr>
<tr>
<td>25</td>
<td>Introduction</td>
</tr>
<tr>
<td>27</td>
<td>Chs. 1, 2 (The Court System, Sources of Rights, and Fundamental Principles; Overview of the Criminal Justice Process)</td>
</tr>
<tr>
<td></td>
<td><strong>September</strong></td>
</tr>
<tr>
<td>1, 3</td>
<td>Chs. 1, 2 (cont.)</td>
</tr>
<tr>
<td>8*</td>
<td>* Assignment 1; due by 9:30 a.m. (beginning of class)</td>
</tr>
<tr>
<td>8*, 10</td>
<td>Ch. 3 (Probable Cause and Reasonable Suspicion)</td>
</tr>
<tr>
<td>15</td>
<td>Library Day</td>
</tr>
<tr>
<td>17**</td>
<td>** First Exam</td>
</tr>
<tr>
<td>22</td>
<td>Ch. 5 (Stop and Frisk &amp; Stationhouse Detention)</td>
</tr>
<tr>
<td>24, 29*</td>
<td>Ch. 6 (Arrests, Use of Force, Search Incident to Arrest)</td>
</tr>
<tr>
<td>29*</td>
<td>* Assignment 2; due by 9:30 a.m. (beginning of class)</td>
</tr>
</tbody>
</table>
October
1, 6, 8  Ch. 7 (Searches of People and for Property and Resulting Seizures)

13**  ** Second Exam

15, 20  Ch. 8 (Vehicle Stops and Searches)

22  Ch. 9 (Non-/Limited Searches or Seizures: Plain View, Open Fields, Abandonment, Border Searches)

27, 29  Ch. 10 (Identification Procedures)

November
3, 5*  Ch. 4 (The Exclusionary Rule)
5*  * Assignment 3; due by 9:30 a.m. (beginning of class)

10**  ** Third Exam

12, 17*  Ch. 11 (Statements)
17*  * Assignment 4; due by 9:30 a.m. (beginning of class)

19, 24  Ch. 12 (Trial-Related Rights)

26  Thanksgiving Break

December
1  Ch. 13 (Sentencing and Punishment)

3  Conclude/Review

10**  ** Fourth Exam, 8:00 a.m. – 10:00 a.m.
ASSIGNMENTS

Assignment 1: In Illinois v. Gates, 462 U.S. 213 (1983), the United States Supreme Court adopted the totality of the circumstances standard to assess probable cause based on information supplied to the police by a third person. The majority opinion and the main dissenting opinion are provided in the Course Content section on our class Blackboard site. In at least 400 words, summarize the reasons the Justices provided in the majority opinion for adopting the totality of the circumstances standard (including at least 5 reasons they gave). In at least 400 words, summarize the reasons Justices Brennan and Marshall provided in their dissenting opinion for opposing the adoption of the totality of the circumstances standard (including at least 5 reasons they gave). Do not provide the facts of the case or the lower court rulings unless they are related to the reasons for the result that you are providing. In at least 200 words, describe whether you agree with the probable cause standard adopted in the majority opinion or that supported by the dissenting Justices and why.

In this assignment, do not simply “cut and paste” portions of the Court’s opinion. Put this material in your own words. If you use any of the Court’s exact language, however, you must use quotation marks to reflect that you have quoted the material and provide the page number in the opinion where the material is located. The page numbers are in brackets in the opinion, for example [*403]. No more than 10% of your assignment should consist of quoted material. If you refer to other Court decisions in your summary, you do not need to include the citations in your summary.

This assignment should be submitted via the Blackboard Assignments section and is due no later than Tuesday, September 8 at 9:30 a.m. Students can earn up to 20 points for this assignment. No late assignments will be accepted.

Assignment 2: In Riley v. California, 134 S. Ct. 2473 (2014), the United States Supreme Court concluded that the police may not search digital information on a cell phone seized from an individual who has been arrested pursuant to the search incident to arrest exception to the warrant requirement. The majority opinion is provided in the Course Content section on our class Blackboard site. In at least 800 words, summarize the reasons the Justices provided in the majority opinion for their conclusion (including at least 10 reasons they gave). Do not provide the facts of the case or the lower court rulings unless they are related to the reasons for the result that you are providing. In at least 200 words, describe whether you agree or disagree with the Court’s conclusion and why.

In this assignment, do not simply “cut and paste” portions of the Court’s opinion. Put this material in your own words. If you use any of the Court’s exact language, however, you must use quotation marks to reflect that you have quoted the material and provide the page number in the opinion where the material is located. The page numbers are in brackets in the opinion, for example
Assignment 3: In Herring v. United States, 555 U.S. 135 (2009), the United States Supreme Court extended the good faith exception to the exclusionary rule to situations in which police violate the 4th Amendment due to good faith mistakes that are the result of police negligence rather than “systemic error or reckless disregard of constitutional requirements.” The majority opinion and the main dissenting opinion are provided in the Course Content section on our class Blackboard site.

In at least 400 words, summarize the reasons the Justices provided in the majority opinion for their extension of the good faith exception to the exclusionary rule (including at least 5 reasons they gave). In at least 400 words, summarize the reasons the four dissenting Justices provided in their dissenting opinion for opposing the extension of the good faith exception (including at least 5 reasons they gave).

Do not provide the facts of the case or the lower court rulings unless they are related to the reasons for the result that you are providing. In at least 200 words, describe whether you agree with the extension of the good faith exception to the exclusionary rule adopted in the majority opinion or that supported by the dissenting Justices and why.

In this assignment, do not simply “cut and paste” portions of the Court’s opinion. Put this material in your own words. If you use any of the Court’s exact language, however, you must use quotation marks to reflect that you have quoted the material and provide the page number in the opinion where the material is located. The page numbers are in brackets in the opinion, for example [*403]. No more than 10% of your assignment should consist of quoted material. If you refer to other Court decisions in your summary, you do not need to include the citations in your summary.

This assignment should be submitted via the Blackboard Assignments section and is due no later than Thursday, November 5 at 9:30 a.m. Students can earn up to 20 points for this assignment. No late assignments will be accepted.

Assignment 4: In Berghuis v. Thompkins, 560 U.S. 370 (2010), the United States Supreme Court revised the standards for assessing a suspect’s invocation and voluntary waiver of the privilege against self-incrimination during custodial interrogation (the “Miranda standards”). The majority opinion and the dissenting opinion are provided in the Course Content section on our class Blackboard site.

In at least 400 words, summarize the reasons the Justices provided in the majority opinion for their revision of the Miranda standards (including at least 5 reasons they gave). In at least 400 words, summarize the reasons the four dissenting Justices provided in their dissenting opinion for opposing the revision of the Miranda standards (including at least 5 reasons they gave).
Do not provide the facts of the case or the lower court rulings unless they are related to the reasons for the result that you are providing. In at least 200 words, describe whether you agree with the revision of the *Miranda* standards adopted in the majority opinion or that supported by the dissenting Justices and why.

In this assignment, do not simply “cut and paste” portions of the Court’s opinion. Put this material in your own words. If you use any of the Court’s exact language, however, you must use quotation marks to reflect that you have quoted the material and provide the page number in the opinion where the material is located. The page numbers are in brackets in the opinion, for example [*403]. No more than 10% of your assignment should consist of quoted material. If you refer to other Court decisions in your summary, you do not need to include the citations in your summary.

This assignment should be submitted via the Blackboard Assignments section and is due no later than Tuesday, November 17 at 9:30 a.m. Students can earn up to 20 points for this assignment. No late assignments will be accepted.