

Constitutional Criminal Procedure
Fall 2019
Prof. Philip Meyer

My office is in Waterman 204
My e-mail: pmeyer@vermontlaw.edu
I am available to meet outside of class. Send me an e-mail.
My phone: 802-831-1027

Required Course Materials:

Joshua Dressler & George Thomas, III, ***Criminal Procedure: Investigating Crime, (Sixth Edition) (2017)***. (This is the softbound book. It is **not** Dressler's hardbound Criminal Procedure: Principles, Policies and Perspectives.) ("Casebook")

Joshua Dressler, Alan C. Michaels, & Ric Simmons, ***Understanding Criminal Procedure, Volume I: Investigation (Seventh Edition) (2017)***. ("UCL")

Assignments:

(Note: Some assignments will require more than one class to complete. I may adjust assignments during the semester.)

Assignment # 1

Chapter 1 - Introduction to Criminal Procedure (UCL, pages 1-19).
Chapter 3 - Incorporation of the Bill of Rights (UCL, pages 39-46).

Cases:

Powell v. Alabama (Casebook, pages 25-32).
Duncan v. Louisiana (Casebook, pages 53-61).

Assignment # 2

Chapter 4 – Fourth Amendment Overview (UCL, pages 47-57).
Chapter 5 – Fourth Amendment: Persons, Houses, Papers, and Effects" (UCL, pages 61-64).
Chapter 6 – Fourth Amendment Terminology: "Search" (UCL, pages 65-76).

Cases:

Katz v. United States (Casebook, pages 96-101).

Assignment # 3

Chapter 6 – Post-Katz “Search Jurisprudence” (UCL, pages 77-107, for Assignments 3 & 4).

Cases:

United States v. White (Casebook, pages 100-112)
Smith v. Maryland (Casebook pages 116-122)

Assignment # 4 & 5

(More) Post Katz Search Jurisprudence

Cases:

Kyllo (Casebook, pages 135-143).
United States v. Jones (Casebook pages 147-159).
Jardines (Casebook pages 162-173).

Chapter 7 – Fourth Amendment Terminology: Seizure (UCL, pages 109-120)

Case:

Karo (Casebook, pages 173-175).

Assignment # 6

Chapter 8 – Fourth Amendment: “Probable Cause” (UCL, pages 121-136)

Cases:

Spinelli (Casebook, pages 178-185).
Gates (Casebook, pages 188-199).

Assignment #7

Chapter 9 – Arrests (UCL, 145-160)

Case:

Payton (Casebook, pages 205-213).

Chapter 10 - Search Warrants: In General (UCL, pages 161-180)

Cases:

Lo-Ji Sales (Casebook, pages 224-226).
Richards (Casebook, pages 229-232).

Assignment # 8

Chapter 11 – Warrantless Searches: Exigent Circumstances (UCL, pages 181-187)

Case:

Kentucky v. King (Casebook, pages 239-247).

Chapter 12 - Search Incident to a Lawful Arrest (UCL, pages 189-208)

Cases:

Chimel (Casebook, pages 251-258).

Riley (Casebook, pages 262-273).

Assignment # 9

Chapter 12 (UCL, cont'd)

Cases:

Belton (Casebook pages 276-280).

Arizona v. Gant (Casebook pages 286-296).

Pretextual Stops and Arrests:

Case:

Whren (Casebook, pages 298-304).

Assignment # 10

Chapter 13 – Searches of Cars and Containers Therein (UCL, pages 209-228)

Cases:

Chambers (Casebook, pages 306-313.)

Chadwick (Casebook, pages 320-327).

Acevedo (Casebook, pages 331-338).

Assignment # 11

Chapter 14 – “Plain View” and Related Doctrines (UCL, pages 229-238)

Cases:

Horton (Casebook, pages 339-345).

Hicks (Casebook, pages 346-351).

Assignment # 12

Chapter 15 – Inventory Searches (UCL, pages 239- (top) 241 only)

Chapter 16 - Consent Searches (UCL, pages 247-262)

Cases:

Schneckloth v. Bustamonte (Casebook, pages 352-359).

Randolph (Casebook, pages 362-373).

Rodriguez (Casebook, pages 376-381).

Assignment # 13

Chapter 17 – Terry v. Ohio: The “Reasonableness” Balancing Standard in Criminal Investigations (UCL, pages 263-292)

Cases:

Terry v. Ohio (Casebook, pages 389-401).

Dunaway (Casebook, pages 409-412).

Assignment #14

Terry Seizure v. Non-Seizure

Cases:

Mendenhall (Casebook, pages 417-423).

Hodari (Casebook, pages 427-430).

“Reasonable Suspicion”

Case:

Alabama v. White (Casebook, pages 433-37).

Expanding the Scope of the Terry Balancing Approach

Case:

Maryland v. Buie (Casebook, pages 454-459).

Assignment #15

Chapter 18 – More “Reasonableness” Balancing Searches & Seizures Primarily Conducted for Non-Criminal Law Purposes (UCL, pages 293-306)

Cases:

Michigan Dept. of State Police v. Stitz (Casebook, pages 474-480).
Edmond (Casebook, pages 481-487).

Assignment #16

Chapter 19 – Fourth Amendment: Standing (UCL, pages 319-335)

Case:

Rakas (Casebook, pages 497-504).

Assignments # 17 & 18

Chapter 20 – Fourth Amendment: Exclusionary Rule (UCL, pages 337-379)

Cases:

Mapp v. Ohio (Casebook, pages 83-92).
Murray (Casebook, pages 522-527).
Wong Sun (Casebook, pages 530-534).
Leon (Casebook, pages 538-551).
Hudson (Casebook, pages 553-566).
Davis (Casebook, pages 576-582).

Assignment #19

Chapter 21 – Interrogation Law: Overview (UCL, pages 381-390)

Chapter 22 – Interrogation Law: Due Process Clause (UCL, pages 391-404)

Cases:

Lisenba (Casebook, pages 591-600).
Spano (Casebook, pages 603-608).

Assignment #20

Chapter 23 – Interrogation Law: Privilege Against Compelled Self-Incrimination (UCL pages 405-425)
Chapter 24 – Interrogation Law: *Miranda v. Arizona* (UCL, pages 427-442)

Case:

Miranda v. Arizona (Casebook, pages 625-640).

Assignment #21

Chapter 24 – Interrogation Law: *Miranda v. Arizona* (continued) (UCL pages 443-477).

Miranda's Status Today and the Exclusionary Rule

Cases:

Dickerson (Casebook, pages 670-677).
Seibert (Casebook, pages 678-687).
Berkemer (Casebook, pages 691-697).

Assignment #23

Miranda Interrogation & Waiver

Cases:

Innis (Casebook, pages 701-708).
Berghuis (Casebook, pages 720-732).
Edwards (Casebook, pages 733-737).

Assignment #24

Chapter 25 – Interrogation Law: Sixth Amendment Right to Counsel (UCL, pages 479-503).

Cases:

Massiah v. United States (Casebook, pages 755-758).
Brewer (Casebook, pages 764-777).
Patterson (Casebook, pages 778-787).

Assignment #25

Chapter 26 – Eyewitness Identification Procedures (UCL, pages 505-516)

END OF COURSE