

Constitutional Criminal Procedure  
Fall 2019  
Prof. Philip Meyer

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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***