CONSTITUTIONAL CRIMINAL PROCEDURE: FALL 2022
CRI7262.01

PROFESSOR JESSICA C. BROWN
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REQUIRED TEXTS:

- CRIMINAL PROCEDURE: INVESTIGATING CRIME (7TH ed. 2020 West Academic Publishing) Joshua Dressler, George C. Thomas III, Daniel S. Medwed ("**Casebook**" in the syllabus)
- UNDERSTANDING CRIMINAL PROCEDURE (8TH ed. 2021 Carolina Academic Press) Joshua Dressler, Alan C. Michaels, Ric Simmons ("**UCP**" in the syllabus)
- CANVAS: "**CANVAS**" will be indicated on the syllabus when materials and/or an assignment are linked/uploaded on the Canvas course page for this class.

CLASS TIME AND OFFICE HOURS:

Class meets on Mondays and Wednesdays from 2:10pm to 3:25pm in Oakes 208. We will start and end on time. An attendance roster will be passed once class begins.

I will be available in the classroom for at least 10 minutes before and after class (if no other class is using the room). In addition, please feel free to stop by my office any time that is convenient for you – if I am there, I will make time for you. You may also contact me by email to schedule an in-person or virtual appointment.

COURSE REQUIREMENTS:
Lively classroom discussion will be prompted and encouraged. Please keep in mind that some criminal law and procedure discussion topics are particularly sensitive and comments should be thoughtful and considerate.

1. All members of the VLS community, including professors, are expected to treat each other with respect. I want to promote an environment that avoids words/remarks or actions that show bias or prejudice based on age, disability, ethnicity, gender/gender identity, national origin, native language, race, religion, sex, sexual orientation, or socioeconomic status. I also want us to be able to engage in honest discourse. If you have any concerns about anything said or done in class, by me or by one of your colleagues, please talk to me about your concerns.

2. Classroom attendance is required. Students are expected to abide by the VLS attendance policy as set out in Academic Regulations Section II(A) of the student handbook which reads, in part: "Students are required by Vermont Law and Graduate School and by the ABA to maintain regular and punctual attendance in all classes... Students who are absent from twenty (20%) percent of the regularly scheduled classes or who fail to complete required hours for other work shall be automatically withdrawn from the course with a grade of F-Wd."

   If you need to miss class for any reason please contact me by email, in advance (if you are able). Work due is expected to be submitted, unless illness or an emergency prevents you from being able to do so. In addition to the potential consequences outlined in the Student Handbook, excessive absences may affect the Professionalism points in your final grade.

3. I may modify pre-class assignments during the semester as current events, time, and interest necessitate. I will post any additional class materials on Canvas. I will notify you of any changes to the syllabus in class, via Canvas, and/or via your VLS email so please check both regularly.

4. You are not permitted to use your phone or access the internet during class unless specifically requested/directed to do so for an in-class assignment.

5. Assignments/Assessments/Grading:

   Fifteen percent (15%) of your final grade will be based on professionalism, including: attendance, punctuality, preparedness, and participation.

   You will have two (2) short, timed, open book, take-at-home quizzes during the semester that will include fifteen (15) multiple choice questions to be completed (on Canvas) in twelve (12) minutes (any accommodations will be applied). These two assessments will be worth 30% of your final grade (fifteen (15) points each).

   During the semester you will write a Motion to Suppress in two parts. The Factual Background section will be worth 15 points and the Argument section will be worth 40 points, for an overall potential total of 55 points and 55% of your final grade.

6. If you have a disability and would like to request an accommodation, please review the VLS Disability Policy at

   https://www.vermontlaw.edu/community/students/academic-success/accommodations

   On that webpage, there is an on-line form to complete and upload with your supporting documentation. If you have questions, please make an appointment with the Vice Dean for Diversity, Equity, and Inclusion. Please note that requests made within two weeks of an examination may not be granted in time. Please make your request as soon as possible.

CLASSROOM EXPECTATIONS AND VALUES:

1. Show sensitivity to the subject matter and to each other;

2. Remember that we have all had different/unique life experiences and none of us knows everything about anyone else's life experiences;

3. Assume best intentions and own your impact;

4. Be open to new ideas – the goal is not to chill or limit discussion but to remain considerate and professional even during disagreements;

5. Help create an environment in which it is okay to admit not knowing or understanding something and in which it is safe to make a mistake;

6. Be willing and unafraid to express concern if something is said that is troubling to you;

7. Be resilient – lawyers are problem-solvers – if you have a problem, try to figure out a way to solve it;

8. Take risks – speak up in class, ask questions in class ("step up");

9. Be respectful of others – make space for others to speak; listen without interrupting ("step back");

10. Come to class prepared to engage with the material and with each other.

COURSE OUTCOMES:

The goal of this course is that, by the end, students who engage with the material and actively participate in class will be able to:

1. Analyze the 4th, 5th, 6th, and 14th Amendments to the U.S. Constitution and the protections these Amendments afford;

2. Critically read and discuss the most important U.S. Supreme Court cases interpreting the meaning of the 4th, 5th, and 6th Amendments;

3. Discuss and balance competing policy objectives and purposes relevant to police practices and investigatory techniques under the 4th, 5th, and 6th Amendments (e.g., preserving individual liberties v. preserving order in society);

4. Critically analyze whether the cases, and the implementation of the rules in the cases and in the modern-day Criminal Legal System, achieve these purposes and whether they achieve these purposes equitably throughout our society;

5. Perform some of the skills needed to handle criminal cases (that are readily transferrable to other types of cases);

6. Answer the types of Criminal Procedure multiple choice questions you will see on the Bar Exam;

7. Demonstrate professionalism by discussing topics involving the investigation, policing, and prosecution of crimes in a respectful and ethical fashion, recognizing the extreme sensitivity of many areas of criminal law and procedure.