

Spring 2024  
PSCI 5900.605, the Constitution and the Rights of Criminal Defendants  
M/W 3:30 pm - 4:50 pm, SAGE 356

**Instructor:** Eddie L. Meaders, J.D., M.A.

Office: WH 141  
Political Science Department Office: Wooten Hall 125  
Political Science Department Phone: (940) 565 - 2276  
E-mail: [meaders@unt.edu](mailto:meaders@unt.edu)

**\*Note to Students:** Due to FERPA regulations, I cannot send academic information to non-UNT email addresses. **Please contact me via your UNT email address only.**

**Office Hours:**

**Walk In, WH 141**  
Monday 1:00 pm - 3:00 pm  
Wednesday 1:00 pm - 3:00 pm

**Zoom Tuesdays**  
1:00 pm - 3:00 pm  
<https://unt.zoom.us/j/82677646606>

Feel free to drop by. I would like to know who my students are. No appointment is needed during office hours. If the posted hours are not good, let me know and we will set something else up.

**Course Overview:** This course provides an in-depth examination of the constitutional rights and liberties enjoyed by defendants in the criminal justice process. Our focus will be upon of the limitation of governmental power in the context of criminal investigations and the Fourth, Fifth, and Sixth Amendments to the U.S. Constitution. We will have to save defendant's rights in a criminal trial for another time. Specifically, we will explore the U.S. Supreme Court's interpretation of constitutional guarantees as that interpretation has developed through the evolution of case law. While we will necessarily focus a fair amount of attention on what the law is, we will also pay considerable attention to how the law has changed; why the law is the way it is (both the Court's stated rationale for its decisions and the political and social pressures that may have played a role in the Court's decision making); and what the law ought to be.

**The course requires a significant amount of reading, and it is dense. Do not take this class if you do not care about reading. If you know you are not good at time management, this is not the class for you.** As an upper division course, I expect that you will devote between 6-8 hours per week outside of class reading, studying, and preparing

briefs about the subject matter for class discussions. **Make no mistake: this is not an easy course!** If you survive with a B or better grade, you should most definitely consider graduate studies or law school. If you are interested in the legal profession, this course has a small taste for what it is like.

Finally, this class will require critical thinking and writing skills; while I will help you develop those skills, you need to be willing to put in serious effort. If you are looking for a class in which material will be spoon-fed to you or in which you can skate by with little work, look elsewhere.

**Course Objectives:** By the end of the semester, you should be able to.

- Define and explain Incorporation of the Bill of Rights
- Define and explain the Exclusionary Rule
- Define and explain the constitutional standards for a valid search
- Define and explain probable cause, the need for warrants, and why there are warrantless searches.
- Explain the diminishing role of probable cause
- Define and explain remedies for 4<sup>th</sup> Amendment violations
- Define and explain the meaning and role of the 5<sup>th</sup> amendment I police interrogations
- Define and explain the role of defense counsel in the criminal process

**Required Text:** Mizrahi, Dressler, and Thomas (2018). *The Law of Criminal Investigations*. West Academic Publishing, St. Paul, MN.

**Class Procedure:** This class will be conducted in a lecture/discussion format. Students are encouraged to actively participate in class discussions.

**READ AND PREPARE FOR CLASS!** Your views, opinions, and questions are valued no matter how insignificant or controversial you may feel them to be. Warm bodies only fill up space and are not excited unless they say something.

**Attendance:** **ATTEND CLASS!** I am taking roll for each class. Why pay for all this tuition if you are not going to come to class? Three (3) unexcused absences will result in a lower professionalism score. You will have assigned seats for your attendance purposes.

**Assessment components:**

- **Exams (70%).** There are two in-class exams (midterm & final) divided between multiple guess, short identifications, and essays. The final is not comprehensive but focuses only on topics covered in class since the mid-term. If you cannot attend class on the day of the exam, please notify the instructor in advance. If you miss an exam, please contact the instructor with 48 hours of the scheduled exam date and time to arrange for

makeup. Failure to do so will result in a failing grade (0) for the exam. The UNT Testing Center will be providing in class laptops for both exams.

- **Briefs (10%).** You will prepare case briefs for all assigned cases. Case briefs are short summaries of cases designed to highlight the most important information about a case that has been decided by the Court. Dr. Kimi King (2007) provides a great explanation of the purpose of a brief:

*Briefs synthesize cases into basic points so you can quickly access information. Briefing requires you to study the essential facts and reasoning from the court's opinion and succinctly express them in your own words. This helps you develop a critical facet of legal reasoning and the ability to put complex matters into simple form. Use the court's terminology only if it helps you understand the case or there is a specific standard, test, or rule the court is articulating. Try to use your own language as if you were explaining it to a friend and avoid legalese. This enhances your understanding of the case. Remember, it is not a typing exercise but an exercise in critical thinking!*

You should come to class each day with a brief for each assigned case. Each brief should include your name and the case name. I will randomly collect three briefs from you during the semester. If called for, briefs must be turned in to Canvas by 5:30 pm on the day I ask for them. **NO CREDIT WILL BE GIVEN FOR LATE BRIEFS!**

- **Professionalism (5%):** I will take into consideration (1) your attendance and promptness for class (yes, I will take attendance); (2) your preparation for class; (3) and your respectful attitude (this includes your attitude and professionalism in class, online and in e-mails).

How will I know if you are prepared? At the beginning of the term, I will randomly generate a class list. I will work through the list. For each case. I expect you to be able to answer questions about the case(s) assigned for that day. If you are unable to answer those questions, it will be noted. If this happens twice, you will be docked 1 point on professionalism. If I go through all the names, I will generate another random list.

- **Case Analysis (15%):** Choose a case from the 2022-2023 Supreme Court term; list to be provided. Analyze the issues in the case you have chosen, both in the case itself and in relation to prior decisions. Focus on:
  - a.) Facts & modern context of the case.
  - b.) Legal issues involved.
  - c.) Attorneys & groups involved.
  - d.) Outcome of the case (reverse, affirm).
  - e.) Author of the majority opinion. Author of any dissenting opinion.

- f.) Policy established by the majority opinion. Dissent's, if applicable, problem with the policy developed by the majority.
- g.) What are the policy implications?

When I discuss the “issues” in your case, I am talking about the questions the Court will address in your case. You will learn something about the justices through your research on the issues.

The paper should be between ten and twelve pages long, using a standard 12-point font, with double-spacing and one-inch margins. In this paper you'll be citing legal materials such as court decisions and briefs. More information about citation styles for legal resources will be provided. The paper should be organized primarily by issue. Again, the issues in a case are the questions that the Court is considering. The briefs for the parties specify the issues as the lawyers for those parties see them, and that will provide you with at least a good start. Depending on the case, identification of issues may be straightforward or complicated. In some cases it is quite clear what issue the Court will decide, because both sides agree that the case is about a single issue (or the Court has specified what issue it will address). In other cases, the picture is not so clear, for either (or both) of two reasons. Often there are multiple issues in a case. In this situation, the Court won't necessarily decide all the issues. When there are two issues, sometimes the Court's decision about one issue will determine whether it addresses and decides the other. And often there is disagreement between the two sides as to what the issues are, so it is not entirely clear what the justices will think the case is about. In either of these situations, you might want to get my help. For this paper, you can simply analyze all the issues that the Court decided. (If the Court held oral argument on your case in time, the justices' questions during argument will help you with that task.)

A legal question (issue) often has component parts, what I'll call “sub-issues.” To take an obvious example, if the question is about the meaning of a section of a federal statute, one sub-issue might be the plain meaning of the language of the section and another sub-issue what the evidence of congressional intent indicates about the meaning of the section. Where there are clear sub-issues, you can address them one at a time before pulling together the issue.

Most of the time, briefs define issues and sub-issues primarily (sometimes only) in legal terms. But their arguments sometimes are framed in policy terms—usually, what would be the practical consequences of the alternative positions that the Court could take in the case. Even if the parties discuss only legal issues or sub-issues, you may conclude that the justices will take policy considerations into account as well. What arguments are made, or could be made, about the desirability of the two sides' positions in terms of public policy?

For each issue and sub-issue, you should describe the competing positions, but you also want to evaluate those positions. How strong an argument does each side have for its

position? Your view about their strength may change later but make your best judgment for now.

The briefs of the two parties on the merits of the case are the best starting point for your identification and analysis of the issues. Amicus curiae briefs and lower court opinions in your case are often helpful. If decisions of other lower courts have addressed the same issue as your case, you probably want to look at them as well. Prior Supreme Court decisions that one or both sides identify as important precedents may be worth reading. And certainly, give attention to the oral argument if it's been held already. You want to understand the issues from the justices' perspective. Although the course of oral argument is haphazard, the justices' questions and comments give a sense of how at least some of them see a case.

The specific facts of a case are sometimes important to the Court's decision, sometimes not. In a case in which the issue is simply whether a statute is unconstitutional or what the words in a statute mean, the context in which that issue arose may not have much impact on how the justices think about the case. But in some other cases, such as disputes over the legality of a police search, the specific facts may have a considerable impact on the justices' judgments. Thus, whether you lay out the facts of a case in detail will depend on the case you have. In a case in which the facts are important, sometimes the two sides have competing versions of the facts, and you'll have to address this disagreement in analyzing the issues.

Begin with the paper by describing what the case is about. Provide some background on the events that led up to the Supreme Court case. That background can be quite brief in cases in which the facts aren't important, but you probably should provide more detail in cases in which the facts are important. Then, in the main part of the paper, turn to the issues and sub-issues. You should organize this part of the paper by issue. In other words, don't organize the paper by describing the position of the lower court on all the issues, then the position of one side in the Supreme Court, then the position of the other side in the Court. Rather, integrate information from all sources into your discussion and analysis of each issue and sub-issue. After describing the competing arguments on an issue or sub-issue, the paper should assess the strength of the arguments on the two sides.

The case selection must be confirmed by the instructor no later than January 29<sup>th</sup>.  
The outline must be submitted to the instructor via Canvas no later than February 28<sup>th</sup>.  
The first draft must be submitted to the instructor via Canvas no later than March 25<sup>th</sup>.  
The final draft must be submitted to the instructor via Canvas no later than May 1<sup>st</sup>.

Feel free to consult with the instructor as you move through the process.

**Final Exam:** The final is scheduled for **Wednesday, May 8th, 2024, from 1:30 pm -3:30 pm, SAGE 356.** It will not be comprehensive! Please do not ask to take the final early.

**Grades:** The grading scale is:

A range = 89.5-100, B range = 79.5-89.4, C range = 69.5-79.4, D range = 59.5 - 69.4

Your final grade is the culmination of work that you have done over the course of the semester. **It is not the product of bargaining for academic mercy at the end of the term.** Moreover, I cannot make an exception for one student without making it for all students, and that is never practical or fair.

**Technical Support:** Your instructor is NOT wise in terms of technical support. If you experience any kind of technical problem, please contact:

Student Helpdesk: <https://it.unt.edu/helpdesk>

Sage Hall 330  
940-565-2324  
[helpdesk@unt.edu](mailto:helpdesk@unt.edu)

**Spring 2024 Hours:**

Monday-Thursday: 8 a.m. - 9 p.m.

Friday: 8 a.m. - 5 p.m.

Saturday-Sunday: 11 a.m. - 3 p.m.

**Walk-in Hours:**

Monday-Friday: 8 a.m.- 5 p.m.

For additional support, visit [Canvas Technical Help](#)

**UNT Academic Integrity Policy:** Academic Integrity Standards and Consequences. According to UNT Policy 06.003, Student Academic Integrity, academic dishonesty occurs when students engage in behaviors including, but not limited to cheating, fabrication, facilitating academic dishonesty, forgery, plagiarism, sabotage, and unauthorized use of AI in any assignment or exam. A finding of academic dishonesty may result in a range of academic penalties or sanctions ranging from admonition to expulsion from the University.

**Political Science Department Policy on Cheating & Plagiarism:** Perish the thought and do not give in to temptation and the easy way! The Political Science Department adheres to and enforces UNT's policy on academic integrity. Academic Integrity is defined in the UNT Policy on Student Standards for Academic Integrity. Any suspected case of

Academic Dishonesty will be managed in accordance with the University Policy and procedures. Possible academic penalties range from a verbal or written admonition to a grade of “F” in the course. Further sanctions may apply to incidents involving major violations. You will find the policy and procedures at: <http://facultysuccess.unt.edu/academic-integrity>. Review the policy!

**ADA Policy:** UNT makes reasonable academic accommodation for students with disabilities. Students seeking accommodation must first register with the Office of Disability Accommodation (ODA) to verify their eligibility. If a disability is verified, the ODA will provide a student with an accommodation letter to be delivered to faculty to begin a private discussion regarding one’s specific course needs. Students may request accommodations at any time; however, ODA notices of accommodation should be provided as early as possible in the semester to avoid any delay in implementation. Note that students must obtain a new letter of accommodation for every semester and must meet with each faculty member prior to implementation in each class. For additional information see the [ODA website \(https://disability.unt.edu/\)](https://disability.unt.edu/).

**Prohibition of Discrimination, Harassment, and Retaliation:** The University of North Texas (UNT) prohibits discrimination and harassment because of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status, or any other characteristic protected under applicable federal or state law in its application and admission processes; educational programs and activities; employment policies, procedures, and processes; and university facilities. The University takes active measures to prevent such conduct and investigates and takes remedial action when appropriate.

**Emergency Notification & Procedures:** UNT uses a system called Eagle Alert to quickly notify students with critical information in the event of an emergency (i.e., severe weather, campus closing, and health and public safety emergencies like chemical spills, fires, or violence). In the event of a university closure, please refer to Canvas for contingency plans for covering course materials.

**Retention of Student Records:** Student records pertaining to this course are maintained in a secure location by the instructor of record. All records such as exams, answer sheets (with keys), and written papers submitted during the duration of the course are kept for at least one calendar year after course completion. Course work completed via the Canvas online system, including grading information and comments, is also stored in a safe electronic environment for one year. Students have the right to view their individual record; however, information about student’s records will not be divulged to other individuals without proper written consent. Students are encouraged to review the Public Information Policy and the Family Educational Rights and Privacy Act (FERPA) laws and the University’s policy. See UNT Policy 10.10, Records Management and Retention for additional information.

**Acceptable Student Behavior:** Student behavior that interferes with an instructor's ability to conduct a class or other students' opportunity to learn is unacceptable and disruptive and will not be tolerated in any instructional forum at UNT. Students engaging in unacceptable behavior will be directed to leave the classroom and the instructor may refer the student to the Dean of Students to consider whether the student's conduct violated the Code of Student Conduct. The University's expectations for student conduct apply to all instructional forums, including University and electronic classroom, labs, discussion groups, field trips, and other University sponsored events. Visit UNT's [Code of Student Conduct](#)

**Rules of Engagement:** rules of engagement refer to the way students are expected to interact with each other and with their instructors. Here are a few general guidelines:

- While the freedom to express yourself is a fundamental human right, any communication that utilizes cruel and derogatory language based on race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability, genetic information, veteran status, or any other characteristic protected under applicable federal, or state law will not be tolerated.
- Treat your instructor and classmates with respect in any communication online or face-to-face, even when their opinion differs from your own.
- Ask for and use the correct name and pronouns for your instructor and classmates.
- Speak from personal experiences. Use "I" statements to share thoughts and feelings. Try not to speak on behalf of groups or other individual's experiences.
- Use your critical thinking skills to challenge other people's ideas, instead of attacking individuals.
- Avoid using all caps while communicating digitally. This may be interpreted as "YELLING!"
- Be cautious when using humor or sarcasm in emails or discussion posts as tone can be difficult to interpret digitally.
- Avoid using "text-talk" unless explicitly permitted by your instructor.

**Access to Information - Eagle Connect:** Students' access point for business and academic services at UNT is located at: [my.unt.edu](https://my.unt.edu). All official communication from the University will be delivered to a student's Eagle Connect account. For more information, please visit the website that explains Eagle Connect and how to forward e-mail [Eagle Connect](https://it.unt.edu/eagleconnect) (<https://it.unt.edu/eagleconnect>).

**Student Evaluation Administration Dates:** Student feedback is important and an essential part of participation in this course. The student evaluation of instruction is a requirement for all organized classes at UNT. The survey will be made available during weeks 13, 14 and 15 of the long semesters to provide students with an opportunity to evaluate how this course is taught. Students will receive an email from "UNT SPOT Course Evaluations via IASystem Notification" ([no-reply@iasystem.org](mailto:no-reply@iasystem.org)) with the survey link. Students should look for the email in their UNT email inbox. Simply click on the link and complete the survey. Once students complete the survey, they will receive a confirmation email that the survey



has been submitted. For additional information, please visit the [SPOT website](http://spot.unt.edu/) (<http://spot.unt.edu/>) or email [spot@unt.edu](mailto:spot@unt.edu).

### Student Support Services

**Mental Health:** UNT provides mental health resources to students to help ensure there are numerous outlets to turn to that wholeheartedly care for and are there for students in need, regardless of the nature of an issue or its severity. Listed below are several resources on campus that can support your academic success and mental well-being:

- [Student Health and Wellness Center](https://studentaffairs.unt.edu/student-health-and-wellness-center) (<https://studentaffairs.unt.edu/student-health-and-wellness-center>)
- [Counseling and Testing Services](https://studentaffairs.unt.edu/counseling-and-testing-services) (<https://studentaffairs.unt.edu/counseling-and-testing-services>)
- [UNT Care Team](https://studentaffairs.unt.edu/care) (<https://studentaffairs.unt.edu/care>)
- [UNT Psychiatric Services](https://studentaffairs.unt.edu/student-health-and-wellness-center/services/psychiatry) (<https://studentaffairs.unt.edu/student-health-and-wellness-center/services/psychiatry>)
- [Individual Counseling](https://studentaffairs.unt.edu/counseling-and-testing-services/services/individual-counseling) (<https://studentaffairs.unt.edu/counseling-and-testing-services/services/individual-counseling>)

**Survivor Advocacy:** UNT is committed to providing a safe learning environment free of all forms of sexual misconduct. Federal laws and UNT policies prohibit discrimination based on sex as well as sexual misconduct. If you or someone you know is experiencing sexual harassment, relationship violence, stalking and/or sexual assault, there are campus resources available to provide support and assistance. The Survivor Advocates can be reached at [SurvivorAdvocate@unt.edu](mailto:SurvivorAdvocate@unt.edu) or by calling the Dean of Students Office at 940-5652648.

**Chosen Names:** A chosen name is a name that a person goes by that may or may not match their legal name. If you have a chosen name that is different from your legal name and would like that to be used in class, please let the instructor know. Below is a list of resources for updating your chosen name at UNT.

- [UNT Records](#)
- [UNT ID Card](#)

***\*UNT euids cannot be changed at this time. The collaborating offices are working on a process to make this option accessible to UNT community members.***

**Pronouns:** Pronouns (she/her, they/them, he/him) are a public way for people to address you, much like your name, and can be shared with a name when making an introduction, both virtually and in-person. Just as we ask and don't assume someone's name, we should also ask and not assume someone's pronouns.

You can [add your pronouns to your Canvas account](#) so that they follow your name when posting to discussion boards, submitting assignments, etc.

Below is a list of additional resources regarding pronouns and their usage:

- [What are pronouns and why are they important?](#)
- [How do I use pronouns?](#)
- [How do I share my pronouns?](#)
- [How do I ask for another person's pronouns?](#)
- [How do I correct myself or others when the wrong pronoun is used?](#)

Additional Student Support Services:

- [Registrar](https://registrar.unt.edu/registration) (<https://registrar.unt.edu/registration>)
- [Financial Aid](https://financialaid.unt.edu/) (<https://financialaid.unt.edu/>)
- [Student Legal Services](https://studentaffairs.unt.edu/student-legal-services) (<https://studentaffairs.unt.edu/student-legal-services>)
- [Career Center](https://studentaffairs.unt.edu/career-center) (<https://studentaffairs.unt.edu/career-center>)
- [Counseling and Testing Services](https://studentaffairs.unt.edu/counseling-and-testing-services) (<https://studentaffairs.unt.edu/counseling-and-testing-services>)
- [UNT Food Pantry](https://deanofstudents.unt.edu/resources/food-pantry) (<https://deanofstudents.unt.edu/resources/food-pantry>)

Academic Support Services:

- [Academic Resource Center](https://clear.unt.edu/canvas/student-resources) (<https://clear.unt.edu/canvas/student-resources>)
- [Academic Success Center](https://success.unt.edu/asc) (<https://success.unt.edu/asc>)
- [UNT Libraries](https://library.unt.edu/) (<https://library.unt.edu/>)
- [Writing Lab](http://writingcenter.unt.edu/) (<http://writingcenter.unt.edu/>)

**Schedule Changes:** I reserve the right to change any of the exam times or assignments by providing you with at least a 48-hour notice of such changes. You are responsible for any changes that may occur during the semester. Any changes will be announced at the beginning of each class and posted in Blackboard.

Tasks at Hand

Week 1      January 17

Chapter 1 read on your own.  
**Chapter 2, Incorporation of the Bill of Rights**  
*Weeks v. U.S.*  
*Wolf v. Colorado*

Week 2      January 22, 24

Chapter 2, the Exclusionary Rule  
*Mapp v. Ohio*

Week 3      January 29, 31

Chapter 3, Passing the Threshold (What is a search?)

*Katz v. U.S.*  
*Smith v. Maryland*  
*Kyllo v. U.S.*  
*U.S. v. Jones*  
*Florida v. Jardines*

Week 4 February 5, 7

**Chapter 4, Probable Cause and Warrants**

*Illinois v. Gates*  
*Payton v. New York*  
*LoJi Sales, Inc. v. New York*  
*Richards v. Wisconsin*

Week 5 February 12, 14

**Chapter 5, Warrantless Searches**

*Warden v. Hayden*  
*Chimel v. California*  
*Arizona v. Gant*  
*Riley v. California*

Week 6 February 19, 21

**More Chapter 5**

*California v. Carney*  
*California v. Acevedo*  
*Arizona v. Hicks*

Week 7 February 26, 28

**Chapter 6, the Diminishing Role of Probable Cause**

*Schneckloth v. Bustamonte*  
*Illinois v. Rodriguez*  
*Terry v. Ohio*

Week 8 March 4, 6

## More Chapter 6

*Dunaway v. New York*  
*Alabama v. White*  
*Illinois v. Wardlow*

*Maryland v. Buie*  
*Michigan Department of State Police v. Sitz*  
*City of Indianapolis v. Edmond*

Week 9      March 11, 13

**Spring Break, No Class!**

Week 10     March 18, 20

Chapter 6 Wrap Up

**Midterm on the 20<sup>th</sup>.** We will be utilizing the services of the Sage Testing Center via Canvas.

Week 11     March 25, 27

**Chapter 7, Remedies for 4<sup>th</sup> Amendment Violations**

*Minnesota v. Carter*  
*Mapp v. Ohio*  
*Murray v. U.S.*  
*Wong Sun v. U.S.*

Week 12     April 1, 3

**Chapter 8, the Fifth Amendment and Police Interrogation**

*Miranda v. Arizona*  
*Illinois v. Perkins*  
*Berkemer v. McCarty*  
*Rhode Island v. Innis*

Week 13     April 8, 10

More **Chapter 8**

*Oregon v. Elstad*  
*Dickerson v. U.S.*  
*Edwards v. Arizona*  
*Massiah v. U. S.*  
*Brewer v. Williams*

Week 14 April 15, 17

**Chapter 9, the Role of Defense Counsel**

*Gideon v. Wainright*  
*Faretta v. California*  
*Strickland v. Washington*

Week 15 April 22, 24

**Chapter 10, Wrongful Conviction**

*U.S. v. Wade*  
*Perry v. New Hampshire*

Week 16 April 29, May 1

**More Chapter 10, or Catching Up**

Week 17 **Final Exam, Wednesday, May 8th, 2024, from 1:30 pm -3:30 pm, SAGE 356.** It will not be comprehensive! Please do not ask to take the final early. We will again utilize the Sage Testing Center and Canvas.