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.

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.


COURSE REQUIREMENTS: Final course grades will be based on performance on the following activities: 4 examinations and 4 assignments. 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 25-point scale and each will represent 5% 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 entirely of multiple choice questions delivered in an
online format in the Quizzes section on our Canvas site. These exams will each have 40 multiple choice questions. Each question will be worth 2.5 points. Thus, each exam is worth 100 points. The exam will be available in Canvas beginning at 7:00 am and until 10:00 pm on each exam day, but these are timed exams and each student will only have up to 60 minutes to complete each exam. Thus, between 7:00 am and 10:00 pm on each exam day, each student will need to set aside up to 60 minutes to take the exam. You are allowed only 1 attempt to take each exam. Once you start the exam, you cannot exit (and return to) the exam or pause the exam time. Once the 60 minutes after you log in expires, Canvas will log you out of the exam and will mark any uncompleted answers as incorrect. Make sure to begin each exam by no later than 9:00 pm to allow yourself the entire maximum 60 minutes to take the exam because at 10:00 pm, the exam will no longer be available in Canvas.

The first exam date is Tuesday, February 2. The second exam date is Thursday, February 25. The third exam date is Thursday, March 25. The fourth exam date is Thursday, April 29. Students who do not submit an exam during the scheduled period will receive a zero for the exam. There will generally be no make-up exams.

As in a classroom environment, I expect this exam to reflect your individual and independent work. Therefore, I expect you to take this exam without assistance from any study materials (on paper or electronically) and/or any other person. I further expect you not to assist any other person in taking this exam in any way. The exams should not be copied or duplicated by you or anyone else for any purpose. The university rules regarding academic dishonesty will be strictly enforced.

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 Assignments section on our class Canvas site. Students can earn up to 25 points for each assignment, for a maximum total of 100 points for these 4 activities. No late assignments will be accepted.

CLASS FORMAT AND PANOPTO LECTURE CAPTURE: If offered in person this semester, the class would have been offered on Tuesday and Thursday afternoons. Due to COVID, the class is being offered remotely. We will nevertheless follow a similar schedule regarding the class materials as if the class had met in person. I will be recording the class presentations and providing the related materials (such as PowerPoint slides) that I would have offered in the in-person class. I will be using the Panopto Lecture Capture system that makes an audio recording of the class presentations and preserves the materials presented on PowerPoint slides. I will generally make these recordings on the Tuesday and Thursday afternoons reflected in the course schedule. These recordings will be available to you via the Panopto tab on our class Canvas site following the “captured” session(s). Additional class materials will be available on our class Canvas site, such as the Supreme Court opinions needed for your assignments (located in the Files and Pages sections on our Canvas site).

REMOTE CLASS CONSIDERATIONS: This class is being offered remotely due to COVID.
Remote classes require your personal discipline and motivation to keep up with the pace of the class materials. As stated previously, class presentations and materials will generally be added on Tuesday and Thursday afternoons in the Panopto tab of our Canvas site, and assignment due dates and exam dates are specified in this syllabus. Late assignments will not be accepted and there are generally no make-up exams. A zero will generally be awarded for any work that is not submitted in the time period provided in this syllabus.

Students with absences that are authorized pursuant to University Policy 06.039 (Student Attendance and Authorized Absences) and that impact the timeliness of their work (for example, by covering the entire time period during which an exam or assignment could be done) should contact me and provide documentation prior to any due date in order for any absence to receive any consideration.

Because the class is being offered remotely, you will, of course, need to use a personal computer, laptop, or other device that is compatible with the UNT Canvas system. Individual technical or technological difficulties in completing an exam or assignment in a timely manner (e.g., computer crashes or viruses or interrupted internet connections) do not constitute a basis to request a make-up exam or the submission of a late assignment. To avoid such issues, I encourage you not to wait until the final available hours or minutes to complete exams or assigned work.

Because we will be relying exclusively on our Canvas site for class content delivery, assignment submission, and exam delivery and completion, I encourage you to use the most reliable computer or laptop with the most reliable internet connection that you are able to access for your class work, including your exam completion and assignment submissions. The university also recommends that you submit exams and assigned work through a supported web browser on a computer or laptop rather than an iPad or other electronic device. In the event that you are not able to access a computer or laptop with internet connection, as you know, an alternative option is to access Canvas through your phones. If you do not have computer or laptop/internet access and need to use your phone to complete the semester's work, and have not accessed Canvas through your phone previously, I strongly encourage you to make sure that you are able to access Canvas on your phone via the Canvas app.

Finally, remote classes also require some basic technological skills to access course materials and complete exams and assignments. UNT has a variety of resources to assist you with the technological aspects of navigating this and other remote classes. One of the most important of these resources is the help desk. It can be reached by email at helpdesk@unt.edu and via phone at 940-565-2324. Personnel at the help desk can assist you with issues concerning access to Canvas and other technological issues. Obtain a “ticket number” reflecting your attempt to resolve your issue with the help desk staff member. Please also let me know about these issues and provide the “ticket number” reflecting your conversation with the help desk. Online student resources are also available in the Help tab on the left side of the screen of our course Canvas site.

**COMMUNICATION**: Because most of the communication in this course will occur online, you
will need to make sure that you keep up with the class communications. I will use the Announcement page to communicate with the class as a whole. You should check this page frequently. These announcements will also be sent to your UNT email address or the alternative email address that you have indicated in Canvas. Make sure to check this email address frequently throughout the semester for class announcements.

The best way for you to initiate communication with me this semester with any questions about the course content or otherwise is via email. If you wish to send me an email, you can use the Inbox communication function in Canvas or send me an email via my unt.edu email address: peggy.tobolowsky@unt.edu. If you email me directly at my unt.edu email, you should use your UNT email account. Include in your email a phone number where I can reach you. Depending on the subject of your email, I will respond by return email or phone call within 48 hours. If you do not receive a response from me during that period, assume that I did not receive your communication and contact me again. You are, of course, also welcome to schedule an appointment to talk with me via phone or Zoom. Although there won’t be scheduled office hours in this remote delivery format, I encourage you to contact me with any questions about the course content or otherwise in the manner described above.

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

SPOT: As part of the university-wide assessment of teaching, students are strongly encouraged to anonymously complete the Student Perceptions of Teaching (SPOT) online surveys for this and all of their classes. Your input is valued. This semester’s SPOT will be available near the end of the semester.

ADA STATEMENT: The University of North Texas makes reasonable academic accommodation for students with disabilities. Students seeking reasonable accommodation must first register with the Office of Disability Access (ODA) to verify their eligibility. If a disability is verified, the ODA will provide you with a reasonable accommodation letter to be delivered to faculty to begin a private discussion regarding your specific needs in a course. You may request reasonable accommodations at any time, however, ODA notices of reasonable 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 reasonable accommodation for every semester and must meet (by phone or email this semester) with each faculty member prior to implementation in each class. For additional information, refer to the Office of Disability Access website at http://www.unt.edu/oda. You may also contact ODA by phone at (940) 565-4323.
COURSE SCHEDULE

The following reflects the approximate schedule for required readings in the del Carmen text. **Due to COVID, there will not be a Spring Break recess during the semester. This class will proceed continuously for 15 weeks followed by the fourth exam during the following exam week.** Dates for examinations and other assignments are also included.

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

11, 16* Ch. 4 (The Exclusionary Rule)
16* * Assignment 3; due by 10:00 p.m.

18, 23 Ch. 10 (Identification Procedures)

25** ** Third Exam

30 Ch. 11 (Statements)

April 1*, 6 Ch. 11 (Statements) (continued)
1* * Assignment 4; due by 10:00 p.m.

8, 13 Ch. 12 (Trial-Related Rights)

15, 20 Ch. 13 (Sentencing and Punishment)

22 Conclude/Review

29** ** Fourth Exam
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 Files and Pages sections on our class Canvas 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 case principle that you are providing. Do not focus on the ruling regarding the specific search in this case, but primarily focus on the probable cause principle that the case established and the reasons for it. In at least 200 words, describe whether you agree with the probable cause standard adopted in the majority opinion or the standard 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 Canvas Assignments section and is due no later than Tuesday, January 26 at 10:00 p.m. Students can earn up to 25 points for this assignment. No late assignments will be accepted.

Assignment 2: In Riley v. California, 573 U.S. 373 (2014); 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 Files and Pages sections on our class Canvas site. In at least 800 words, summarize the reasons the Justices provided in the majority opinion for their conclusion concerning the search incident to arrest exception (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 case principle that you are providing. Do not focus on the ruling regarding the specific searches in this case, but primarily focus on the search incident to arrest principles that the case established and the reasons for them. In at least 200 words, describe whether you agree or disagree with the Court’s conclusion regarding this search warrant exception 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 Canvas Assignments section and is due **no later than Thursday, February 11 at 10:00 p.m.** Students can earn **up to 25 points** for this assignment. **No late assignments will be accepted.**

**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 *Files and Pages* sections on our class Canvas 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 case principle that you are providing. Do not focus on the ruling regarding the specific search in this case, but primarily focus on the good faith exception to the exclusionary rule principles that the case established and the reasons for them. 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 the position regarding this extension supported by the dissenting Justices and why.

This assignment should be submitted via the Canvas Assignments section and is due **no later than Tuesday, March 16 at 10:00 p.m.** Students can earn **up to 25 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 Files and Pages sections on our class Canvas 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 case principle that you are providing. Do not focus on the ruling regarding the specific statements in this case, but primarily focus on the Miranda standards principles that the case established and the reasons for them. In at least 200 words, describe whether you agree with the revision of the Miranda standards adopted in the majority opinion or the position 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 Canvas Assignments section and is due no later than Thursday, April 1 at 10:00 p.m. Students can earn up to 25 points for this assignment. No late assignments will be accepted.