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.

REQUIRED READING:

COURSE REQUIREMENTS: Final course grades will be based on performance on the following activities: 4 examinations; 4 assignments; and class participation. 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 20-point scale and each will represent 4% of your final grade. Your class participation will be evaluated on a 20-point scale and will represent 4% 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 of multiple choice, definitional, descriptive, listing, and/or short written questions. The first examination is **Tuesday, February 8, 2022.** The second examination is **Thursday, March 3, 2022.** The third examination is **Thursday, April 7, 2022.** The fourth examination will be given from **10:30 a.m. – 12:30 p.m.** on **Thursday, May 12, 2022.** There will generally be no make-up exams.

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 class Canvas site. Students can earn **up to 20 points** for each assignment, for a maximum total of **80 points** for these 4 activities. **No late assignments will be accepted.**

CLASS PARTICIPATION: The class participation component of each student’s grade will be based on the number of times that the student actually participates in the discussions of class material. Students may volunteer to participate and they will be called upon to participate. A student will be awarded **up to 2 points each time** that the student participates in class, up to a maximum of **20 points for the semester.** No points will be deducted from or added to the student’s class participation score if the student gives an incorrect answer, is unable to respond to a question in class, or asks a question in class.

ATTENDANCE: No specific records will be kept regarding student attendance. Attendance, however, will strongly affect course grades because 1) at least 30% of each exam will be drawn from class presentations, 2) class presentations will elaborate on and review text materials, 3) class participation evaluations will be based on participation in class, and 4) each student will be responsible for the content of all class presentations, as well as for any announcements, schedule changes, etc. that are made in class.

ZOOM RECORDINGS: I will make Zoom recordings of the class presentations. These will be available to you via the class Canvas site when they become available following the recorded class sessions. Your use of these recordings is designed to supplement your class attendance, such as if you have to miss a class, want to fill in class notes, or want to review class materials for an exam – **not** substitute for it. If use of these Zoom recordings has a serious negative impact on class attendance, I will terminate the recordings.

DISRUPTIVE BEHAVIOR: Disruptive behavior is not permitted in class. Students engaging in such behavior may be directed to leave the classroom and may be referred to the Center for Student Rights and Responsibilities for consideration of a violation of the Code of Student Conduct.

ACADEMIC DISHONESTY: The university rules and policies regarding academic dishonesty
will be strictly enforced. 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, and sabotage. A finding of academic dishonesty may result in a range of academic penalties or sanctions ranging from admonition to expulsion from the University.

COVID POLICIES: UNT’s COVID-related policies and recommended practices can be found at healthalerts.unt.edu. UNT encourages everyone to wear a face covering when indoors, regardless of vaccination status, to protect yourself and others from COVID infection, as recommended by current CDC guidelines. Face covering guidelines could change based on community health conditions. If you are experiencing any symptoms of COVID-19 (https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html), please seek medical attention from the Student Health and Wellness Center (940-565-2333 or askSHWC@unt.edu) or your health care provider PRIOR to coming to campus. UNT also requires you to contact the UNT COVID Team at COVID@unt.edu for guidance on actions to take due to symptoms, pending or positive test results, or potential exposure.

TECHNICAL ASSISTANCE: If you need any technical assistance with Canvas, please contact the help desk. To find ways to access help desk assistance remotely, use the Help tab on our class Canvas site (techsupport.unt.edu/students). In-person assistance is also available at Sage Hall, Room 330.

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 with each faculty member prior to implementation in each class. Students are strongly encouraged to deliver letters of reasonable accommodation during faculty office hours or by appointment. Faculty members have the authority to ask students to discuss such letters during their designated office hours to protect the privacy of the student. For additional information, refer to the Office of Disability Access website at https://studentaffairs.unt.edu/office-disability-access. You may also
contact ODA by phone at (940) 565-4323.

**EMERGENCY NOTIFICATION/PROCEDURES:** UNT uses a system called Eagle Alert to quickly notify you 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). The system sends voice messages (and text messages upon permission) to the phones of all active faculty staff, and students. Please make certain to update your phone numbers at my.unt.edu. Some helpful emergency preparedness actions include: 1) know the evacuation routes and severe weather shelter areas in the buildings where your classes are held, 2) determine how you will contact family and friends if phones are temporarily unavailable, and 3) identify where you will go if you need to evacuate the Denton area suddenly. In the event of a university closure, please refer to Canvas for contingency plans for covering course materials.
COURSE SCHEDULE

The following reflects the approximate schedule for required readings in the del Carmen text. Dates for examinations and other assignments are also included.

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

24, 29*  Ch. 4 (The Exclusionary Rule)
29*  * Assignment 3; due by 12:30 p.m. (beginning of class)

31  Ch. 10 (Identification Procedures)

April
5  Ch. 10 (continued)

7**  ** Third Exam

12, 14*, 19  Ch. 11 (Statements)
14*  * Assignment 4; due by 12:30 p.m. (beginning of class)

21, 26  Ch. 12 (Trial-Related Rights)

28  Ch. 13 (Sentencing and Punishment)

May
3  Ch. 13 (continued)

5  Conclude/Review

12**  ** Fourth Exam, 10:30 a.m. – 12:30 p.m.
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 Pages section 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, February 1 at 12:30 p.m. Students can earn up to 20 points for this assignment. No late assignments will be accepted.

Assignment 2: In *Riley v. California*, 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 Pages section 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.
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 Pages section 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.

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 17 at 12:30 p.m. Students can earn up to 20 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 Pages section 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 14 at 12:30 p.m.** Students can earn **up to 20 points** for this assignment. No late assignments will be accepted.