

Northeastern University
Criminal Due Process
CJU 110- Course Syllabus
Spring 2008

Instructor: Attorney Krista M. Larsen

Course No.: CJU 110

Class Times: M, W, & TH 9:15 am – 10:25 am
145 Shillman

Office Hours: After class Mondays and Thursdays for one (1) hour. I can also be reached via email at K.Larsen@neu.edu. This is the best way to reach me. You can also try to reach me by leaving a message at my Law Office at 781-933-4711. I generally return all phone calls within 24 hours. I am also available to make appointments on the days of class.

Course Description & Overview: This course will focus on the evaluation of the Fourteenth Amendment of the U.S. Constitution and its use in making rights prescribed under the Bill of Rights applicable to the individual states, particularly Massachusetts. Examines constitutional requirements in the administration of criminal justice with emphasis on the 4th, 5th, and 6th Amendment requirements and their implications in the areas of arrests, searches and seizures, and right to counsel.

So in plain English what does this all mean? The cases we will study during this semester are crucial to your understanding of the role of law enforcement in the criminal justice system – as a student, a member of society, a future police officer, future attorney, etc. All of the cases and subjects we are going to cover during the semester are still the foundation for our criminal justice system today. We will not however be studying the “bail to jail” part of the system (what happens after a person is charged with a crime).

Our studies of the law will center primarily on the opinions of the U.S. Supreme Court, whether evidence introduced at Trial was done so in violation of the Defendant’s constitutional rights to due process, and whether, if that occurred, the defendant’s conviction should be reversed.

You should also pay attention to current events. “Real life” events can aid in application of the topics we are discussing as well as your opinions and observations relative to that application.

Required Text: *Understanding Criminal Procedure*
Volume 1: Investigation
Dressler & Michaels, 4th Edition
(Referred as CB (casebook) in syllabus)

Recommended Text: *Criminal Procedure: Investigating Crime*
Dressler & Thomas, 3rd Edition
(Referred as Supp (supplement) in syllabus)

These textbooks are generally law school textbooks. They will assist you in reading the often lengthy U.S. Supreme Court decisions we are studying. You will learn to read these decisions carefully – reading not only the majority opinion but also any concurring opinions and dissents to figure out how each judge reasoned. Be prepared this may require re-reading. **It is time consuming and complicated.** Pushing through and continuing to read and grasp the cases will become easier.

In doing the readings, you may find it easier to “brief” the cases for class discussion as well as your own benefit for studying later. We will discuss how to do this.

Grading:	Scale:	A	95-100
		A-	90-94
		B+	87-89
		B	84-86
		B-	80-83
		C+	77-79
		C	74-76
		C-	70-73
		D+	67-69
		D	64-66
		D-	61-63
		F	60 and less

Percentages:	Quizzes	20%
	Midterm	30%
	Short Paper	10%
	Cumulative Final Exam	40%

Quizzes: Quizzes will be announced and unannounced throughout the course. There will be at least four (4). Quizzes will be short, likely in multiple choice, true/false, short answer or a combination of the three format. Each quiz will have at least two (2) extra credit questions - they may be from subjects we have covered in the text or they may be random questions about other issues/current events we have discussed.

Quizzes may be given at the beginning or end of class. Missed quizzes will be given a zero and **will not** be made up.

The lowest quiz grade will be dropped.

Midterm: The midterm will be given in class on February 28, 2008. The midterm will cover any and all material that we have covered from the beginning of class until the date

of the midterm. The midterm will likely be a combination of true/false, multiple choice, and short answer. The midterm too will have extra credit questions as well.

Final: The final exam will be cumulative. It will also likely be a combination of true/false, multiple choice, and short answer essays. I will also include extra credit questions on the final as well. The final exam will be given during final week at the time and place designated by the University. Given this, if you have an issue, you must contact the appropriate personnel to request a change, if allowed.

Make-up Exams: Make-up Exams will not be given unless illness and/or accident is *verified* and then *only at my discretion*.

Late Papers: *Late papers will have five (5) points subtracted from the total paper grade for each day it is late.*

FACT (Faculty Advisor Communication Tool): This is a University tool which allows professors to communicate with students and their advisors when a student is not doing well. It is a mechanism to forewarn the parties so everyone is on the same page about where a student is academically and assist that student however necessary. A report is usually done mid-way through the semester and is required for athletes. I will make an announcement when I fill them out.

Teaching Style: Lecturing with focus on class discussion. I will ask questions geared toward the particular chapter we are studying to facilitate discussion, participation, and analysis of the readings material. *Students are expected be prepared to do this by reading the assigned reading **prior** to the scheduled class.*

Throughout the syllabus I have listed questions in the CB which I expect you to be prepared to discuss in class. At times, these may be assigned as extra credit.

This also means that I may call on you regardless of whether or not you have your hand raised. **Bottom line – BE PREPARED for class.**

Attendance: I expect that you attend class regularly. If you miss a class, it is your responsibility to get what was covered in that class from another student. As indicated above, missed quizzes **will not** be made up. Failure to attend class regularly can negatively impact your grade.

Class Participation: I expect that the subjects we cover will invoke in class discussions. I ask that you raise your hand and not just yell out. Keep in mind however, that class participation is determined by *quality* not *quantity*. While class participation is not a fixed percentage of your grade, when determining final grades I will consider if you have participated and award additional points when calculating final grades.

Class Cancellation: Cancellations due to snow days will be announced per the University policy.

Cancellations due to my schedule will be announced per the University policy which includes posting on Blackboard, an email to you via Blackboard, and/or a notice posted on the classroom door.

I will do my best to make an announcement in class regarding the possibility of my missing a scheduled class due to my work schedule. However, it is your responsibility to check with me and/or via the methods above to confirm whether or not this will happen. Thinking that class was cancelled because I mentioned the possibility of it **will be** considered a “missed” class.

You will still be responsible for the materials scheduled for a particular day even if it is missed due to my schedule.

Student Conduct: Students must abide by the following:

- Punctuality is expected. Late entrances disrupt me as well as your fellow students. Continued late entrances will impact your final grade negatively. Missing a graded assignment is discussed above.
- All cell phones and pagers must be turned off and/or to silent vibrate during class. If you do not do this and your phone rings, plan on my taking it and returning it at the end of class. **There is NO texting during class.** If there is something that important, walk out of the classroom. I will call you out on it and if you continue to do it I will take your phone until the end of class.
- Use of computers is allowed in class for class only. This means no internet, no email, no AIM, etc. Basically if its looks like you are having too much fun with your computer, I’m going to ask to see it, call you out on it, or walk behind you to see it.
- The topics we are discussing often spark debate among students. While this is encouraged and expected, students are to treat everyone in the classroom with respect this includes being tolerant of other student’s questions/comments/ideas.
- Please do not speak out during class and/or hold independent conversations with your friends/neighbors.
- Disruptive behavior will not be tolerated.
- Cheating of any kind including but not limited to plagiarism **will not** be tolerated and will result in a failing grade. This may also result in more serious sanctions from the University.

Extra Credit: In addition to the extra credit questions on quizzes or exams, I have provided up to 4 extra credit assignments throughout the course for points to be added on

to your final grade if you so choose. The EC assignments are listed on the syllabus and will post on Blackboard.

COURSE CALENDAR/ASSIGNMENTS

Please note that the dates for assignments listed are approximate and flexible. If we finish something early, we will move on to the next topic. If a particular subject lasts longer than noted, we will start the new topic on the next date. This requires you to look ahead to assignments. We also may not cover all topics listed due to time. As we go, I will likely make announcements in class where changes are going to be made.

<u>DATE</u>	<u>ASSIGNMENT</u>
1/7/08	<i>Introduction</i>
1/9/08	<i>Overview of Course</i> <i>How to Brief a Case</i> Reading: CB p. 9-23 <u>Powell</u>; p. 50-52 <u>Krone</u> Supp. §1.01, 1.02, & 1.04
1/10/08	<i>Applicability of Bill of Rights to the States</i> Reading: CB p.31-41 <u>Duncan</u>; Q #8 p. 41 Supp. §3.01
1/14/08	<i>Overview of 4th Amendment</i>
1/16/08	Reading: §5.01-§5.04, §6.01(A) <u>Burdeau v. McDowell</u> p.58 <u>US v. Verdugo</u> p. 56-58
1/16/08	<i>4th Amendment & States</i>
1/17/08	Reading: Supp. §4.01 - §4.05 CB p. 53-58 <u>Wolf</u>; Q #1
1/21/08	MARTIN LUTHER KING HOLIDAY
1/23/08	<i>Predicates to the Implication of the 4th Amendment</i> EC#1 DUE IN CLASS TODAY\ Q# 8 p. 93

- 1/23/08
1/24/08
1. *When does the 4th Amendment apply?*
- A. *What is a Search?*
1. *Expectation of Privacy*
Reading: CB p.75-83 Katz
Q# 1, 2, & 3 p. 80-81
Supp. §6.03
- CB p. 83-93 White**
- 1/28/08
1/30/08
- CB p. 93-100 Smith**
Q #1, #3, #4 Knotts only,
Supp. §6.09 (A) & (B)
- CB p. 115 Greenwood (1/2 way down)**
Supp. §6.10
- 1/30/08
1/31/08
- CB p. 116-125 Kyllo**
Q #4, #8
Supp. §6.09(D)
- 2/4/08
2/6/08
- Remedy for 4th Amendment Violations*
1. *The Exclusionary Rule*
Reading: CB p. 58(D) - 63 Weeks
Q #1, 2, 3 Byars, 4, 5 Rochin
CB p. 63-74 Mapp
Q #2, 6
Supp. §20.01-§20.03
- 2/6/08
2/7/08
2. *Fruit of the Poisonous Tree*
CB p. 486-487 Silverthorne
Q #2, 3
Reading: Supp. §20.08 thru (B) & (D)
CB p. 488-494 Wong Sun
Q# 2 Brown, 4 Ceccolini
- 2/11/08
2/13/08
- Warrants*
1. *Probable Cause*
Reading: Aguilar posted on BBoard
Draper posted on BBoard
CB p.132-141 Spinelli
Q #3, 4, & 6
CB p. 141-162 Gates
Questions 4, 8, 12, & 13
Supp. §8.01-§8.05

- 2/13/08 **EC#2 due in class today.**
- 2/14/08 **Quiz #2 in class today.**
- 2/14/08 2. *Arrest Warrants*
 Reading: CB 162-174 Payton
 Q #2, 7, 8, 9, & 10
 Supp. §9.01-§9.06
- 2/18/08 HOLIDAY NO CLASS
- 2/20/08 3. *Search Warrants*
 Reading: CB p. 174-176 (before law review)
 p. 187-191 Lo-jii
 Supp. §10.02-§10.04
- 2/20/08 A. *Exceptions to the Warrant Requirements*
- 2/21/08 1. *Exigent Circumstances*
 Reading: CB p. 203-209 Hayden
 Q #1, 3, 4, 5, & 6
 Supp. § 11.01 & §12.01
- 2/25/08 2. *Search Incident to Lawful Arrest*
- 2/27/08 **Reading: CB p. 209-217 Chimel**
 Q #2, 6
 Supp. §12.02(2)(a), §12.03
- CB p. 217-226 Robinson**
 Q #1, 2, 3
 Supp. §12.04
- CB p. 226-232 Belton (through note 4)**
 Q #1, 2, & 4
- CB p. 237-244 Thornton**
- 2/28/08 **IN CLASS MID-TERM EXAM**
- 3/3/08-3/6/08 **SPRING BREAK**

- 3/10/08 *Car Searches and Containers: Motor Vehicle Exception*
 3/12/08 *and Inventory Searches*
Reading: CB p. 253-260 Chambers
Q #2 Coolidge
- CB p. 260-267 Carney**
Q #4, 6
Supp. §13.01, §13.02(B)(C), §13.03, §13.04, §13.05(A)(B)
- 3/12/08 **EC#3 DUE IN CLASS TODAY**
 Q #5 p. 267
- 3/13/08 *When does an encounter become a seizure?*
 3/17/08
- A. Field Encounters and the Stop.*
1. Reasonable Suspicion
Reading: CB: p. 383-393 White
Q #5, 7, & 8
Supp. §17.03
- Reading: CB p. 333-355 Terry**
Supp. §17.01-§17.02, §17.06
- 3/17/08 *B. Seizure v. Arrest*
 3/19/08 **Reading: CB p. 355-363 Dunaway**
Q #2, 3, 4
Supp. §17.04
- 3/19/08 *C. Seizure v. Non-Seizure*
 3/20/08 **Reading: CB p. 364-372 Mendenhall**
Q #1, 2
- CB p. 372-379 Drayton**
Supp. §17.05
- CB p. 379-383 Hodari D.**
Q #2
- 3/20/08 **SHORT PAPER ASSIGNMENT DUE IN CLASS TODAY.**
 Court Observation Paper
- 3/24/08 *Fifth Amendment and Miranda*
A. Confessions & the Voluntariness Requirement
Reading: Supp. §24.01-§24.02
CB p. 526-534 Spano
Q# 3

