

PRELIMINARY CRIMINAL PROCEDURE SYLLABUS: SPRING 2023

INSTRUCTOR: HAROLD E. JOHNSON

WELCOME TO THE CLASS!

NOTE: THIS IS A PRELIMINARY SYLLABUS. I RESERVE THE RIGHT TO CHANGE ANY ASPECT OF IT IF I BELIEVE IT IS APPROPRIATE.

TEXT:

PREFERRED TEXT: *CRIMINAL PROCEDURE AND THE CONSTITUTION*, WEST ACADEMIC PUBLISHING, 2022 EDITION; ISRAEL, KAMISAR, LAFAVE, KING PRIMUS AND KERR. ISBN: 978-1-63659-926-7

ACCEPTABLE OPTION: *CRIMINAL PROCEDURE AND THE CONSTITUTION*, WEST ACADEMIC PUBLISHING, 2021 EDITION*; ISRAEL, KAMISAR, LAFAVE, KING, PRIMUS AND KERR. ISBN: 978-1-64708-894-1.

(*Students who use this edition are responsible for any new material in the 2022 Edition.)

-SUPPLEMENTAL READING MATERIAL MAY BE ASSIGNED.

-INTERMITTANT QUIZZES, A MID-TERM AND FINAL EXAM WILL BE THE BASIS OF GRADING. THE MID-TERM DATE IS YET TO BE DETERMINED. THE FINAL EXAMINATION DATE IS YET TO BE DETERMINED, AS WELL, BUT WILL BE SET BY THE ADMINISTRATION. PLEASE NOTE THAT I RESERVE THE RIGHT TO CHANGE THE METHOD OF GRADING.

NOTES:

***ALL SESSIONS, INCLUDING CLASSES, STUDENT MEETINGS AND STUDY GROUPS MAY BE RECORDED.**

YOU MUST, OF COURSE, ABIDE BY THE MSL HONOR CODE IN ALL MATTERS AS WELL AS SCHOOL POLICY.

IT IS EXPECTED THAT THE CLASSES WILL BE CONDUCTED IN PERSON. (THIS, OF COURSE, IS SUBJECT TO SCHOOL POLICY.) PLEASE OBSERVE THE FOLLOWING:

1. Absent extraordinary circumstances, no cell phone use will be during class. Please let me know if you believe such circumstances exist in advance of the class.
2. Laptop computers are permitted, but only for legitimate class purposes.
3. Recording devices are permitted in class. Students may record class sessions for their own use. Recording is not a substitute for active participation and contribution.
4. Class attendance is extremely important to help in understanding the material.
5. A "study group" session, or sessions, will be scheduled beyond regular class time, in all probability on a weekend. These sessions are intended to help with your questions and to also facilitate a general understanding of the material. These sessions may be conducted via Zoom or in-person.

SYLLABUS*

***The syllabus is only an approximation of material which will be covered in a particular session. The actual pace will depend on class progress. I reserve the right to change or amend the syllabus, or add outside material, at any time I determine appropriate.**

WEEK 1: JANUARY 23, 2023

- A. INTRODUCTORY: BURY ST. EDMUNDS TO PHILADELPHIA**
- B. CHAPTER 1: A CRIMINAL JUSTICE PROCESS OVERVIEW**
- C. CHAPTER 2: THE NATURE AND SCOPE OF DUE PROCESS; THE APPLICABILITY OF THE BILL OF RIGHTS TO THE STATES**

WEEK 2:

- A. CHAPTER 2 CONTINUED**
- B. CHAPTER 3: ARREST, SEARCH AND SEIZURE**

WEEK 3:

- A. CHAPTER 3: CONTINUED**

WEEK 4:

- A. CHAPTER 3: CONTINUED**
- B. CHAPTER 4: THE SCOPE OF THE EXCLUSIONARY RULE**
- C. CHAPTER 5: THE RIGHT TO COUNSEL**

WEEK 5

- A. CHAPTER 5: CONTINUED**
- B. CHAPTER 6: POLICE INTERROGATIONS AND CONFESSIONS**

WEEK 6:

- A. CHAPTER 6: CONTINUED**
- B. CHAPTER 7: PRETRIAL IDENTIFICATION PROCEDURES**
- C. CHAPTER 8: INVESTIGATION BY SUBPOENA**

WEEK 7:

- A. CHAPTER 8: CONTINUED**
- B. CHAPTER 9: PRETRIAL RELEASE**
- C. CHAPTER 10: THE DECISION WHETHER TO PROSECUTE**
- D. CHAPTER 11: SCREENING THE PROSECUTOR'S CHARGING DECISION**
- E. CHAPTER 12: SPEEDY TRIAL AND OTHER SPEEDY DISPOSITION**

WEEK 8:

- A. CHAPTER 13: THE DUTY TO DISCLOSE**
- B. CHAPTER 14: GUILTY PLEAS**
- C. CHAPTER 15: TRIAL BY JURY; JUDICIAL IMPARTIALITY**

WEEK 9:

- A. CHAPTER 15: CONTINUED**
- B. CHAPTER 16: FAIR TRIAL/FREE PRESS* * (SKIP: TO BE DISCUSSED AT THE END OF CLASS SESSIONS, TIME PERMITTING.)**
- C. CHAPTER 17: THE ROLE OF COUNSEL**

WEEK 10:

- A. CHAPTER 17: CONTINUED**
- B. CHAPTER 18: THE TRIAL**

WEEK 11:

- A. CHAPTER 19: RETRIALS**
- B. CHAPTER 20: SENTENCING PROCEDURES* (TO BE DISCUSSED ONLY IF TIME PERMITS.)**

REMAINING CLASSES: RESIDUAL MATERIAL AND REVIEW