

CRIMINAL PROCEDURE

PROFESSOR HETU
SPRING 2024

HETU@MSLAW.ED
MONDAY & WEDNESDAY DAYS

Purpose and Description

The purpose of this course is to cover those criminal procedure topics which reflect the Federal Supreme Court's current position on constitutional questions raised by operation of our federal and state criminal justice systems. Where relevant we will also review Massachusetts Supreme Judicial Court opinions that distinguish the law of the Commonwealth from the Federal law.

The intent of the course is to create competency in those areas tested by the bar examination as well as to lay a proper foundation to become skilled practitioners

Grading

The midterm and final examinations will combine to be 85%- 95% of your final grade in this class. In addition, there will be weekly assignments of MBE-type questions and/or Short Directed Essay Questions which will serve as quizzes and will combine to be 5%-15% of semester grade. I reserve the right at any time during the semester to modify and/or change the course grading.

Lack of class participation has the strong potential to impact negatively on your course grade.

DO NOT REGISTER FOR THIS CLASS
IF YOU CANNOT MAKE IT TO MSL BY 4:30!!

The secret of getting ahead is getting started. The secret of getting started is breaking your complex overwhelming tasks into small manageable tasks, and starting on the first one. – Mark Twain



Class Times

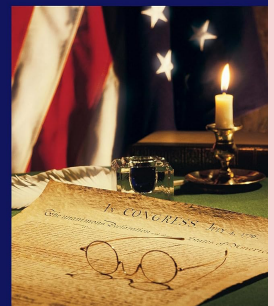
Monday & Wednesday
4:30- 5:50 pm



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Criminal Procedure and the Constitution

Leading Supreme
Court Cases and
Introductory Text
(2023 Edition)



Israel ■ Kamisar ■ LaFare ■ King ■ Primus ■ Kerr WEST ACADEMIC PUBLISHING

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TENTATIVE SYLLABUS – SUBJECT TO CHANGE BY START OF COURSE

Course Requirements & Class Participation

Class Attendance:

Students must be prepared for every class to be called on to brief cases or for discussion of questions. You are, therefore, expected to be in class and to participate. Students who have more than **three** unexcused absences during the semester may have their semester grade lowered by as much as one-third of a grade

Attendance is taken at the beginning of class.

You will be marked absent if you are not present when attendance is taken.

QUIZZES

I will not permit any make-ups for missed weekly in-class and/or on-line TWEN/SOCRATIVE quizzes.

You must check TWEN and SOCRATIVE every weekend for posted quizzes.

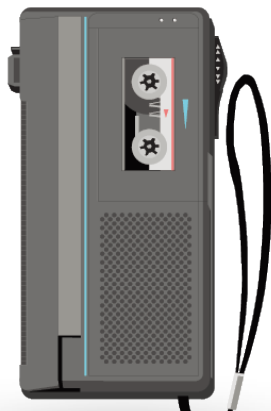
TWEN quizzes will be under assignments/quizzes and SOCRATIVE

YOU MUST LOG ONTO SOCRATIVE THEN CLICK ON STUDENT.

YOU WILL BE PROMPTED TO ENTER AN ID.

MY ID IS: HETU6452.

Notes And Tape Recorders In Class



I test what I teach, and I follow the syllabus. If you do all assigned readings and attend class, you will be prepared for the exams. It is necessary that each of you develop an effective method of recording and retaining the materials as it is taught and discussed. Classes are interactive, and it is not always advisable to take copious notes. Research strongly indicates that students who attempt to use word processors to “**transcribe**” class discussions perform less well on exams than do those students who actively participate in those discussions. Use of tape/digital recorders are allowed in this class and may be preferable for you.

The purpose of class is to learn the law through discussion and participation to develop analytical skills. This cannot be achieved if you are intent on being a scribe.

It is important for law students to have more realistic expectations. Your first job may not be your “dream” job, but if it is going to provide you with the skills and knowledge you need to advance towards your ultimate career goals, don’t discount it because it isn’t perfect. I am not suggesting you abandon your goals and accept just any job, but if it can get you started in the direction you want to go, seriously consider taking it.

Kathleen Brady

Classroom Decorum

All students will observe the following classroom decorum



Timeliness

Arrive on time.

Late arrivals are disruptive. If late arrivals become too frequent those arriving late will not be allowed into the classroom.

Talking in Class

This is an interactive class, and it is normal for there to be a bit of a “buzz” while we are discussing a case, a principle or a hypothetical. You are expected to listen while others are talking and to respond if called upon. Civility is expected at all times by all students. Do not “blurt” out answers wait to be called on especially if in the zoom class, it can become very distracting.

Cell Phones and Messaging



With the exception of extraordinary circumstances there will be *no cell phone use in class*. Turn off all cell phones before the class begins. If there is a family emergency requiring you to be reachable you must approach me before class and inform me of the situation. In such an event you may keep your cell phone on if it has a “vibrate” only option. In the event that your cell phone or other device disturbs the class you will be told to leave the classroom immediately and will be marked as absent for the class.

Eating/Drinking in Class

Eating in class is strongly disfavored. I do understand that stressed-for-time students, especially evening students, are often unable to take meals at normal hours, and therefore snacks and drinks will be tolerated as long as they are not disruptive. I will not tolerate full meals, full “submarine” sandwiches, or anything of the like. I also will not tolerate undue noise such as stubborn plastic wrappers. I will ban all foods and drinks in class if I think they are becoming a distraction.

Civility Above All Else

Each of you will be treated at all times with courtesy and respect, and you will treat each other with a high degree of civility at all times. At all times we will argue issues and never personalities




Finally

Briefing is essential in Criminal Procedure. You will not be able to apply the rule if you do not brief the cases.



Class Case Calendar

January 17, 2024	Ashe v Swenson US v Dixon Gamble v US	Hudson v US Arizona v Washington Oregon v Kennedy
January 22, 2024	US v Scott Burks v US Duncan v Louisiana District Attorney v Osborne	Wolf v Colorado Mapp v Ohio US v Leon
January 24, 2024	Hudson v Michigan Herring v US Katz v US	California v Greenwood Florida v Riley US v Jones
January 29, 2024	Carpenter v US Florida v Jardines US v White Torres v Madrid	Zurcher v Stanford Daily Spinelli v US Illinois v Gates
January 31, 2024	Maryland v Pringle Maryland V Garrison Richards v Wisconsin	US v Watson US V Robinson Whren v US
February 5, 2024	Atwater v City of Lago Vista Maryland V King Mitchell v Wisconsin	Payton v NY Chimel v Ca Kentucky v King
February 7, 2024	California v Carney Arizonz v Gant California v Acevedo	Wyoming v Houghton Colorado v Bertine Riley v Californi
February 12, 2024	Terry v Ohio Kansas v Glover Florida v J.L Florida v Royer	US v Drayton Brendlin v California Rodriguez v US
February 14, 2024	Schneckloth v Bustamonte Georgia v Randolph Wong v Sun	Brown v Illinois New York v Harris Utah v Strieff
February 19, 2024	Murray v US Nix v Williams Hudson v Michigan	Betts v Brady Gideon V wainright Alabama v Shelton
February 21, 2024	Rothgery v Gillepsie County Douglas v California Ross v Moffit	Ashcraft V Tennessee Spano v NY
February 26, 2024	Massiah v Escobedo Massiah v US Escobedo v Illinois	Miranda v Arizona J.D.B vNC Howes v Fields
February 28, 2024	Rhode Island V Innis Illinois v Perkins Berghuis v Thompkins	Salinas v Texas Maryland v Shatzer

March 4, 2024	Montejo v Louisiana NY v Quarles US v Patane Missouri v Sebert	Moran v Burbine Dickerson v US Chavez v Martinez Vega v Tekoh
March 6, 2024	Brewer v Williams Kuhlman v Wilson US v Wade	Kirby v Illinois Manson v Braithwaite Perry v NH
March 18, 2024	TENTATIVE MID TERM	
March 20, 2024	Boyd v US US v Dionisio Carpenter v US	US v Mandujano Kastigar v US Fisher v US
March 25, 2024	US V Hubbell Stack v Boyle US v Salerno	US v Armstrong US v Batchelder US v Goodwin
March 27, 2024	Coleman v Alabama Vasquez v Hillery Costello v US	Barker v Wingo Doggett v US US v Lovasco
April 1, 2024	Williams v Florida US v Bagley Pennsylvania v Ritchie	Bordenkircher v Hayes Santobello v NY Missouri v Frye
April 3, 2024	US v Ruiz Boykin V Alabama Henderson v Morgan	NC v Alford Class v US
April 9, 2024	Blanton v City of North Las Vegas Ramos v Louisiana Singer v US Taylor v Louisiana	Turner v Murray Lockhart v McCree Batson v Kentucky
April 11, 2024	Pena-Rodriguez v Colorado Williams v Pennsylvania Strickland v Washington	Harrington v Richter Lafler v Cooper Weaver v Massachusetts
April 17, 2024	Mickens v Taylor Wheat v US McCoy v Louisiana Faretta v California	Illinois v Allen Michigan v Bryant Samia V US
April 22, 2024	Davis v Alaska Griffin v California Rock v Arkansas	Holmes v South Carolina Taylor v Kentucky Darden v Wainright
April 24, 2024	Chapter 20 and 16	
April 29, 2024	Chapter 20 and 16	
May 1, 2024	Review	
May 6, 2024	Review - Last Day of Spring Classes	
	Date to Be Determined	

A lawyer is a person who writes a 10,000-word document and calls it a 'brief.'
 Franz Kafka