

CRIMINAL PROCEDURE

hetu@mslaw.edu

Tuesday/Thursday 4:40 -5:50 pm & 6:00 - 7:20pm

Purpose and Course 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.

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

Academic Calendar Spring, 2026

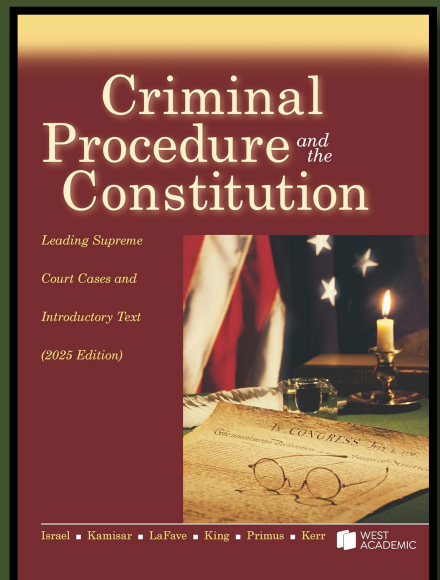
Official Semester Start Date	January 12, 2026
First Day of Class for Comparison Students	January 12, 2026
Orientation	January 12, 14, 15 & 24, 2026
Martin Luther King Day - No Classes	January 19, 2026
First Day of Classes	January 20, 2026
Spring Break	March 15 - 22, 2026
Patriots' Day - No Classes	April 20, 2026
Law Day Celebration	May 2, 2026
Last Day of Class, 2nd Semester	May 4, 2026
Study Period	May 5 – May 10, 2026
Exams	May 11 – 21, 2026
Level 1, Level 2 & Level 3 Assessment Tests	May 21, 2026
Memorial Day – No Classes	May 25, 2026
Graduation	June 5, 2026

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Criminal Procedure and the Constitution

West Publishing, 2025 Edition
Israel, Kamisar, LaFave, King,
Primus, Kerr.
ISBN 979-8-89545-335-3



Massachusetts School of Law
500 Federal Street
Andover, MA 01810
Tel : 978.681.0800

Course Requirements and 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 SOCRATIVE every weekend for posted quizzes.** 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.

Classroom Decorum

All students are expected at all times to conduct themselves in a civil manner as follows:

Timeliness.

Arrive on time. Late arrivals are disruptive. Frequent late arrivals will be excluded from the classroom.

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.

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.

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.

Briefing is essential in Criminal Procedure.

You will NOT be able to apply the rule if you do NOT brief the cases.

CLASS CALENDAR

1/20	<i>Ashe v Swenson</i> <i>US v Dixon</i> <i>Gamble v US</i>	<i>Hudson v US</i> <i>Arizona v Washington</i> <i>Oregon v Kennedy</i>
1/22	<i>US v Scott</i> <i>McElrath v Grayson</i> <i>Burks v US</i> <i>Chapter 2</i> <i>Duncan v Louisiana</i>	<i>District Attorney v Osborne</i> <i>Chapter 3</i> <i>Wolf v Colorado</i> <i>Mapp v Ohio</i> <i>US v Leon</i>
1/27	<i>Hudson v Michigan</i> <i>Herring v US</i> <i>Katz v US</i>	<i>California v Greenwood</i> <i>Florida v Riley</i> <i>US v Jones</i>
1/29	<i>Carpenter v US</i> <i>Florida v Jardines</i> <i>US v White</i> <i>Torres v Madrid</i>	<i>Zurcher v Stanford Daily</i> <i>Spinelli v US</i> <i>Illinois v Gates</i>
2/3	<i>Maryland v Pringle</i> <i>Maryland V Garrison</i> <i>Richards v Wisconsin</i>	<i>US v Watson</i> <i>US V Robinson</i> <i>Whren v US</i>
2/5	<i>Atwater v City of Lago Vista</i> <i>Maryland V King</i> <i>Mitchell v Wisconsin</i>	<i>Payton v NY</i> <i>Chimel v Ca</i> <i>Kentucky v King</i>
2/10	<i>California v Carney</i> <i>Arizona v Gant</i> <i>California v Acevedo</i>	<i>Wyoming v Houghton</i> <i>Colorado v Bertine</i> <i>Riley v California</i>
2/12	<i>Terry v Ohio</i> <i>Kansas v Glover</i> <i>Florida v J.L</i> <i>Florida v Royer</i>	<i>US v Drayton</i> <i>Brendlin v California</i> <i>Rodriguez v US</i>
2/17	<i>Schneckloth v Bustamonte</i> <i>Georgia v Randolph</i> <i>Chapter 4</i> <i>Wong v Sun</i>	<i>Brown v Illinois</i> <i>New York v Harris</i> <i>Utah v Strieff</i>



CLASS CALENDAR

2/19	<i>Murray v US</i> <i>Nix v Williams</i> <i>Hudson v Michigan</i> Chapter 5	<i>Betts v Brady</i> <i>Gideon v Wainwright</i> <i>Alabama v Shelton</i>
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2/24	<i>Rothgery v Gillepsie County</i> <i>Douglas v California</i> <i>Ross v Moffit</i>	Chapter 6 <i>Ashcraft v Tennessee</i> <i>Spano v NY</i>
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2/26	<i>Massiah v Escobedo</i> <i>Massiah v US</i> <i>Escobedo v Illinois</i>	<i>Miranda v Arizona</i> <i>J.D.B v NC</i> <i>Howes v Fields</i>
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What was the significance of Mapp v Ohio?

The U.S. Supreme Court ruled in a 5-3 vote in favor of Mapp. The high court said evidence seized unlawfully, without a search warrant, could not be used in criminal prosecutions in state courts.

3/3	<i>Rhode Island v Innis</i> <i>Illinois v Perkins</i> <i>Berghuis v Thompkins</i>	<i>Salinas v Texas</i> <i>Maryland v Shatzer</i>
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3/5	<i>Montejo v Louisiana</i> <i>NY v Quarles</i> <i>US v Patane</i> <i>Missouri v Seibert</i> <i>Moran v Burbine</i>	<i>Chavez v Martinez</i> <i>Dickerson v US</i> <i>Vega v Tekoh</i> <i>Brewer v Williams</i> <i>Kuhlman v Wilson</i>
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3/10	TENATIVE MIDTERM	
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3/12	Chapter 7 <i>US v Wade</i> <i>Kirby v Illinois</i> <i>Manson v Braithwaite</i> <i>Perry v NH</i> Chapter 8	<i>Boyd v US</i> <i>US v Dionisio</i> <i>Carpenter v US</i> <i>US v Mandujano</i> <i>Kastigar v US</i> <i>Fisher v US</i>
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Spring Break	<i>US v Hubbell</i> Chapter 9 <i>Stack v Boyle</i> <i>US v Salerno</i>	Chapter 10 <i>US v Armstrong</i> <i>US v Batchelder</i> <i>US v Goodwin</i>
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3/26	Chapter 11 <i>Coleman v Alabama</i> <i>Vasquez v Hillery</i> <i>Costello v US</i>	Chapter 12 <i>Barker v Wingo</i> <i>Doggett v US</i> <i>US v Lovasco</i>
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CLASS CALENDAR

3/31	<i>Chapter 13</i> <i>Williams v Florida</i> <i>US v Bagley</i> <i>Pennsylvania v Ritchie</i>	<i>Chapter 14</i> <i>Bordenkircher v Hayes</i> <i>Santobello v NY</i> <i>Missouri v Frye</i>
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4/2	<i>US v Ruiz</i> <i>Boykin V Alabama</i> <i>Henderson v Morgan</i>	<i>NC v Alford</i> <i>Class v US</i>
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4/7	<i>Chapter 15</i> <i>Blanton v City of North Las Vegas</i> <i>Ramos v Louisiana</i> <i>Singer v US</i>	<i>Taylor v Louisiana</i> <i>Turner v Murray</i> <i>Lockhart v McCree</i> <i>Batson v Kentucky</i>
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4/9	<i>Pena-Rodriguez v Colorado</i> <i>Williams v Pennsylvania</i> <i>Chapter 17</i> <i>Strickland v Washington</i>	<i>Harrington v Richter</i> <i>Lafler v Cooper</i> <i>Weaver v Massachusetts</i>
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4/14	<i>Mickens v Taylor</i> <i>Wheat v US</i> <i>McCoy v Louisiana</i> <i>Faretta v California</i>	<i>Chapter 18</i> <i>Illinois v Allen</i> <i>Michigan v Bryant</i> <i>Samia V US</i>
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4/16	<i>Davis v Alaska</i> <i>Griffin v California</i> <i>Rock v Arkansas</i>	<i>Holmes v South Carolina</i> <i>Taylor v Kentucky</i> <i>Darden v Wainright</i>
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4/21	Chapter 20 and 16
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4/23	Chapter 20 and 16 and review
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4/28	Review
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4/30	Review
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FINAL EXAM	Date to be Determined
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