

**DePaul University College of Law**  
**Advance Criminal Procedure: Pretrial**

**Thomas M. Durkin – Fall 2009**

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**Books Required:**

Monico and Spevack, FEDERAL CRIMINAL PRACTICE: A SEVENTH CIRCUIT HANDBOOK, 2008 EDITION (On the plus side, if you end up practicing criminal law, you will use this book in your practice.)

**Other Course Materials:**

Samples of indictments  
Search Warrants  
Arrest Warrants  
Pretrial Motions  
Jury Instructions

These materials will either be provided or the students will be directed where to find them. In addition, cites to recent Seventh Circuit opinions will be provided and students will be expected to read these decisions.

**Course Objectives:**

The course will focus on all aspects of federal criminal procedure. Each chapter (parts of each chapter will be excluded; updates on excluded sections will be provided during the class year) of the text will be covered in two class sessions, while a third session on that chapter will typically be addressed by a guest speaker who will bring a particular practical experience to the subject matter. Expected guest speakers include federal appellate and district court judges, federal magistrates, federal prosecutors, and federal agents (i.e., FBI, DEA, etc.) The schedule will be updated as arrangements with speakers are finalized.

**Course Method:**

The class will be taught through a combination of the Socratic method, lecture and problem-solving. I don't want to be talking for 75 minutes straight. I will be asking questions and expect to have questions asked of me.

**Attendance/Class Preparation:**

Class participation and attendance are both very important. Students are expected to regularly attend class (attendance will be taken), read advance reading assignments and be prepared to discuss the assignments in class. Any student who has an excuse for not (1) attending class, or (2) being prepared for class should present such excuse by email to the instructor before the class. A student's grade may be raised by one-half a letter grade based on outstanding class

participation. Similarly, repeated unexcused absences or unexcused failures to be prepared may result in a lowering of a grade by one-half a letter grade.

**Grades:**

Grades will be based upon the final exam and upon class participation as described above. The final exam will be a take home exam consisting of a series of hypothetical questions requiring essay answers. Your grade will be based not only on giving the correct answer, but also in explaining how you arrived at that answer. Good grammar and correct spelling will all count. Since you will have as much time as you need to prepare an answer, there is no excuse for sloppy organization, poor grammar or incorrect spelling. Consider this to be practice for the real thing, as courts will not tolerate sloppy submissions.

**TENTATIVE CLASS SCHEDULE**

<b>8/25</b>	<b>Search &amp; Seizure Chapter 1: §§1-17 (Exclude §§ 7, 10-13)</b>	<b>10/13</b>	<b>Guest Speaker</b>
<b>8/27</b>	<b>Search &amp; Seizure Chapter 1: §§18-31</b>	<b>10/15</b>	<b>Pretrial Issues Chapter 7: §§301-324</b>
<b>9/1</b>	<b>Guest Speaker: U.S. Magistrate Judge Michael T. Mason</b>	<b>10/20</b>	<b>Pretrial Issues Chapter 7: §§325-340</b>
<b>9/3</b>	<b>Arrests and Other Police/Citizen Encounters Chapter 2: §§51-57 (Exclude § 56)</b>	<b>10/22</b>	<b>Guest Speaker</b>
<b>9/8</b>	<b>Arrests and Other Police/Citizen Encounters Chapter 2: §§58-63</b>	<b>10/27</b>	<b>Trial Chapter 8: §§101-420</b>
<b>9/10</b>	<b>Guest Speaker</b>	<b>10/29</b>	<b>Trial Chapter 8: §§421-449</b>
<b>9/15</b>	<b>Admissions and other Statements Chapter 3: §§76-82</b>	<b>11/3</b>	<b>Guest Speaker</b>
<b>9/17</b>	<b>Admissions and other Statements Chapter 3: §§83-89</b>	<b>11/5</b>	<b>Sentencing Chapter 9: §§501-520</b>
<b>9/22</b>	<b>Guest Speaker</b>	<b>11/10</b>	<b>Sentencing Chapter 9: §§521-544</b>
<b>9/24</b>	<b>Grand Jury Chapter 4: §§101-105</b>	<b>11/12</b>	<b>Guest Speaker</b>
<b>9/29</b>	<b>Grand Jury Chapter 4: §§106-111</b>	<b>11/17</b>	<b>Appeal Chapter 10: §§601-609</b>
<b>10/1</b>	<b>Guest Speaker</b>	<b>11/19</b>	<b>Appeal Chapter 10: §§610-616</b>
<b>10/6</b>	<b>Offenses Chapter 6: §§201-236</b>	<b>11/24</b>	<b>Guest Speaker</b>
<b>10/8</b>	<b>Offenses</b>		

	<b>Chapter 6: §§237-282</b>		
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