

DEPAUL UNIVERSITY COLLEGE OF LAW

CRIMINAL PROCEDURE

Fall 2009

Professor L. Song Richardson
Phone: (312) 362-7692
E-mail: LRICHA3@depaul.edu
Office: 811 OM

OFFICE HOURS:

Wed: 2:00 - 5:00 and by appointment

Course Materials:

Required: Dressler & Thomas, CRIMINAL PROCEDURE: INVESTIGATING CRIME (3RD ed)

Recommended: Dressler & Michaels, UNDERSTANDING CRIMINAL PROCEDURE

Course Objectives:

This course will provide a broad overview of the investigatory criminal justice process. Particular emphasis will be placed on the interplay between the protection of individual rights versus the competing goals of efficiency and accuracy in the criminal justice system. Students will be expected to develop an understanding of the constitutional principles governing criminal procedure.

Course Method:

The class will be taught through a combination of the Socratic method, lecture, and problem solving.

Attendance / Class Preparation:

Students are expected to regularly attend class, prepare reading assignments in advance of class, and be prepared to discuss the assignments and problems during class.

Class participation is an important component of this class. The professor may raise a student's grade by one-half a letter grade based upon the student's performance in class if the student's grade is within a certain percentage of a higher grade. Your participation grade will be based not on quantity but on quality; participating means not just speaking, but also actively listening and contributing in useful ways to the class discussion. The professor may lower a student's grade by one-half a letter grade or exclude any student from the final exam if a student has a combination of **three** or more unexcused absences or unexcused failures to be prepared for class.

Evaluation:

Grades will be based upon the **final exam** and upon class participation as described above.

The final exam will consist of multiple choice and essay questions. The multiple choice portion of the exam may be closed book. The examination questions will be based on the assigned written materials and matters discussed in class.

Partial Outline of Course

1. The Criminal Process

A. Failures (9-13)

Powell v. Alabama (13-19)

Notes and Problems (19-21)

The Dirty Little Secret: Judges Make Choices (21-23)

Note 5 (25)

B. The Norms of the Criminal Process (41-49)

Notes 1A and 1B (48-49)

Note 3 (49)

C. Does the Process Protect the Innocent (50-51)

Notes 1-2 (51-52)

2. Fourth Amendment: An Overview

A. The Text and its Mysteries (53-54)

B. The Fourth Amendment and the States (54-56)

C. The Reach of the Fourth Amendment (56-58)

D. The Birth of the Exclusionary Rule

Introductory Comment (58-59)

Mapp v. Ohio (63-72)

Notes 1-8 (72-74)

3. Passing the Threshold of the Fourth Amendment

A. What is a Search?

1. General Principles

Katz v. U.S. (75-80)

Notes 1-8 (80-83)

2. The Katz Doctrine in Application

U.S. v. White (83-90)

Notes 1-8 (90-93)

Smith v. Maryland (93-100)

Notes 1-5(100-104)

“Open Fields” “Curtilages” and Beyond: When is the Fourth Amendment Implicated?

Open fields (105-109)

Curtilage (109-110)

U.S. v. Ciraolo (110-115)

California v. Greenwood (115-116)

Kyllo v. U.S. (116-125)

Notes 1- 9 (125-128)

B. What is a “Seizure?”

U.S. v. Karo (128-130)

Notes 1-5 (130-131)

4. The Substance of the Fourth Amendment

A. Probable Cause

Introductory Comment (132-133)

Spinelli v. U.S. (133-140)

Notes 1-6 (140-141)

Illinois v. Gates (141-154)

Notes 1-12 (154-160)

B. Arrest Warrants

Payton v. New York (162-169)

Notes 1-10 (169-174)

C. Search Warrants

1. The Constitutional Debate (background)(174-185)

Note 4 (186-187)(background)

2. Elements of a Valid Search Warrant (187)

Lo-Ji Sales, Inc. v. New York (187-190)

Notes 1-3 (190-91)

3. Execution of a Search Warrant (191)

Introductory Note (191-192)

Richards v. Wisconsin (192-197)

Notes 1-9 (197-202)

D. Warrant Clause: When Are Warrants Required?

Introductory Comment (203)

1. Searches Incident to Arrest

a. General Principles (209)

Chimel v. California (209-216)

Notes 1-7 (216-217)

U.S. v. Robinson (217-226)

Notes 1-3 (226)

b. Arrests of Automobile Occupants: A Special Rule?

N.Y. v. Belton (226-231)

Notes 1-7 (232-237)

Thornton v. U.S. (237-244)

Notes 1-3 (244)

c. Pretextual Stops and Arrests

Introductory Comment (244-246)

Whren v. U.S. (246-251)

Notes 1-4 (251-253)

2. Cars and Containers

Chambers v. Maroney (253-257)

Notes 1-3 (257-260)

California v. Carney (260-264)

Notes 1-6 (264-267)
U.S. v. Chadwick (267-274)(background)
Notes 1-9 (275-277)(background)
California v. Acevedo (277-284)
Notes 1-5 (284-286)