

Criminal Procedure: CRMJ 4140-80

Syllabus, Fall 2018

CONTACT INFORMATION

Instructor: Dan Fetsco
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Office Hours: Mon. & Fri. 9:00-10:00 a.m., Wed. 1:30-2:30 p.m. and by appt.

GA INFORMATION

Name: Michael Klepperich
Office: 313E Arts & Sciences
Office Hours: Tues. & Thurs. 1:30-3:30 p.m.
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COURSE INFORMATION

Day/Time: Wed from 5:15 – 6:50 pm
Room: NA/distance learning - Zoom
Credit Hours: 3

COURSE DESCRIPTION

This course is designed to introduce students to issues and processes associated with safeguarding personal liberties of criminal suspects during the investigatory and arrest stages of criminal procedure, including procedure for search and seizure, arrest, application of force, interrogation and confession, pretrial identification, and the exclusionary rule.

COURSE OBJECTIVES

Upon completion of this course students should possess the following:

- An understanding of the context of constitutional criminal procedural law.
- The ability to identify and discuss the competing values involved in constitutional criminal procedure and the tension that exists between them.
- The ability to read, understand, and summarize appellate court cases.
- An understanding of the prominent constitutional criminal procedure case law principles and the ability to recognize and apply those principles and doctrines in

a variety of contexts.

REQUIRED READINGS:

Lippman, M. (2017). *Criminal Procedure*, (3rd Edition). Thousand Oaks, CA. SAGE Publications Inc.

COURSE REQUIREMENTS:

Grades for this course will be comprised in the following way:

- A. **Semester Exams** - There will be a total of three exams throughout the course (including the final) of the semester. The exams will be a combination of short answer, essay, with some multiple choice and true/false questions. All exams will be worth 100 points. The exams will be posted on WyoCourses and I will provide you with the possible short answer and essay questions prior to the exam. However, of those short answer and essay questions, I will select a smaller number of questions for the exam, excluding several questions. For instance, I may provide you with four essay questions to study, but for the exam, only two of those questions will featured, and you will be asked to answer only one. The exams will be available online, in WyoCourses, and you may take it any time during the week in which the exam is scheduled. You will have 2 hours to complete the exam.
- B. **Case Briefing Assignment** – during the course of the semester, you will be required to prepare a legal case brief. Not everyone will have the same case to brief, and cases will be assigned to students randomly throughout the semester. The cases will be selected from the textbook. The brief will be worth 50 points. Further instructions on the case brief assignments will forthcoming.
- C. **Class Participation/Group Discussion** – Each week, you are expected to participate in the course discussion boards. Typically, one or two starter questions will be posted to begin the discussion and then students can either respond to those questions or raise other issues based on the reading that they are interested in. Each module/week will have its own discussion board with a closing date. In order to receive a high participation grade, you need to post multiple times in each module's discussion board before the closing date. **Each week, and in each module's discussion board, you should post once yourself (original post), and post two responses to other's posts. When you post your own comment, you should reference some aspect of the reading and where appropriate, end the post with a question to invite comments from other students. Your original post should be a two to three paragraphs long, and your paragraphs should**

consists of at least three sentences. You will not be required to cite the textbook or utilize APA citation format for the discussion board. However, if you reference material outside the course, it must be attributed for through some type of cite or link to the source.

Your participation in the discussion board will be graded by the following standards:

- all posts should have complete sentences, correct spelling and grammar, and employ a formal academic tone
- all posts should make specific reference to particular points in the course materials and/or other individual's posts
- excellent posts make connections across several sources of information (either different readings on the same topic, or connections between old material and new material)
- excellent posts respond to specific points in other students' posts in a meaningful way that moves the conversation forward
- excellent posts inspire many responses from other students
- excellent posts do not just relate facts, but take on a critical yet respectful tone with regard to readings, lectures or other posts. This means that you take a position, and provide a logical, reasoned defense of your position.

You are expected to participate with excellent posts in every module's discussion board. Each discussion board will be worth 10 points. The discussion board and questions will be ready by 8:00 a.m. on each Monday and can accessed through WyoCourses, and it will close Sunday at 11:59 p.m.

Grading Scale

Exam #1 Week of Oct. 3rd	100 points
Exam #2 Week of Oct. 31	100 points
Exam #3/Finals Week	100 points
Discussion Boards	150 points
Case Briefs	<u>50 points</u>
Total	500 points

Grade:	Percentage:	Class Points:
A+	97-100%	485-500
A	90-96.99%	450-484
B+	87-89.99%	435-449
B	80-86.99%	400-434
C+	77-79.99%	385-399
C	70-76.99%	350-384
D	60-69.99%	300-349
F	less than 60%	000-299

MAKE-UP WORK

Make-up work/test opportunities will only be granted for excused absences. Excused absences include:

1. Participation in an organized school activity
2. Death in the immediate family
3. Illness (with doctor's written excuse)
4. Special circumstances that have been approved **in advance** by the instructor

The instructor is the sole arbiter of what (if any) absences are excused. Documentation will be required. All make-up work must be completed during office hours within **ONE WEEK** of the original due date. It is the student's responsibility to schedule and complete the make-up work. The instructor reserves the right to change the format of all make-up exams, quizzes, and other assignments.

University and Doctor's Excuses:

In order to be considered for an excused absence from an examination, a valid University excuse or doctor's excuse must be obtained. University excuses can be obtained from the Office of Student Life (Room 128 Knight Hall, University of Wyoming, Laramie, WY 82070 - telephone: 307-766-3296) between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. The Office of Student Life (OSL) will provide the excuse, provided the student's absence meets the criteria for an authorized absence. For further information on obtaining an excused absence, contact the OSL or visit their website at: <http://uwacadweb.uwyo.edu/OSL/absences.htm>.

Doctor's excuses must be obtained from your attending physician and must state that you were unable to attend the class period that day. Doctor's appointments do not constitute an excused absence. Excuses need to be presented to the instructor by the class period following the excused absence to be accepted.

ACADEMIC DISHONESTY:

Academic dishonesty in all its forms will not be tolerated in this class. This includes cheating on tests, turning in someone else's work as your own, **plagiarism**, or assisting other students in these activities. Students are expected to do their own work and anyone caught cheating will automatically receive a failing grade on the assignment and may receive a failing grade in the class depending on the severity of the transgression. Each student is encouraged to read University Regulation 802 for further information concerning academic dishonesty and the potential consequences. http://www.uwyo.edu/generalcounsel/_files/docs/UW-Reg-6-802.pdf

ATTENDANCE:

Attendance is important to the successful completion of this course. Students are expected to have read assigned readings prior to class and be prepared to participate in class discussions. Students are also expected to check WyoCourses on a regular basis for information pertaining to this course.

TITLE IX:

The faculty and staff of the University of Wyoming actively strive to provide a learning, working, and living environment that promotes personal integrity, civility, and mutual respect that is free from sexual misconduct and discrimination. Under Title IX, the University has a responsibility to take immediate and effective steps to respond to sexual violence and/or sexual harassment. Title IX mandatory reporters are required to notify Equal Opportunity Report and Response of any allegation of sexual misconduct. Mandatory reporters at the University include every administrative officer, dean, director, department head, supervisor, and all instructional personnel including your instructor. More information, including access to confidential resources, can be found at <http://www.uwyo.edu/reportit/policies/index.html>.

STUDENTS WITH DISABILITIES:

It is University of Wyoming policy to accommodate students, faculty, staff, and visitors with disabilities. If you have a physical, learning, sensory, or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with University Disability Support Services (UDSS) in the Student Educational Opportunity offices, Room 128 Knight Hall, 766-3656, <http://www.uwyo.edu/udss/> and provide UDSS with documentation of your disability.

COURSE OUTLINE

- August 29th: Introduction/Review Syllabus; Chapter 1 – An Introduction to Criminal Procedure, pp. 1-16.
- September 5th: Chapter 2 – The Sources of Criminal Procedure, pp. 17-48.
- September 12th: Chapter 3 – Searches and Seizures, pp. 49-82.
- September 19th: Chapter 4 – Stop and Frisk, pp. 83-120.
- September 26th: Chapter 5 – Probable Cause and Arrests, pp. 121-162.
- October 3rd: Chapter 6 – Searches and Seizures of Property, pp. 163-222.
- Exam 1**
- October 10th: Chapter 7 – Inspections and Regulatory Searches, pp. 223-260.
- October 17th: Chapter 8 – Interrogations and Confessions, pp. 261-322.
- October 24th: Chapter 9 – Eyewitness and Scientific Identifications, pp. 323-358.
- October 31st: Chapter 10 – The Exclusionary Rule and Entrapment, pp. 359-396.
- Exam 2**
- November 7th: Chapter 11 – Civil and Criminal Remedies for Constitutional Violations, pp. 397-430.
- November 14th: Chapter 12 – The Initiation of the Legal Process, Bail, and the Right to Counsel, pp. 431-474.
- November 21st: **Thanksgiving Break.** Chapter 13 – The Courtroom: The Pretrial and Trial Process, pp. 475-532.
- November 28th: Chapter 14 – Sentencing and Appeals, pp. 533-568.
- December 5th: Chapter 15 – Counterterrorism, pp. 569-591.
Catch-up and review for **Final Exam**
- December 12th: **FINAL EXAM**

***Note: This is a tentative class schedule which may be adjusted due to unforeseen circumstances. The instructor will notify students at least one week in advance of any changes to the test schedule.**