

POLI 4000 Section 002 American Constitutional Law – Rights of the Criminally Accused
Louisiana State University
Department of Political Science
Fall 2022

Course Time: Tuesday and Thursday 9:00 – 10:20 am CDT

Course Location: 206 Williams Hall

Instructor: Professor Elizabeth Lane (she/her/hers)

Office: 205 Stubbs Hall

E-mail: elane8@lsu.edu - Please include "POLI 4000 Section 002" in the Subject line.

Student Hours: Tuesdays and Thursday 1:30 - 2:30, or by appointment

PURPOSE

This course is designed to examine the development of individual liberties and protections provided by the Constitution of the United States as interpreted by the U.S. Supreme Court. Specifically, we will focus on how the Supreme Court defines, establishes, and interprets provisions enumerated in the Bill of Rights and ensuing amendments, and how this process has developed over time. Students should leave this class with a fundamental understanding of the Constitution, how the Supreme Court operates in a common law system, and critical knowledge of the Court's decisions that have defined and shaped the history of the United States. This course is not about the mere recitation of facts or personal opinions. While there will be opportunities for discussion, students should be able to support their views with well-reasoned legal justifications. The writing, analytical thinking, and general topic of this course provides excellent preparation for future legal and government work/studies and aims to make you a more informed citizen.

OBJECTIVES AND LEARNING OUTCOMES

1. Develop a substantive understanding of historical and modern developments in the constitutional law of civil rights and civil liberties.
2. Understand how societal and political factors interact with the law. Particularly, understand how these factors influence Supreme Court justices, and their interpretation of the constitution and decision making on these issues.
3. Develop the ability to read, understand, and interpret U.S. Supreme Court decisions, and effectively summarize their decisions.
4. Apply your understanding gained from course readings and lectures to current and hypothetical legal issues to arrive at a well-reasoned decision that you can clearly articulate with sufficient legal justification.
5. Appreciate different decisions and viewpoints of constitutional interpretation. Be able to explain and apply these different views in your coursework, regardless of which side of the debate you prefer.
6. Enhance your oral and written communications skills through classroom discussion and written assignments.

SOCIAL SCIENCES COMPETENCY STATEMENT

LSU graduates will demonstrate an understanding of the informing factors of global interdependence, including economic forces, political dynamics, and cultural and linguistic differences.

CLASS FORMAT

This class will meet in-person aside from the previously designated pre-recorded lectures due to professional travel. I will do my best to remember to record lectures for those of you that are unable to make it to class due to illness or Covid protocols, but due to technical difficulties encountered throughout the semester (or operator error) I will not guarantee that 100% of the lectures will be recorded and posted online. That being said, I will post lecture slides on the course Moodle site following each lecture.

Student Hours

If you have a question about course material, constitutional law, or you just want to chat about the Supreme Court or anything else, my student hours (aka office hours) will be on Tuesdays and Thursdays from 1:30-2:30 pm CDT in 205 Stubbs Hall. If this time is inconvenient for you, or you need to meet via Zoom, please email me to arrange an alternative time/venue. After making arrangements, Zoom office hours will be held using the Zoom information below:

<https://lsu.zoom.us/j/94370390734?pwd=d24xTkVWSnEzcVF4UjdqQ1NRdEZpQT09>

Meeting ID: 943 7039 0734

Passcode: conlaw

Dial Meeting: 877-853-5247 or 888-788-0099 (Both US Toll-free)

Passcode for Dial Meeting: 554301

Time Requirements

Please keep in mind the University's definition of work required for each credit hour: "not less than one hour (50 minutes) of lecture/classroom or direct faculty instruction and a minimum of two hours out-of-class student work across 15 weeks for one semester." Given that this is a three credit-hour course, students are expected to devote a total of nine hours of work each week: three hours in the classroom and an additional six hours of course related work outside of the classroom.

COURSE MATERIALS

Required Text

1. Epstein, Lee and Kevin T. McGuire and Thomas G. Walker. (2021). *Constitutional Law for a Changing America: Rights Liberties, and Justices*. Eleventh Edition. Washington D.C.: CQ Press. ISBN-13: 978-1544391250.

I will refer to this text on the syllabus as EM&W. Although previous editions exist, I will be teaching out of the eleventh edition. This means that all assignments, group discussions, and exams will be from the content in this edition. Many of the cases you will read this semester are from the online repository for your book, so if you want to save money and use an earlier edition you may do so, **but you are choosing to do so at your own risk**.

2. Bach, Amy. *Ordinary injustice: How America holds court*. Macmillan, 2009. ISBN-13: 978-0805092271

Please purchase these books in whatever option you prefer or is the most affordable. This includes renting (for EM&W), print, or digital/kindle version.

Optional Text

I will also use other books to supplement your understanding of the legal system and how the cases you read and brief on relate to the existing law and procedures. You are not required to purchase these books, but if you are interested I primarily supplement from the following two books. The first is referred to in the syllabus as B&B and the second as S&W:

1. Bloom, Robert M., and Mark S. Brodin. *Examples & Explanations for Criminal Procedure: The Constitution and the Police*. Wolters Kluwer, 2019.
2. Singer, Richard G., and Kenneth Williams. *Examples & Explanations for Criminal Procedure II: From Bail to Jail*. Wolters Kluwer, 2018.

Supplemental Text

Additional readings, including the optional text above, on the course schedule that are not in the textbook will be posted on the course Moodle page under the date they are listed on the syllabus. They are also indicated with a * to remind you to check Moodle.

COURSE REQUIREMENTS & GRADING

Your course grade will be graded on a points system (points earned divided by points possible). The points will consist of briefing-discussion memos, journals, four quizzes, two exams, and a pre- and post-test. A summary of the points breakdown is as follows:

Assignment	Due Date	Points
Constitutional Law Pre-Test	Tuesday, September 6	25
Briefing-Discussion Memos	Throughout Semester	300 (30 each)
Quizzes	Throughout Semester	100 (25 each)
Midterm	October 18-25	200
Constitutional Law Post-Test	Tuesday, November 29	25
Final Paper	Tuesday, December 1	150
Final Exam	Thursday, December 8	200
Total		1,000

Assignment Description

Constitutional Law Pre- & Post-Tests (50 points)

These multiple-choice, true and false, and short answer tests will be **graded for completion only**. Your grade is not based on how many questions you get right or wrong. These tests will be used to gauge your knowledge of this area of constitutional law prior to taking the class and used evaluate how much you learned and retained by the end of the semester. After the due date and time, I will go through and change all grades to 100% for those who I can tell made a full faith effort to complete the tests. Please note that these are worth the equivalent of two quiz scores and can significantly help your overall semester grade. The pre- and post-tests are due at 11:59 pm CST on the due date listed in the course schedule section of the syllabus.

Briefing-Discussion Memos (300 points)

Memos will be graded for completion and good faith effort. They do not have to be perfect, but there should be some demonstration of an effort to understand the course material correctly. Each memo will be examined for effort and completion and reduced three points for each missing or incomplete section. **All memos are due prior to the class in which we will discuss the content of the memo.**

- **Everyone is expected to complete the first assignment, due Tuesday, September 6, before class begins.** I, along with the class teaching assistant will provide feedback on this assignment to guide your future work. However, I will not provide feedback if you did not put forth the effort expected of a Briefing-Discussion Memo.
- In addition to the first memo, each student is required to complete nine additional Briefing-Discussion memos for a semester total of 10.
 - Of the 10 total memos, you must complete five prior to midterm. This means the first memo plus four additional memos of your choice.
 - Of the 10, the final five after the midterm, prior to the final exam.
 - If you are unsatisfied with your score on the memos (excluding the first) you may complete more than the required amount within the timeframe. I will simply take the highest scores.
- The memos must include the FIC of a FIRAC brief for each case listed on the syllabus schedule for that day. This component of this assignment is to help you learn how to organize and clarify Supreme Court decisions.
 - Additionally, you must (1) summarize how the cases fit together and (2) share your opinion on whether you think the justices decided the cases correctly. The goal of the discussion portion is to synthesize the case information and share your perspective.
- Memos are due at 9:00 am CDT on the day they are listed on the syllabus. That is, they must be completed and submitted before the lecture on that content is held. All memos must be uploaded as a PDF. Please see Late Work section of the syllabus if you fail to make this deadline.

Quizzes (100 points)

There will be four quizzes throughout the semester. These quizzes will serve as an assessment to ensure you are keeping up with course content between exams. Quizzes will take place on Moodle. They will be timed with closed navigation. Quizzes will be available for approximately one and a half days prior to the due date and time. For example, if the quiz is due at 11:59 pm CDT on Tuesday, it will be posted by Sunday evening, and if it is due Thursday by 11:59 pm CDT, it will be posted by Tuesday evening. Quizzes will consist primarily of true or false and multiple-choice with some short answer questions.

Exams (400 points)

The midterm exam for this class will mirror the Supreme Court's opinion writing process. Students will be assigned to a group by the instructor with approximately three to four other students (depending on class size) that will represent the Supreme Court. Prior to the week of the midterm exam workdays, each student will be provided a hypothetical Supreme Court case(s). Each student is expected to arrive on the first exam workday with notes prepared as to how the case should be decided. You will receive two workdays in total. The exams will be a collaborative effort and result in each group crafting a majority opinion. More details on midterm exam to follow as we approach the due date.

The final exam will be an individual assessment and will be due during the scheduled final exam time for the course. The exam will not be cumulative and will only cover material that was not on the midterm. More details on final exam to follow as we approach the end of the semester.

Final Paper (150 points)

This final paper will be based on your reading from Bach's "Ordinary Injustice" and how it relates to course concepts. This paper will consist of one or more prompts of questions you must answer. You will also be provided with a rubric so that the expectations of your responses are clear. More direction will be given on this later in the semester.

Honors Option

If you are interested in doing an honors option for this class, you must fill out the online form to declare it by the fourteenth day of class as required by LSU Ogden Honors College: <http://www.honors.lsu.edu/academics/faculty/teach-honors-courses/honors-option>

The honors option requirement for this class is to read an additional book related to the course material and write a paper about it. More details on the assignment and pre-selected books to choose from can be found on the Honors Option section of Moodle. If you encounter another book you are interested in and would like to propose I am open to it. If you have taken my other Constitutional Law course in the past, you are **not** allowed to use the same book and paper for this class and must do something different. **The paper is due by the day of the final exam by 11:59 pm.**

Grade Scale

LSU uses a letter plus minus grading scale. The **final minimum percentage needed** for each grade level is as follows: A+: 98, A: 94, A-: 91, B+ 88, B: 84, B-: 80, C+: 77, C: 73, C-: 70, D+: 67, D: 63, D-: 60, F: any value below 60%. Please do not email me at the end of the semester asking me to round your final grade. To be fair, I do not accept rounding appeals to ensure that all students have the same opportunities throughout the semester to earn points towards their final grade and late semester appeals are not fair to other students.

Grade Questions and Appeals

If you receive a grade and see that it contains an arithmetic error (i.e., I mis-calculated your grade), please inform me of the problem. If you have a question or concern about your performance on any course work, please also contact me. **All** concerns must be stated in writing (paper or email), beginning with a statement that concisely explains why you believe your grade should be altered.

All concerns, whether arithmetic or otherwise, must be raised within one week of that assignment/quiz's release to students. The one-week clock starts when grades are posted on Moodle or paper exams are distributed back to the class regardless of whether you were there to collect it or not. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

Late Work

Late Briefing-Discussion Memos will be dropped by three points each hour they are late. That is, if your memo due at 9:00 am CDT is handed in at 10:00 am CDT (one hour late), the highest possible grade you can receive is 27 points. You must plan in advance if extenuating circumstances make it impossible to take a quiz or exam. All due dates and times are in CDT Baton Rouge, LA time regardless of your current location.

COURSE POLICIES AND RESOURCES

You are solely responsible for your conduct in this course. This requires becoming knowledgeable and informing yourself of all relevant course, departmental, college, and university policies governing your behavior. This includes, but is not limited to, policies regarding academic integrity and plagiarism, accommodations for students with documented disabilities, religious holidays, student athlete travel, Covid-19 policies, and **all information and all policies related to this course outlined in this syllabus including the schedule and course Moodle page.**

Academic Integrity

Louisiana State University adopted the Commitment to Community in 1995 to set forth guidelines for student behavior both inside and outside of the classroom. The Commitment to Community charges students to maintain high standards of academic and personal integrity. All students are expected to read and be familiar with the LSU Code of Student Conduct and Commitment to Community, found at: <https://www.lsu.edu/saa/students/codeofconduct.php>. It is your responsibility as a student at LSU to know and understand the academic standards for our community.

Students who are suspected of violating the Code of Conduct will be referred to the office of Student Advocacy & Accountability. For undergraduate students, a first academic violation could result in a zero grade on the assignment or failing the class and disciplinary probation until graduation. For a second academic violation, the result could be suspension from LSU.

Academic Dishonesty and Plagiarism

Nearly everyone understands that copying passages verbatim from another writer's work and representing them as one's own work constitute plagiarism. Yet plagiarism involves much more. At LSU plagiarism is defined to include any use of another's work and submitting that work as one's own. This means not only copying passages of writing or direct quotations but also paraphrasing or using structure or ideas without citation. Learning how to paraphrase and when and how to cite is an essential step in maintaining academic integrity. Written assignments for this class will be subject to review by plagiarism detection software. Incidents of dishonesty may also be reported to the Department or University, which can result in further disciplinary action. On your briefing-discussion memos I expect this to be in your own words and not the words of Epstein et al. I do not want to see that you can copy from the book. You must demonstrate your own understanding of this material. I understand certain terms like "cruel and unusual punishment" must be used and are unavoidable, but other content must be yours, and yours alone.

Regarding group work, all work must be completed without assistance unless explicit permission for group or partner work is given by the faculty member. This is critical so that I can assess your performance on each assignment. If a group/partner project is assigned, the student may still have individual work to complete. Read the syllabus and assignment directions carefully. You might have a project with group work and a follow up report that is independently written. When in doubt, e-mail the member or ask during a class session. Seeking clarification is your responsibility as a student. Assuming group/partner work is okay without permission constitutes a violation of the LSU Code of Student Conduct.

WORD OF WARNING: There are several online resources that that summarize the facts of the case, the main issue, and decision. I strongly recommend that you DO NOT VISIT these websites and do not use information from these sources to for coursework. Everything you submit in this class as your own work needs to be your own work. If you take information from these websites without attribution that is plagiarism and a violation of university policies. And since you aren't supposed to be visiting these sources, you should not be citing them to begin with.

If you are ever confused about what is and is not plagiarism, I am happy to discuss it with you, especially if it avoids you accidentally plagiarizing. Additionally, Indiana University has a helpful plagiarism tutorial that I encourage you to look at if you are ever confused in this class or any other: <https://plagiarism.iu.edu/tutorials/task2/index.html>

Course Communication

Class announcements will be sent via email on Moodle. I try to start and end each class with a review of where we've been, and announcements of where we are headed with any due dates in the coming weeks (I will become a broken record).

If you need to schedule a meeting outside of office hours, have questions regarding course material, or other topics, please feel free email me. When emailing, please include "POLI 4000 Section 002:" as the first part of the subject line. This is ***incredibly important*** because I am teaching two sections of POLI 4000 this semester and therefore I have my email sorted into folders for each class. If you do not include this information, I may not see your email. Also, for me to reply, you must also include your first and last name in the text of the email so that I know who I am responding to, and I can properly address you. Some of your names are different from your emails or not clearly apparent from your email address. **If you have questions regarding due dates or reading assignments consult the syllabus or a classmate.** I am not saying this to be rude but (1) I promise you will find your answer sooner, and (2) if everyone emails me about a question that can be answered by the syllabus I will be overwhelmed with emails. Considering I receive these emails anyway, I am sure you can imagine how many student emails I receive each day.

Please email me via Outlook. Moodle mail often goes to my spam folder, and I do not see it. During the week I will typically answer emails within 24 hours unless the syllabus states I am out of town for a conference or talk. I do not check email as regularly on the weekend so it will usually take 48 hours.

As mentioned, you will be submitting assignments, taking quizzes, and taking examinations in person and via Moodle. For assignments submitted on Moodle, you are responsible for giving yourself enough time to do so. If you encounter complications with Moodle, contact them first. If the issue remains unresolved after contacting them, then you can email me, but you must provide proof of your communication with Moodle first.

Accommodations for Students with Disabilities

Louisiana State University is committed to providing reasonable accommodations for all persons with disabilities. The syllabus is available in alternate formats upon request if necessary. All syllabi and Louisiana State University are required to be compliant with the Americans with Disabilities Act.

If you have already made accommodation arrangements, please inform me of your needs at the beginning of the course and present me with your accommodations form. If you need to request accommodations under the Americans with Disabilities Act, you may do so by contacting Disability Services in 115 Johnston Hall. Their phone number is 225-578-5919 and website is: <https://www.lsu.edu/disability/index.php>. I honor all accommodations from when the disability is registered forward. I am unable honor retroactive accommodations.

Other Accommodations

I recognize that although all of you are students you have a life outside of the classroom and oftentimes things going on in your personal life can complicate your work as a student, particularly during these challenging times. LSU has resources like LSU Cares to help during these difficult times. You can reach out to them through by calling 225-578-4307. You can also visit their website at: <https://www.lsu.edu/saa/lsu-cares/index.php>. If you do not feel comfortable doing this yourself, please let me know. I am happy to submit a form to the Cares team on your behalf to get in touch with you and connect you with different resources and assistance.

If your mental health is suffering, I encourage you to reach out to LSU Mental Health Services. You can find numerous resources on their website: <https://www.lsu.edu/shc/mental-health/mhshome.php>, including booking for future appointments, their 24-hour hotline for crisis and support, which is available at 225-924-LSU1 (5781) and will connect you with a professional counselor. If you would like to visit the Student Health Center in person for your mental or physical health, you can find it on the corner of Infirmary Lane and West Chimes St. across from the School of Music.

Whatever your issue is, if it is interfering with your class attendance and/or work, please let me know **AS SOON AS POSSIBLE**. As an instructor, it is so frustrating to learn during finals week that a student was struggling with a sick parent, no vehicle, health issues, or whatever the problem may have been that caused them to fall behind during the semester. At that point there is very little I can do because I have due dates that the college and university set for grades. As someone who struggled with a very sick family member during college, I know you may not want to share all your personal information with me. That is ok, you do not have to. I just need to know that something is going on and we can arrange a way to make sure class works for you so you can still perform to the best of your ability.

Title IX: Protections for Students Experiencing Pregnancy and/or Sexual Misconduct

Louisiana State University recognizes the inherent dignity of all individuals and promotes respect for all people. In accordance with Title IX, LSU prohibits sex-based discrimination, including discrimination toward pregnant students. Title IX provides protections greater than PS-22 for pregnancy related absences. If you are an expecting student, you may contact a pregnancy advocate to answer questions and guide you throughout your pregnancy.

As faculty, we want to support your academic career amidst the life challenges that often occur for students. Most conversations with you are 100% confidential by law—we cannot disclose anything about your academic record outside usual administrative channels (e.g. grades, disciplinary issues) without your permission.

However, please know that I, as an instructor, am not a confidential source and am required to report the Title IX Coordinator concerns regarding sexual misconduct, harassment, or domestic abuse shared with me. If you are experiencing or have experienced sexual misconduct, including sexual harassment, there are resources available for reporting, assistance, and support. <https://www.lsu.edu/studentaffairs/sexualmisconduct.php>

After a report, the university is required to contact you for more information. Please know you are not required to give more info if you would prefer not to do so. But if you're willing and able, I encourage you to report any harm you've experienced or learned about to seek justice, to protect you, and to protect the broader campus community. Please know that I am more than willing to help if you share your experience with me. I will direct you to the appropriate LSU professionals & resources, with or without details.

Sadly, gendered violence and harassment are common on college campuses and beyond. If this happens to you, please know it is not your fault. I hope you will seek whatever support you need from friends, family, and professional resources.

Writing Center

As you can see from this syllabus, large portions of your grade are based on your writing. Check out LSU's writing center and one-on-one writing tutoring for improving your written work in classes.

<https://www.lsu.edu/academicaffairs/cxc/writing.php>

Diversity Statement

The pledge of LSU is to establish an intellectually diverse environment and an educational experience designed to cope with and improve an interconnected, modern world.

Through its students, faculty, curriculum, and culture, the school will create, maintain and support a supportive climate for learning and working among faculty, students and staff who are diverse with respect to race, ethnicity, national origin, gender, sexual orientation, gender identity/expression, age, spirituality, socio-economic status, disability, family status, experiences, opinions, and ideas.

STUDENTS: We will develop a diverse student body that brings a broad range of backgrounds, goals, points of view, and learning objectives to the program.

FACULTY: We will actively seek out, hire, and support a faculty with strong academic and professional credentials with an emphasis on diversity.

CURRICULUM: We will facilitate conversations about diversity both inside and outside the classroom to further an understanding and tolerance among students, faculty and staff.

CULTURE: We will establish a culture of diversity to supplement and inform the LSU curriculum and personnel.

Classroom Recording and Materials

If you wish to record classroom lectures you must ask the instructor for permission prior to doing so. Lectures and course materials (including but not limited to presentations, exams, quizzes, outlines, lecture notes, reading prompts, etc.) All course materials are protected by U.S. copyright law and by university policy. I am the exclusive owner of the copyright in those materials I create. You may take notes and make copies of course materials for your own use. You may also share those materials with another student who is registered and enrolled in this course. **You may not reproduce, distribute or display (post/upload) course materials without my express written consent.** You also may not allow others to do so. This includes, but is not limited to, sharing any course-related material with online social-study sites like Course Hero, Quizlet, Koofers, and other related services. Dissemination of classroom content without permission to do so is strictly prohibited and subject to academic disciplinary actions.

Attendance

I have no attendance policy. Covid-19 and other circumstances made it much too difficult to keep up with the emails and everything that went along with it. I am hopeful, yet do not know where the semester may take us, so I will continue with no attendance policy. **Coming to class is important.** This material is difficult to learn on your own and you should have an opportunity to ask questions and carry on discussions with your classmates, which will aid your learning. For the sake of your own success, I **STRONGLY** encourage you to come to class every meeting and be prepared with questions. I am sure it comes as no surprise that students who regularly attended my class do significantly better than their classmates. Furthermore, because I do not have an attendance policy if you are feeling unwell but not sick enough to go to the doctor, missing class for pre-scheduled doctor's appointments, classes missed because of work/volunteering/interviews, missing class because you got stuck behind a train or could not find parking (although I do sympathize), as well as the days you simply do not want to come to class that is your prerogative. Please do not email me asking to be "excused" for any of these reasons unless it is for reasons discussed in the Other Accommodations section. I do not have an attendance policy.

SCHEDULE OF TOPICS, READINGS, AND ASSIGNMENTS

I expect to follow this schedule closely. Although I do not anticipate needing to, I reserve the right to modify the syllabus and course schedule as necessary (e.g., we fall behind, a severe weather event, etc.). All changes (if any) will be announced on Moodle via email. As you work your way through the schedule, please make sure to account for all readings listed for that day so that you are prepared for class. Some days may fall on the bottom of one page and the beginning of another. It is your responsibility to ensure you have read and briefed all the material for each class period.

* Designates that the reading is on Moodle

Please note the following important dates from the registrar's office:

- Tuesday, August 30: Final drop date without a "W" grade
- Wednesday, August 31: Final add date
- Tuesday, October 18: Mid-semester grades due
- Friday, November 4: Final drop date and final date to reschedule a final exam

PART I: INTRODUCTION & INCORPORATION

Tuesday, August 23: Course Introduction

- Syllabus
- Introduction to Criminal Rights
 - B&B Ch. 1 Pgs. 1-7*

- Appeals
 - S&W Ch. 13 pgs. 364-370, 382-384*

Thursday, August 25: Intro to the U.S. Supreme Court

- SCOTUS
 - EM&W Ch. 1 pgs. 11-44

Tuesday, August 30: Judicial Opinions

PRE-TEST DUE AT 11:59 PM

- Opinion Writing
 - Maltzman, Spriggs, and Wahlbeck (2000) – *Crafting Law on the Supreme Court: The Collegial Game**
- Reading Opinions
 - Kerr – How to Read a Legal Opinion: A Guide for New Law Students*

Thursday, September 1: Understanding Opinions Judicial Review

- FIRAC Introduction*
- Judicial Review
 - EM&W Ch. 2 pgs. 45-54
 - *Marbury v. Madison*

Tuesday, September 6: Incorporation of the Bill of Rights

- Background on Application of the Bill of Rights to the States
 - Cherminsky Ch. 6 pgs. 537-554*
- Initial Attempts & Fundamental Rights Analysis
 - EM&W Ch. 3 pgs. 67-68, 70-76, 78-87
 - *Hurtado v. California*
 - *Duncan v. Louisiana*
- FIRST BRIEFING MEMO DUE AT 9:00 AM CDT

PART II: THE FOURTH AMENDMENT

Thursday, September 8: Introduction to Criminal Rights & Non-Physical Searches

RECORDED CLASS DUE TO INVITED TALK

- Introduction to the Fourth Amendment
 - B&B Ch. 1 pgs. 22-31*
- Non-Physical Searches
 - EM&W Ch. 11 pgs. 397-411 & Moodle
 - *Katz v. United States*
 - *California v. Ciarolo**

Tuesday, September 13: Non-Physical Searches Contd.

- The Use of Technology
 - EM&W Moodle
 - *Kyllo v. United States**
 - *United States v. Jones**

Thursday, September 15: Catch-Up

ONLINE CLASS DUE TO APSA

QUIZ #1 DUE AT 11:59 PM

- Catch-up if we are behind

Tuesday, September 20: High-Tech Searches

- Electronic Surveillance and Searches of Computers
 - B&B Ch. 11 pgs. 361-366*
- Searches of Cellular Phones
 - EM&W Ch. 11 pgs. 414-418 & Moodle
 - *Riley v. California**
 - *Carpenter v. United States*

Thursday, September 22: Searches of the Home

- Probable Cause
 - B&B Ch. 3 pgs. 45-51*
- Search Warrants & Plain View
 - B&B Ch. 5 pgs. 121-128*
- Home Searches
 - EM&W Ch. 11 pgs. 418-422 & Moodle
 - *Chimel v. California**
 - *Illinois v. Gates*

Tuesday, September 27: Searches of the Home Continued

- Plain View
 - B&B Ch. 6 pgs. 184-186*
- Home Exceptions
 - EM&W Ch. 11 pgs. 410-414 & Moodle
 - *Georgia v. Randolph**
 - *Florida v. Jardines*

Thursday, September 29: Searches in the Administrative State

- Administrative Searches
 - B&B Ch. 4 pgs. 103-109*
- Work and School
 - EM&W Ch. 11 pgs. 426-434 & Moodle
 - *National Treasury Employees Union v. Von Raab**
 - *Board of Education No. 92 of Pottawatomie City v. Earls**
 - *Safford Unified School District No. 1 v. Redding*

Tuesday, October 4: Stop and Frisk

- Reasonable Suspicion & Plain Feel
 - B&B Ch. 4 pgs. 70-80*
- Stop and Frisk
 - EM&W Ch. 11 pgs. 422-426 & Moodle
 - *Terry v. Ohio*
 - *Illinois v. Wardlow**
 - *Minnesota v. Dickerson**

Thursday, October 6: Searches of Automobiles

- Exceptions that Require Probable Cause
 - B&B Ch. 6 pgs. 154-158, 164-167*
- Searches of Automobiles
 - EM&W Moodle *
 - *Carroll v. United States**
 - *California v. Acevedo**
 - *Arizona v. Gant**

Tuesday, October 11: The Exclusionary Rule

QUIZ #2 DUE AT 11:59 PM

- The Rationale of the Exclusionary Rule
 - B&B Ch. 7 pgs. 195-204*
- Good Faith Exceptions
 - B&B Ch. 7 pgs. 231-234*
- Exclusionary Rule
 - EM&W Ch. 11 pgs. 433-446
 - *Mapp v. Ohio*
 - *U.S. v. Leon*
 - *Hudson v. Michigan*

Thursday, October 13 – NO CLASS FALL BREAK

Tuesday, October 18 – MIDTERM WORKDAY

Thursday, October 20 – MIDTERM WORKDAY

PART III: THE FIFTH AMENDMENT

Tuesday, October 25: Self-Incrimination

MIDTERM EXAM DUE AT 11:59 PM

- Voluntariness Standard
 - B&B Ch. 8 pgs. 249-252*
- *Miranda* & Custody
 - B&B Ch. 9 pgs. 261-266*
- Adequacy of Warnings
 - B&B Ch. 9 pgs. 286-288*
- Self-Incrimination
 - EM&W Ch. Ch. 11 pgs. 446-456
 - *Escobedo v. Illinois*
 - *Miranda v. Arizona*

Thursday, October 27: Self-Incrimination Continued

- Interrogation
 - B&B Ch. 9 pgs. 274-277*
- Waiver of *Miranda*
 - B&B Ch. 9 pgs. 291-295, 303-307*
- Requirements for Trial
 - B&B Ch. 9 pg. 328*
- Interrogations and Confessions
 - EM&W Ch. 11 pgs. 456-461 & Moodle
 - *Rhode Island v. Innis**
 - *Arizona v. Fulminante**
 - *Missouri v. Seibert*

PART IV: THE SIXTH AMENDMENT

Tuesday, November 1: Right to Counsel

- What Constitutes a Right to Counsel?

- S&W Ch. 11 pgs. 257-269*
- The *Massiah* Doctrine
 - B&B Ch. 10 pgs. 329-335*
- Right to Counsel
 - EM&W Ch. 12 pgs. 463-473 & Moodle
 - *Powell v. Alabama*
 - *Gideon v. Wainwright*
 - *Indiana v. Edwards**

Thursday, November 3: Right to Counsel Continued

- Effective Counsel
 - S&W Ch. 11 pgs. 269-285*
- Effective and Appellate Counsel and Self-Representation
 - EM&W Moodle
 - *Alabama v. Shelton**
 - *Douglas v. California**
 - *Rompilla v. Beard**

Tuesday, November 8: Pre-Trial Activities

QUIZ #3 DUE AT 11:59 PM

- Concept of Plea Bargaining
 - S&W Ch. 7 pgs. 129-138, 143-151, 156-157*
- Bail & Plea Bargains
 - EM&W Moodle
 - *United States v. Salerno**
 - *Missouri v. Frye**
 - *Bordenkircher v. Hayes**

Thursday, November 10: Fair Trials - Juries

- Jury Selection
 - S&W Ch. 8 pgs. 167-189*
- Problems with Juries
 - EM&W Ch. 12 pgs. 473-492 & Moodle
 - *Batson v. Kentucky*
 - *Sheppard v. Maxwell*
 - *Burch v. Louisiana**

PART V: THE EIGHTH AMENDMENT

Tuesday, November 15: Fair Trials – Evidence and Witnesses

- Evidence Disclosure (Discovery)
 - S&W Ch. 6 pgs. 83-92*
- Evidence and Witnesses
 - EM&W Moodle
 - *Brady v. Maryland**
 - *Gall v. United States**
 - *Davis v. Washington/Harmon v. Indiana**

Thursday, November 17: Sentencing and Double Jeopardy

- Double Jeopardy
 - S&W Ch. 9 pgs. 205-212
- Sentencing

- S&W Ch. 12 pgs. 309-318, 340-347
- Sentencing and Double Jeopardy
 - EM&W Moodle
 - *Blakely v. Washington**
 - *Gall v. United States**
 - *Kansas v. Hendricks**

Tuesday, November 22: Capital Punishment

- Sentencing and Death
 - S&W Ch. 12 pgs. 347-350*
- Death Penalty
 - EM&W Ch. 11 pgs. 492-502
 - *Furman v. Georgia**
 - *Gregg v. Georgia*

Thursday, November 24 – NO CLASS THANKSGIVING

Tuesday, November 29: Capital Punishment Continued

POST-TEST DUE AT 11:59 PM

QUIZ #4 DUE AT 11:59 PM

- Death Penalty by the Numbers
 - Gross et al. (2014) – *Rate of false conviction of criminal defendants who are sentenced to death**
- Other Death Penalty Considerations
 - EM&W Ch. 11 pgs. 502-514
 - *Locket v. Ohio**
 - *McKlesky v. Kemp**
 - *Atkins v. Virginia*

Tuesday, December 1 – MIDTERM EXAM REVIEW DAY

FINAL PAPER DUE AT 11:59 PM

Thursday, December 8 – FINAL EXAM 12:30 – 2:30 in 206 Williams Hall

HONORS OPTION DUE AT 11:59 PM