TEXT  Samaha, Joel (7th Edition)  Criminal Procedure, West Publishing Co

OBJECTIVES
- Provide a working knowledge of the procedural as well as substantive criminal law
- Focus on the concepts of due process and fundamental fairness
- Gain an understanding of the public policy considerations underlying the substantive criminal law and the manner in which such policies are effectuated through criminal procedural requirements
- Study specific procedural law issue/requirements, including right to counsel, exclusionary rule; search warrant; permissible warrantless searches; stop and frisk, entrapment, wiretapping, confessions, lineups, jury selection, voir dire, negotiated pleas, post conviction relief

EXAMS  There will be three (3) non-cumulative exams covering material from the Texts, lecture and discussion.
ORAL PRESENTATIONS: Students will be responsible for leading one or more class discussions on a selected case during each class session. The discussion will focus on the facts of the case, the Court’s decision, rule of law, and the underlying public policy. Assignments will be made during the first class meeting.

PREPARATION AND CLASS PARTICIPATION: The assigned readings are the basis of discussion for each class session. Students are expected to have read the assigned material before class. Active participation is expected in all class discussions, including the discussions led by fellow students. Solid preparation and participation will result in an improved grade.

GRADING:

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The final grade will be assigned based upon the following scale:

A = 90-100  C = 70-74.9
B+ = 85-89.9  D = 60-69.9
B = 80-84.9  F = below 60
C+ = 74-79.9

MAKE-UP EXAM: The administration of make-up exams will be contingent upon a legitimate excuse: i.e., illness, family death, unexpected Emergency situation, presented prior to the test period in most cases. The make-up will be given IMMEDIATELY upon termination of the condition that caused the student to miss the original exam. Failure to take the make-up as scheduled will result in a grade of zero. Note that there is no RIGHT to take a make-up; it is a PRIVILEGE permitted only under extenuating circumstances at the discretion of the professor.

ATTENDANCE: Attendance is essential to success in academic courses. Since the exams are composed of class lecture, reading material and oral presentations, it would benefit the student to maintain a consistent attendance pattern. Class attendance will be recorded to assist with borderline grades. Given the size of this class, attendance will not be taken.
LATENESS: It is essential that you arrive on time for the beginning of the class. The instructor will exclude persistent latecomers. On the day of a test, any late arrivals will result in a ½ letter grade deduction from the test.

CHEATING: You are expected to do your work. Sanctions for cheating and Plagiarism will be levied in accordance with the University Policy on Academic Integrity. You should familiarize yourself with this policy which can be accessed at www.Rutgers.edu/catalog/nb-ug.html. Suspected cases of Policy violations will be reported to the Department Chair and to the appropriate Dean.

LATE SUBMISSIONS: It is essential that all requirements be completed on the date specified by the Professor. Failure to follow the schedule will result in a deduction of a letter grade from the assignment and additional letter grades deducted from the assignment and letter grades deducted for each subsequent 24 hour period.

SPECIAL ACCOMMODATIONS: Students with disabilities who need special accommodations for this class are encouraged to meet with me or the appropriate disability service provider on campus as soon as possible. In order to receive accommodations, students must be registered with the appropriate disability service provider on campus and must follow the University procedure for self-disclosure. Students will not be afforded any special accommodations for academic work completed prior to disclosure of the disability and completion of the registration process with the appropriate disability service provider on campus.
CRIMINAL PROCEDURE
01:202:205

COURSE OUTLINE AND ASSIGNMENTS

Jan. 18:  Introduction: Course requirements; overview of criminal procedure. What it is and how it differs from substantive criminal law, judicial administration and other aspects of constitutional law. Discussion of the concept of due process and fundamental fairness.

Jan. 27  Chap. 2: Criminal Procedure and the Constitution
Feb. 1, 3:  Chap. 3: The Definition of Search and Seizures
Feb. 8, 10 Chap. 4: Stop and Frisk
Feb. 15:  EXAM #1 (CHAPTERS 1-4)
Feb. 17, 22 Chap. 5: Seizures of Persons: Arrest
Feb. 24  Chap. 6: Searches for Evidence
Mar. 3, 8, 10: Chap. 7: Special Needs Searches
Mar. 15, 17: SPRING BREAK, NO CLASSES
Mar. 22:  EXAM #2 (CHAPTERS 5, 6, 7)
Mar. 24, 29 Chap. 8  Self-Incrimination
March 31:  Chap. 9: Identification Procedures
Apr. 5:  Chap. 10: Remedies for Constitutional Violations I: Exclusionary Rule and Entrapment
Apr. 7:  Chap. 11: Constitutional Violations II: Other Remedies Against Official Misconduct
Apr. 12:  Chap. 12: Proceedings I: Before Trial
Apr. 14  Chap. 13: Court Proceedings II: Trial and Conviction
Apr. 19: Chap. 14: After Conviction

Apr. 21, 26: Chap. 15: Criminal Procedure in Crisis Time

Apr. 28: REVIEW

May 3: EXAM #3 (CHAPTERS 9-15)
KEY AMENDMENTS TO THE CONSTITUTION
AFFECTING THE JUDICIAL PROCESS

THE FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

THE FIFTH AMENDMENT

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

THE SIXTH AMENDMENT

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

THE EIGHT AMENDMENT

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
## CASES: CJ 205 CRIMINAL PROCEDURE

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Chapter 4 (continued)
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People v Courtney

US v McCargo

Minnesota v Dickerson

Maryland v Wilson

US v Montoya de Hernandez

Michigan v Sitz

CHAPTER 5

Draper v US

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Tenn v Garner

Graham v Connor

Kuha v City of Minnetonka

Atwater v City of Lago Vista

CHAPTER 6

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US v Banks

Chimel v Cal

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CHAPTER 9
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CHAPTER 10
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Gideon v Wainwright

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CHAPTER 14
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Blakely v Washington

CHAPTER 15
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