
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:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Exam #1</td>
<td>30%</td>
</tr>
<tr>
<td>Exam #2</td>
<td>30%</td>
</tr>
<tr>
<td>Exam #3</td>
<td>30%</td>
</tr>
<tr>
<td>Oral presentation</td>
<td>7.5%</td>
</tr>
<tr>
<td>Class participation</td>
<td>2.5%</td>
</tr>
</tbody>
</table>

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

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

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,
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

June 1: **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.

Chap. I: Crime Control in a Constitutional Democracy

June 6: Chap. 2: Criminal Procedure and the Constitution

Chap. 3: The Definition of Search and Seizures

June 8: Chap. 4: Stop and Frisk

June 13: **EXAM #1 (CHAPTERS 1-4)**

Chap. 5: Seizures of Persons: Arrest

June 15: Chap. 6: Searches for Evidence

June 20: Chap. 7: Special Needs Searches

June 22: **EXAM #2 (CHAPTERS 5, 6, 7)**

June 27: Chap. 8 Self-Incrimination

Chap. 9: Identification Procedures

Chap. 10: Remedies for Constitutional Violations I: Exclusionary Rule and Entrapment

Chap. 11: Constitutional Violations II: Other Remedies Against Official Misconduct

June 29: Chap. 12: Proceedings I: Before Trial

Chap. 13: Court Proceedings II: Trial and Conviction

Chap. 14: After Conviction
Chap. 15: Criminal Procedure in Crisis Time

July 4: Holiday

July 6: **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 he 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

<table>
<thead>
<tr>
<th>CASE</th>
<th>STUDENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHAPTER 2</strong></td>
<td></td>
</tr>
<tr>
<td>Powell v Alabama (Scottsboro Boys)</td>
<td></td>
</tr>
<tr>
<td>Brown v Mississippi</td>
<td></td>
</tr>
<tr>
<td>Rochin v Cal</td>
<td></td>
</tr>
<tr>
<td>US v Armstrong</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 3</strong></td>
<td></td>
</tr>
<tr>
<td>Katz v US</td>
<td></td>
</tr>
<tr>
<td>US v White</td>
<td></td>
</tr>
<tr>
<td>US v Kyllo</td>
<td></td>
</tr>
<tr>
<td>California v Greenwood</td>
<td></td>
</tr>
<tr>
<td>Illinois v Caballes</td>
<td></td>
</tr>
<tr>
<td>Cal v Hodari D</td>
<td></td>
</tr>
<tr>
<td><strong>CHAPTER 4</strong></td>
<td></td>
</tr>
<tr>
<td>Terry v Ohio</td>
<td></td>
</tr>
<tr>
<td>Adams v Williams</td>
<td></td>
</tr>
<tr>
<td>US v Cortez</td>
<td></td>
</tr>
<tr>
<td>Florida v J. L.</td>
<td></td>
</tr>
<tr>
<td>Illinois v Wardlow</td>
<td></td>
</tr>
<tr>
<td>US v Brignoni-Ponce</td>
<td></td>
</tr>
<tr>
<td>US v Sokolow</td>
<td></td>
</tr>
</tbody>
</table>
Chapter 4 (continued)

US v Sharpe and Savage

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

US v Watson

Payton v NY

Tenn v Garner

Graham v Connor

Kuha v City of Minnetonka

Atwater v City of Lago Vista

CHAPTER 6

Wilson v Arkansas

US v Banks

Chimel v Cal

NY v Belton

Knowles v Idaho
Whren v US

Chapter 6 (continued)

Schneckloth v Bustamonte

US v Rodney

US v Gray

Illinois v Rodriguez

Caroll v US (p. 231)

Wyoming v Houghton

CHAPTER 7

Colorado v Bertine

Mary Beth G v City of Chicago

Samson v California

NJ v T. L. O. (p. 261)

Bd of Ed of Ind.S.D. 92 of Pottawatomie County

Commonwealth v Neilson

CHAPTER 8

Schmerber v Cal

Miranda v Ariz

Berkemer Sherrif of Franklin County v McCarty

NY v Quarles (p. 293)

Brewer v Williams

N.C. v Butler

Moran v Burbine
Colorado v Connelly

CHAPTER 9

Manson v Brathwaite

CHAPTER 10

Mapp v Ohio
US v Leon
Arizona v Evans
Jacobson v US

CHAPTER II

Anderson v Creighton
Pinder v Johnson

CHAPTER 12

County of Riverside v McLaughlin
US v Salerno
Bell v Wolfish
Gideon v Wainwright

CHAPTER 13

Ballew v Geo
Lockhart v McCree
NC v Alford

CHAPTER 14

Ewing v California
Blakely v Washington