

Criminal Procedure CJL 4410 (online)

Instructor: Joseph W. Rivera, JD PhD

Office Hours: Turlington 3331 MWF 2:00 PM—3:00 PM

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Text and Required Materials:

1. Criminal Procedure (CP), 4th Edition by Matthew Lippman

Optional Text Materials:

2. The Devil’s Advocates, by Michael Lief and H. Mitchell Caldwell

Course Description:

In this course we will cover: the basic foundations of criminal procedural law, to include the application of the US Constitution, the effect and influence of judicial decision makers, and the role of Stare Decisis in the law. We will also cover issues regarding: Fourth Amendment searches and seizures of persons and property; the use and legality of police tactics, such as stop and frisk and interrogations; the legal requirements for reasonable suspicion and probable cause; the level of scientific reliability and the constitutional requirements for evidence presented in a court; the initiation of the legal process, plea bargains, and pretrial procedures and rights; and the procedural requirements and rights during the trial.

Course Objectives:

After taking this course, students should be able to explain the sources of criminal procedural law, the application of the law to them, and the legal limits of their own behavior and the behavior of the police. Students should also be able to explain how these constitutional requirements play into the admissibility of evidence, the basis behind plea bargains, and the function of the trial process to seek the truth.

Course Content/Outline:

| Lessons | Dates | Read | Class Description |
|-------------------------|----------------|--------------------|---|
| Module 1 | Aug. 22—25 | CP 1 | Introduction to Criminal Procedure |
| Module 2 | Aug. 26—Sep. 1 | CP 2 | Sources of Criminal Procedure/ Quiz 1 |
| Module 3 | Sep. 2—8 | CP 3, pgs. 57—82 | Searches and Seizures/ Quiz 2 |
| EXAM 1— Sep. 6—8 | | | |
| Module 4 | Sep. 9—15 | CP 4 | Stop and Frisk |
| Module 5 | Sep. 16—22 | CP 5 | Probable Cause and Arrests/ Quiz 3 |
| Module 6 | Sep. 23—Oct. 6 | CP 6 | Searches and Seizures of Property/ Quiz 4 |
| EXAM 2— Oct. 4—6 | | | |
| Module 7 | Oct. 7—13 | CP 10 | The Exclusionary Rule and Entrapment |
| Module 8 | Oct. 14—27 | CP 8, pgs. 474—481 | Police Interrogations, Miranda, and the Right to Counsel/ Quiz 5 |
| Module 9 | Oct. 28—Nov. 3 | CP 9 | Eyewitness and Scientific Identifications/ Quiz 6 |
| EXAM 3— Nov. 1—3 | | | |

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| Module 10 | Nov. 4—10 | CP 12 | The Initiation of the Legal Process |
| Module 11 | Nov. 11—23 | CP 13 | The Pretrial and Trial Process |
| EXAM 4 — Dec. 1—3 (The final exam is cumulative!) | | | |

Grading:

- **Discussions—30%.** There will be 13 discussions that are graded; so, each will be worth ~ 2.3% points.
- **Quizzes—10%.** There are 6 quizzes, and each quiz will be worth 1.67% of your grade.
- **Activities—30%.** There are 4 group activities, and each will be worth 7.5% of your grade.
- **Exams—30%.** There are 4 exams, and each exam will be worth 7.5%.

This course uses a +/- grading scale:

- A = 94 +
- A - = 90—93
- B + = 87—89
- B = 83—86
- B - = 80-82
- C + = 77—79
- C = 73—76
- C - = 70—72
- D + = 67—69
- D = 63—66
- D - = 60—62
- E = 59 and below

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|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| AUG | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| SEP | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| | 29 | 30 | | | | | |
| OCT | | | 1 | 2 | 3 | 4 | 5 |
| | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| | 27 | 28 | 29 | 30 | 31 | | |
| NOV | | | | | | 1 | 2 |
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| | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| DEC | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | 8 | 9 | 10 | 11 | 12 | 13 | 14 |

Discussions:

In your reading assignments, you will be directed to read specific legal cases. As such, in order to answer the questions presented in the discussions, you must read the cases and chapters that you are assigned. Some cases are not in the textbook; so, be prepared to read the entire cases online, such as through Google Scholar, unless they are provided for you on Canvas. In order to earn full credit on the discussions, you must do the following three things:

1. **Discuss each of the questions asked in a way that makes it clear to me you understand the material.** (4 points) To do this, I want you to make a point about something directly from the text for each of the questions I ask. Don't just state a vague opinion you've derived from previous classes or outside resources. State your opinion on where you stand and why you think that supports your opinion. This is more art than science, but you should try your best to make a point that makes me, or even your classmates, go "hmm, that was insightful. Thanks for sharing," in a non-sarcastic way.
2. **Cite the page from the textbook** (Criminal Procedure (CP), 4th Edition by Matthew Lippman) **where you derived your opinion.** (2 point) You don't have to give me a full APA citation. This isn't a writing course, but citing the page directly helps me check your work. It's also another indicator to me that you've read.
3. **Make several posts.** (4 points) For each discussion forum you must post at least one original thread, and you must post at least twice within the same discussion forum (2 point) on separate days of the week (2 point). So, if the module is open for two days, you must post at least once on each day. Your other post(s) within the same discussion can be

a response to another student's thread or you can post a second original thread.

Quizzes:

You will receive two attempts to take each quiz. All the quizzes will be on Canvas. The questions will be different each time, but this is to give you the opportunity to improve your grade by giving you time to go back and study the material. **YOU WILL NOT BE GIVEN THE CORRECT ANSWERS.** So, you need to know what material and questions you felt less familiar with and focus on that to study before your second attempt. If you have specific questions about what you got wrong or about material you did not understand, you can post in the general discussion for course questions or email the instructor.

Activities:

There will be four course activities. A link to the activity will be provided at the beginning of each module section (Module 1, 4, 7, and 10). You will have the entire time over the course of the module section to complete the activities. Activity 1 will be an individual assignment. However, activities 2, 3, & 4 will be group assignments. Exact due dates will be available on Canvas. The first activity will be a case brief. You will be given a link to a case, which you must read, attempt to understand, and summarize **IN YOUR OWN WORDS.** Do not copy case briefs that can be found online. This will constitute plagiarism, and you will receive a failing grade for the course. The next three activities will try to force you to think and write like a lawyer. You will be given a fact scenario, which you must read and try to spot the various legal issues we have discussed during the course. You will be allowed to work and submit this activity as a part of a group. Each activity will focus on the law we covered in class during the current module section. You will be required to discuss the relevant case law and how it applies to the given facts. The exact details and grading instructions will be available on the assignment and on Canvas. If you have specific questions about the activity you did not understand, you can post in the general discussion for course questions or email the instructor.

Exams:

You will only get one attempt to take the exam. You will need to download and install Respondus Lockdown Browser. A link to that software will be made available on Canvas. Just go to the home page and click on the "start here" button. Again, after you submit your exam, **YOU WILL NOT BE GIVEN THE CORRECT ANSWERS.** So, you need to know what material and questions you felt less familiar with when taking the quizzes and focus on that to study before you take the exam. If you have specific questions about what you got wrong or about material you did not understand on the exam, you can post in the general discussion for course questions or email the instructor. Exam one to three will be based on the material in the three modules which preceded it; however, **exam four will be cumulative.**

Attendance Policy:

If a student misses **two or more** modules (without a valid excuse) I may prohibit further attendance and subsequently assign a failing grade for excessive absences.

Make-up Work Policy:

All make-up work is the student's responsibility! If you know you may miss a class, let me know as soon as possible. Without appropriate documentation, class assignments cannot be made up.

Classroom Rules of Conduct:

I have the primary responsibility for control over class behavior and may order temporary removal or exclusion of students from the discussions who disrupt the class or who violate the general policies of the College. Disruptive conduct shall include, but is not limited to, any offensive or rude behavior directed

toward the instructor or other students during the discussion forums.

Cheating:

In adopting this Honor Code, the students of the University of Florida recognize that academic honesty and integrity are fundamental values of the University community. Students who enroll at the University commit to holding themselves and their peers to the high standard of honor required by the Honor Code. Any individual who becomes aware of a violation of the Honor Code is bound by honor to take corrective action.

The Honor Pledge:

We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment."

Disabilities:

The University of Florida is committed to providing academic accommodations for students with disabilities. Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, a student should present his/her accommodation letter to me supporting a request for accommodations. The University encourages students with disabilities to follow these procedures as early as possible within the semester.

Course Evaluations:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at: <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via: <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at: <https://gatorevals.aa.ufl.edu/public-results/>.

Covid-19 Statement:

Our class sessions may be audio visually recorded for students in the class to refer back and for enrolled students who are unable to attend live. Students who participate with their camera engaged or utilize a profile image are agreeing to have their video or image recorded. If you are unwilling to consent to have your profile or video image recorded, be sure to keep your camera off and do not use a profile image. Likewise, students who un-mute during class and participate orally are agreeing to have their voices recorded. If you are not willing to consent to have your voice recorded during class, you will need to keep your mute button activated and communicate exclusively using the "chat" feature, which allows students to type questions and comments live. The chat will not be recorded or shared. As in all courses, unauthorized recording and unauthorized sharing of recorded materials is prohibited.

Disclaimer:

I reserve the right to alter the course syllabus as circumstances dictate. Any changes will either be announced in class or posted on Canvas. Any student not attending class is responsible for obtaining this information.

Health and Wellness:

U Matter, We Care: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.

Counseling and Wellness Center: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.

Student Health Care Center: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).

University Police Department: [Visit UF Police Department website](#) or call 352-392-1111 (or 9-1-1 for emergencies).

UF Health Shands Emergency Room / Trauma Center: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#)

Academic Resources:

E-learning technical support: Contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at helpdesk@ufl.edu.

Career Connections Center: Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services.

Library Support: Various ways to receive assistance with respect to using the libraries or finding resources.

Teaching Center: Broward Hall, 352-392-2010 or to make an appointment 352- 392-6420. General study skills and tutoring.

Writing Studio: 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers.

Student Complaints On-Campus: [Visit the Student Honor Code and Student Conduct Code webpage for more information](#).

On-Line Students Complaints: [View the Distance Learning Student Complaint Process](#).