

# Criminal Procedure CJL 4410

**Instructor: Joseph W. Rivera, JD.**

**Office Hours: Turlington 3331 MWF 10:00 AM—12:00 PM**

**Zoom: <https://ufl.zoom.us/j/96518241211>**

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**Text and Required Materials:**

1. Criminal Procedure (CP), 4<sup>th</sup> 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
Lesson 1	Aug. 26		Welcome to Criminal Procedure!
	Aug. 29	Ch. 1	Introduction to Criminal Procedure, Courts, and Case Law
Lesson 2	Aug. 31	Ch. 2	Sources of Criminal Procedure <input type="checkbox"/> <a href="#">Marbury v. Madison</a> <input type="checkbox"/> <a href="#">Cooper v. Aaron</a>
	Sep. 2		Bill of Rights and Incorporation/ <b>Quiz 1 Due</b> <input type="checkbox"/> Rochin v. CA <input type="checkbox"/> US v. Armstrong
Lesson 3	Sep. 7	Ch. 3	Searches, Seizures, & the Expectation of Privacy <input type="checkbox"/> Katz v. US <input type="checkbox"/> Kyllo v. US <input type="checkbox"/> CA v. Greenwood
	Sep. 9		Seizures of Persons/ <b>Quiz 2 Due</b> <input type="checkbox"/> <a href="#">US v. Mendenhall</a> <input type="checkbox"/> CA v. Hodari <input type="checkbox"/> <a href="#">INS v. Delgado</a>
Exam Review	Sep. 12	<b>Email me your questions for exam 1 no later than September 11<sup>th</sup></b>	
<b>EXAM 1 / Activity 1 Due — September 14</b>			
Lesson 4	Sep. 16	Ch. 4	Reasonable Suspicion <input type="checkbox"/> Terry v. OH <input type="checkbox"/> <a href="#">AL v. White</a>

	Sep. 19		Terry Stops <input type="checkbox"/> <a href="#">Rodriguez v. United States</a> <input type="checkbox"/> <a href="#">AZ v. Johnson</a>
Lesson 5	Sep. 21	Ch. 5	Probable Cause <input type="checkbox"/> <a href="#">Spinelli v. US</a> <input type="checkbox"/> <a href="#">IL v. Gates</a> <input type="checkbox"/> District of Columbia v. Wesby
	Sep. 23		Arrests, Warrants, and Exceptions <input type="checkbox"/> Payton v. NY <input type="checkbox"/> <a href="#">Mincey v. Arizona</a>
	Sep. 26		Police Use of Force <input type="checkbox"/> TN v. Garner <input type="checkbox"/> Graham v. Connor
	Sep. 28		Misdemeanor Arrests and Citations/ <b>Quiz 3 Due</b> <input type="checkbox"/> Atwater v. Lago Vista <input type="checkbox"/> <a href="#">Knowles v. IA</a>
Lesson 6	Sep. 30	Ch. 6	Search Warrants <input type="checkbox"/> <a href="#">Groh v. Ramirez</a> <input type="checkbox"/> <a href="#">US v. Banks</a>
	Oct. 3		Warrantless Searches <input type="checkbox"/> <a href="#">CA v. Acevedo</a> <input type="checkbox"/> WY v. Houghton
	Oct. 5		Consent Searches / <b>Quiz 4 Due</b> <input type="checkbox"/> Schneckloth v. Bustamonte <input type="checkbox"/> IL v. Rodriguez <input type="checkbox"/> GA v. Randolph
Exam Review	Oct. 7	<b>Email me your questions for exam 2 no later than October 3<sup>rd</sup></b>	
<b>EXAM 2 / Activity 2 Due — October 10</b>			
Lesson 7	Oct. 12	Ch. 10	Discuss Activity 2 in Class
	Oct. 14		The Exclusionary Rule <input type="checkbox"/> Mapp v. OH <input type="checkbox"/> <a href="#">US v. Calandra</a>
	Oct. 17		Entrapment <input type="checkbox"/> US v. Russell (on Canvas) <input type="checkbox"/> Jacobson v. US
Lesson 8	Oct. 19	Ch. 8, & Ch. 12, pgs. 487—498	Miranda and Your Right to Remain Silent <input type="checkbox"/> <a href="#">CA v. Prysock</a> <input type="checkbox"/> J.D.B. v. NC <input type="checkbox"/> NY v. Quarles (on Canvas)
	Oct. 21		Police Interrogations <input type="checkbox"/> RI v. Innis <input type="checkbox"/> CO v. Connelly
	Oct. 24		Right to Counsel/ <b>Quiz 5 Due</b> <input type="checkbox"/> <a href="#">Powell v. AL</a> <input type="checkbox"/> Gideon v. Wainwright <input type="checkbox"/> Scott v. IL
Lesson 9	Oct. 26	Ch. 9	Eyewitness Identifications <input type="checkbox"/> Manson v. Brathwaite
	Oct. 28		Scientific Identifications/ <b>Quiz 6 Due</b> <input type="checkbox"/> <a href="#">Daubert v. Merrell Dow Pharmaceuticals, Inc.</a>
Exam Review	Oct. 31	<b>Email me your questions for exam 3 no later than October 30<sup>th</sup></b>	
<b>EXAM 3 / Activity 3 Due —November 2</b>			

Lesson 10	Nov. 4	Ch. 12	Discuss Activity 3 in Class
	Nov. 7		Prosecutorial Discretion <input type="checkbox"/> <a href="#">Wayte v. US</a> <input type="checkbox"/> <a href="#">US v. Goodwin</a>
	Nov. 9		Pretrial Detention and Release <input type="checkbox"/> <a href="#">Stack v. Boyle</a> <input type="checkbox"/> US v. Salerno
Lesson 11	Nov. 14	Ch. 13	Pretrial Process: <input type="checkbox"/> <a href="#">Sheppard v. Maxwell</a> <input type="checkbox"/> <a href="#">Brady v. MD</a>
	Nov. 16		Trial Process <input type="checkbox"/> <a href="#">Taylor v. KY</a> <input type="checkbox"/> <a href="#">Darden v. Wainwright</a>
	Nov. 18		Juries and Grand Juries <input type="checkbox"/> <a href="#">Duren v. MO</a> <input type="checkbox"/> <a href="#">Batson v. KY</a>
	Nov. 28		Plea Bargaining <input type="checkbox"/> <a href="#">Bordenkircher v. Hayes</a> <input type="checkbox"/> <a href="#">Lafler v. Cooper</a>
Exam Review	Nov. 30	Email me your questions for exam 4 no later than November 29 <sup>th</sup>	
EXAM 4 / Activity 4 Due — Dec. 5			

### Grading:

- **Participation—30%.** There will be 25 class days that are graded; so, each day is worth 1.2% points.
- **Quizzes—10%.** There are 6 quizzes, and each quiz is worth 1.67% of your grade.
- **Activities—30%.** There are 4 group activities, and each is worth 7.5% of your grade.
- **Exams—30%.** There are 4 exams, and each exam is 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

	S	M	T	W	T	F	S
Aug	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	3	4	5
	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	Thanksgiving!						
	27	28	29	30			
Dec					1	2	3
	4	5	6	7	8	9	10

### Participation:

To earn full credit for class participation, you must read the cases that you are assigned and be prepared to discuss the cases out loud in class in order to earn credit for participation. You must also submit on canvas the day before class a confirmation that you have read and that you are prepared to be called on in class to discuss the cases. If you do not submit a confirmation, you may **with your instructor's permission** complete a discussion for that day. If you submit a confirmation, but you are not prepared to discuss the cases when you are called, you will receive a zero for that day.

**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. You can also schedule a meeting or attend my office hours, and I will go through your quiz grade online to allow you to see your answers—and you can ask me questions then about what you got right or wrong.

**Activities:**

There will be four activities. The first activity will be an individual assignment; however, the following three are group assignments; so, you must work with your groups to complete them. A link to the activity will be provided at the beginning of each module section (Lessons 1, 4, 7, and 10). You and/or your group will have the entire time over the course of the module section to complete the activities. 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.**
- ❖ The next three group activities will try to force you to think and write like a lawyer. Treat these assignments as if your group is composing a legal memorandum to share within your firm to discuss the potential case for and against your client. 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. 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 in the rubric.

**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. You can also schedule a meeting or attend my office hours, and I will go through your exam grade online to allow you to see your answers—and you can ask me questions then about what you got right or wrong. Exam one to three will be based on the material in the three modules which preceded it; however, exam four will be cumulative.

**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 (online or in class) 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.

**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 UF 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."

**COVID-19:**

Due to the continued threat posed by COVID-19, students are expected to wear masks inside all UF buildings and facilities. This includes the classroom. For more on the university's policy, see:

<https://coronavirus.ufl.edu/university-updates/>.

**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/](http://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/>.

**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](mailto: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](mailto: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.](#)