CRIMINAL PROCEDURE I ASSIGNMENTS

PROFESSOR KESSLER

Saltzburg & Capra, American Criminal Procedure, 
Tenth Edition 
&
2014 Supplement

NOTES:
1) Office Hours: Half an hour before and after each class. Also, available by appointment.

2) Class Participation: Students are expected to be prepared for class. The lack of adequate class participation, when called on, will be taken into account as a factor that will lower grades. Minimum preparation is to know the facts, holding and issues in the cases that are specifically noted, below.

3) Attendance: Good and regular attendance is mandatory. Attendance will be taken and an excessive number of absences may lead to involuntary withdrawal from the class.

4) Final Examination: Closed book.

5) Learning Objectives
   1) This is a four credit bar course. Students will be exposed to the basic issues in Criminal Procedure that are most likely to be on the bar examination. Students will be expected to have read the assignments prior to class and to be able to answer questions about the holdings of the cases named in the below assignments. I don’t care if you read the Comic Book Classic version, but you MUST be able to tell us the basic facts, the issue(s) and the rule of law in each of those cases.
   2) This is a four credit course. My goal is that you will know a lot of law by the end of the course. That is why the readings seem extensive. In facts, they average less than 90 pages per two hour class.
   3) As you certainly know by now, knowing rules of law isn’t enough to know how to use those rules to help a client or to achieve a goal. That is why, the students will be taken through a substantial number of hypothetical situations in which they will have opportunities to apply the rules to facts, the critical and most basic lawyering skill.

1st Class: 7-32; 925-950 Introduction: Incorporation/Retroactivity;
Sixth Amendment: Right to Counsel -
Teague v. Lane p.20
Gideon v. Wainright p.931
Nichols v US p.931

2nd Class 1386-1428 Sixth Amendment: Ineffective Assistance of Counsel
Strickland v. Washington p.1386
Burt v. Titlow Supplement p.43
US v. Cronic p.1429
Missouri v. Frye p. 1445
Lafler v Cooper p.1450
3rd Class 1429-1455; 1456-1472  
Sixth Amendment: Conflicts  
Holloway v. Arkansas  p. 1358  
Mickens v. Taylor  p.1462

4th Class 1478-1489;  
Sixth Amendment: Choice of Counsel. Self Representation and Identification of Suspects  
883-919  
US v. Wade p.886  
1497-1514  
Kirby v. Ill  p. 893  
Faretta v. Ca.  1497

5th Class 647; 653-682  
Fifth Amendment: - Self Incrimination - Documents  
682-701  
Lefkowitz v. Turley  p.660  
McKune v. Lile  p.893  
Fisher v. US  p. 672  
Schmerber v. CA  p.675  
Marchetti v. US  p. 694  
CA. v. Byers p.695

6th Class 701-709  
Fifth Amendment: Documents - Immunity  
712-732  
Confessions - the Sixth Amendment Right  
850 -883  
Brown v. Miss  p.713  
Green v. scully  p. 732  
Massiah v. Az  p. 851  
Brewer v. Williams  p. 855  
Montego v. Louisiana  p. 875  
Brewer v. Williams  p. 855

7th Class 732-754;  
Fifth Amendment: Confessions - Miranda - Interrogation/Custody  
Miranda v. Az  p 732  
ReRead: Brewer v. Williams  
RI v Innis  p. 790

8th Class 763-789  
Fifth Amendment: Confessions - Exceptions: Emergency, Leads, Physical Evidence, Redo's  
789-815  
Stansberry v. Ca.  p. 790

9th Class 815- 850:  
33 - 37  
Fifth Amendment: Confessions - Waiver, Invoke, Initiate & Introduction to The Fourth  
Edwards v. Az p.836  
Oregon v Bradshaw  p.837

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Davis v. US   P. 839
Md v. Shatzer   p. 846
Berghuis v Thompkins  p. 828

10th Class  33-37;
545-556; 37-63;
Fourth Amendment: Suppression, The Right
Mapp v. Ohio p. 549
Florida v. Jardines p. 57
Katz v. US   p. 38

11th Class  64-102
Fourth: Not Protected: Open Fields, Garbage; Fly Overs +
Ca. V Greenwood p. 75
Dow Chemical v. US p. 79
Bond v. US   p
US v. Place p. 81
Ill. v. Caballes  P. 83
Kylo v. US p. 85
US v. Jones p. 95

12th Class  103-133;
563-592
Fourth: Warrants & Good Faith
Spinelli v. US p.109
Ill v. Gates  p. 116
US v. Leon   p. 562
Herring v. US p. 587

13th Class  133-156
159-167; 170-185
Fourth: Probable Cause; Anticipatory Warrants, Knock and
Announce
Hudson v. Md.  P. 181
US v. Banks,  p. 180

14th Class  176-185; 188-189
193-214
Fourth: Arrests; Scope of Search, standing
US v. Watson p. 196
Payton v. US  p.203
Steagald v. US  P. 208
Minn v. Olson p. 210

15th Class  214-251
Fourth: Stop and Frisk : Encounter:Consent
Terry v. Ohio   p. 215
US v. Mendhall   P. 235
Ca. v. Hodari D  p.251
Riley v. Ca. Supplement p.7

16th Class  251-290
Fourth: Stop and Submit; Tips, Profiles,Sweeps
Md v Dickerson p. 281
Md v. Buie     p. 288
Fla v. J.L.  P. 258

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17th Class 290-35
Fourth: Encounter v. Stop; Stop v Arrest,
Search Incident to Arrest
Chimel v. Ca  p.309
US v. Robinson p. 320
Atwater v, City... p. 329
Fl v. Royer p.290
Hüberl v. Sixth... . 293
Us v. Sharpe p. 298
Samson v. Ca. P. 307
Chimel v. Ca. P. 309

18th Class 336-388
Fourth Amendment: Cars and SIA,
Us v. Belton  P.336
Az v. Gant: 338
Whren v, US p. 351
Riley v. Ca. Supplement p.18

19th Class 361-414
Fourth Amendment: Plain View. Car Search, Emergency
Ky v. King p.402
Horton v. Ca. p.362
Fla v. Hicks
Chambers v. Maroney p. 369
Ca. v. Acevedo p. 377

20th Class 414 -459
Fourth amendment: Special Needs, Drug Testing, Checkpoints
Sitz  p. 459
Safford v. Unified school District.... p. 432
US v. Burger p. 418
Earls  P. 439
Skinner v. Railway.... p.433
City of Ontario v. Quon p. 457

21st Class 459-493
Fourth Amendment: Checkpoints, DNA,Inventory
SD v. Opperman, p. 486
Fl v. Wells  p. 489
MD v. King p. 472 – SKIM ONLY

22ndClass 494 - 527
Fourth Amendment: Inventory Searches, Border Searches,
Consent Searches, DNA
US v. Flores-Montano  P.496
Schneckloth v Bustamonte  p. 509
Ill v. Rodriguez P. 518
Fl. v. Jimeno  p. 523

23rd Class 595-630
Fourth Amendment: Standing, Inevitable Discovery &
Independent Sources
Rakas v. Ill p.596

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US v. Salvucci p. 601
Minn v. Carter p. 602
Dunaway v. NY p. 611
Hudson v. Mich p. 614
US v. Ceccolini p. 619
Murray v. US p. 625
Nix v. Williams p. 626

24th Class 631-645  Fourth Amendment: Permitted Uses Of Illegally Seized Evidence.,
               Franks v. Del. p. 642

25th Class 1129-1177  Guilty Pleas:
               Bordenkircher v. Hayes p. 1143
               Henderson v. Morgan p. 1152
               Padilla v. Ky p. 1153
               Alford v. p. 1163

26th Class 1224; 1258-1329  Trial By Jury
               Apprendi v. NJ p. 1224

27th Class 1069-1074;
               1088-1129  Discovery
               Brady v. Md. p. 1088
               Kyles v. Whitley p. 1098

28th Class  REVIEW