

## **Saint Leo University**

### **CRM 322**

#### **Law of Criminal Procedure**

#### **Course Description:**

This course concerns the laws governing procedural due process for criminal defendants. Case analyses and the interpretation of appellate court opinions are used to learn the fundamental relationships between the U.S. Constitution, courts, and criminal procedure. Topics covered include remedies for state law-breaking, initial police-citizen contacts, seizures of persons, search and seizure of property, interrogations and confessions, identification procedures, decisions to charge and the first appearance, pretrial proceedings, conviction by trial and by guilty plea, and post-sentencing considerations.

#### **Prerequisite:**

POL123, CRM220

#### **Textbooks:**

\*Note: The text used in this course is the same used in POL/CRM 123.

\*Attention Students: Your course materials are available through the Cengage Unlimited Subscription. This subscription will give you access to the required materials for this course, as well as access to the entire Cengage digital library for a flat rate. Print upgrade rentals are available. More information with pricing can be found on the Saint Leo Bookstore site. **Please note**, you are not required to purchase the subscription. If you wish to purchase the materials individually, the details of the required books are below.

\*Please Note: If you decide to not subscribe to Cengage Unlimited, these are the materials that you will need to purchase for this course:

The Samaha Criminal Procedure bundle ISBN is: 9781337371025

Components inside include:

- Samaha Criminal Procedure, Loose-Leaf Version, 10th edition © 2018 9781305969124 LL
- Samaha MindTap Criminal Justice, 1 term (6 months) Printed Access Card for Samaha's Criminal Procedure, 10th edition © 2018 9781305969056 NB

American Psychological Association. (2010). *Publication manual of the American Psychological Association* (6th ed.). Washington, DC: Author. ISBN-13: 978-1-4338-0561-5

#### **Course Objectives:**

As a result of this course, students will:

1. Demonstrate an understanding of the Saint Leo University Core Value of *Integrity* as it relates to case law related to criminal procedure.
2. Discuss and describe the overview of the general principles and doctrines of the Law of Criminal Procedure.
3. Articulate the English Common-Law heritage and its role in the development of the Law of Criminal Procedure.
4. Cite Constitutional limitations on government in establishing crimes and punishment (case law).
5. Discuss the mandates and precedents established through the appellate courts.
6. Describe the appellate court system at the State and Federal level.
7. Locate, analyze and brief actual court cases, including the ability to apply actual court cases to current procedure and practice.

#### **Saint Leo University Core Value:**

**Integrity.** The commitment of Saint Leo University to excellence demands that its members live its mission and deliver on its promise. The faculty, staff, and students pledge to be honest, just, and consistent in word and deed.

**Evaluation:**

Course grades will be based on the following:

| Assignment              | % of final grade |
|-------------------------|------------------|
| Discussions (8)         | 10               |
| Case briefs (4)         | 20               |
| Research/position paper | 30               |
| Exams (2)               | 40               |
| <b>Total</b>            | <b>100%</b>      |

| Grade | Score (%) |
|-------|-----------|
| A     | 94-100%   |
| A-    | 90-93%    |
| B+    | 87-89%    |
| B     | 84-86%    |
| B-    | 80-83%    |
| C+    | 77-79%    |
| C     | 74-76%    |
| C-    | 70-73%    |
| D+    | 67-69%    |
| D     | 60-66%    |
| F     | <60%      |

**Discussions:**

A question is posted in each module to initiate discussion of a current criminology-related topic as it relates to material in your textbook. Students do not have to quote sources; rather, it is an opportunity to voice opinions based on personal experience and newly acquired “textbook” knowledge. Students should cite authors if using outside material in their posts. Responses should be at least 90% original material.

**Case Brief Assignments:**

Students will research and prepare four written briefs of significant court cases. Briefs should include a discussion of the connection between the court findings and the Saint Leo Core Value of *Integrity*. A grading rubric is available in Doc Sharing.

**Research/Position Paper:**

Each student is required to submit a research/position paper on a criminal justice topic. The paper must include background, development of rationale and justifications, the student’s position on the topic, and incorporation of the Saint Leo Core Value of Integrity. The paper must be prepared in a manner acceptable for university-level work (i.e. neatly typed, 12-point font, and double-spaced). All sources utilized to support the topic must be properly cited. The paper should be between 2100-3000 words (excluding endnotes and cover page) and adhere to APA format. The paper will be due at the conclusion of Module 6. Students must submit a topic for instructor approval **no later than the conclusion of Module 2**. A grading rubric is available in the Start Here menu.

**Exams:**

The Midterm (Module 4) and Final (Module 8) Exams consist of five short-essay questions each with a time limit of 90 minutes.

**Written Assignments and the APA Format:**

The Department of Criminal Justice recognizes the value of excellence in writing for students in Criminal Justice. In part, each professor is expected to provide guidance on improving a student’s writing skills. Students are required to use only the APA (American Psychological Association) format to write and develop a scholarly paper for submission in the Social Sciences. APA has been adopted by the

Department as its writing standard for all academic written assignments. No other writing style is acceptable.

APA is the American Psychological Association, and the style is one of many in the academic world used to regulate the language, citations, procedure, and formatting of manuscripts and other examples of writing in the social sciences. Please be consistent throughout each written paper. *Refer to APA Guide under Resources on the Course Menu for APA specifics.*

All projects, assignments, or papers submitted for grading will be required to include an abstract and reference page. All references are to be cited using the American Psychology Association (APA) format (6<sup>th</sup> edition). Other formats will not be accepted. For each scholarly paper and group assignment(s), the work will be assessed using an individual grading rubric for each assignment. This tool and process helps the students identify and professor measure the key points necessary to successfully complete written or group assignments. *Wikipedia is not an appropriate source for any scholarly writing and is not permitted for any assignment in this program.*

### Course Schedule:

#### Module 1                      U.S. Criminal Procedure A Road Map and Travel Guide and Criminal Procedure and the Constitution

##### Outcomes:

##### After completing this module the student will be able to:

- Identify and describe the balance of values at the heart of the United States' constitutional democracy and explain how and why that balance is flexible.
- Describe how the United States' justice system attempts to strike a balance between ends and means and describe the controversy this creates.
- Describe the difference between formal and informal criminal procedure and explain why both are essential to crime control in the United States.

##### Assignments:

| Items to be Completed:                       | Due No Later Than:        |
|--|---------------------------|
| Post Introduction to the class               | Thursday 11:59 PM EST/EDT |
| Read The assigned materials                  |                           |
| Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
| Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
| Begin Research/position paper topic          | Module 2                  |

#### Module 2                      The Definition of Searches and Seizures

##### Outcomes:

##### After completing this module the student will be able to:

- Compare the trespass doctrine with the privacy doctrine in defining Fourth Amendment searches.
- Prepare a written brief of a significant court cases involving the criminal justice concepts presented in this module.

| Items to be Completed:                       | Due No Later Than:        |
|--|---------------------------|
| Read The assigned materials                  |                           |
| Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
| Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
| Submit Case Brief assignment                 | Sunday 11:59 PM EST/EDT   |

|                     |                                      |                         |
|---------------------|--------------------------------------|-------------------------|
| <b>Assignments:</b> | Submit Research/position paper topic | Sunday 11:59 PM EST/EDT |
|---------------------|--------------------------------------|-------------------------|

### Module 3 Stop and Frisk

#### Outcomes:

#### After completing this module the student will be able to:

- Identify the three possible alternatives for applying the Fourth Amendment to stops and frisks and state which alternative was adopted by the U.S. Supreme Court and explain why the Court made this decision.
- Explain why is it reasonable to remove a passenger from a stopped vehicle when there is no suspicion the passenger may be involved in a crime.
- Prepare a written brief of a significant court cases involving the criminal justice concepts presented this module.

#### Assignments:

| Items to be Completed:                       | Due No Later Than:        |
|--|---------------------------|
| Read The assigned materials                  |                           |
| Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
| Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
| Submit Case Brief assignment                 | Sunday 11:59 PM EST/EDT   |

### Module 4 Seizure of Person: Arrest

#### Outcomes:

#### After completing this module the student will be able to:

- Contrast a full custodial arrest and a stop.
- Explain why an arrest is called a “zone” and not a “point.”
- Compare reasonable suspicion with probable cause and explain the two interests that probable cause balances.
- List the facts an officer can take into account in building probable cause.
- Explain what use an officer can make of hearsay to prevent someone’s ability to come and go as he or she pleases.
- Identify and provide details about the three elements of arrest warrants that satisfy the requirements of the Fourth Amendment warrant clause.

#### Assignments:

| Items to be Completed:                       | Due No Later Than:        |
|--|---------------------------|
| Read The assigned materials                  |                           |
| Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
| Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
| Complete Midterm exam                        | Sunday 11:59 PM EST/EDT   |

## Module 5

### Searches for Evidence

#### Outcomes:

##### After completing this module the student will be able to:

- Explain the rule regarding searches incident to arrests for minor offenses.
- Describe how and why the U.S. Supreme Court created the rule regarding searches incident to arrests for minor offenses and applied it in *U.S. v. Robinson*.
- Give examples of who can consent to a search for someone else.
- Explain the difference between actual and apparent authority to consent for another person.
- Prepare a written brief of a significant court cases involving the criminal justice concepts presented this module.

#### Assignments:

| Items to be Completed:                       | Due No Later Than:        |
|--|---------------------------|
| Read the assigned materials                  |                           |
| Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
| Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
| Submit Case Brief assignment                 | Sunday 11:59 PM EST/EDT   |

## Module 6

### “Special Needs” Searches

#### Outcomes:

##### After completing this module the student will be able to:

- Explain why inventory searches are reasonable even without warrants or probable cause.
- Identify the special needs satisfied by inventory searches.
- Explain what substitutes for probable cause as the objective basis for inventory searches.

- Discuss why searches of high school students are reasonable without warrants or probable cause.

| <b>Assignments:</b> | Items to be Completed:                       | Due No Later Than:        |
|---------------------|--|---------------------------|
|                     | Read The assigned materials                  |                           |
|                     | Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
|                     | Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
|                     | Submit Research/position paper               | Sunday 11:59 PM EST/EDT   |

## Module 7 Self-Incrimination

- Outcomes:**
- After completing this module the student will be able to:**
- Discuss suggested reforms aimed at reducing false confessions.
  - State the reasons for the bright-line rule regarding warnings to suspects adopted in *Miranda v. Arizona*.
  - Identify two circumstances that have to be present before officers are required to give the *Miranda* warnings.
  - List three types of questioning when officers do not have to give the *Miranda* warnings.
  - Prepare a written brief of a significant court cases involving the criminal justice concepts presented this module.

| <b>Assignments:</b> | Items to be Completed:                       | Due No Later Than:        |
|---------------------|--|---------------------------|
|                     | Read The assigned materials                  |                           |
|                     | Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
|                     | Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
|                     | Submit Case Brief assignment                 | Sunday 11:59 PM EST/EDT   |

## Module 8 The Exclusionary Rule and Entrapment and Criminal Procedures in Crises

- Outcomes:**
- After completing this module the student will be able to:**
- List and explain five exceptions to the exclusionary rule.
  - Describe the difference between an unlawful enemy and a lawful enemy combatant
  - Describe how the USA PATRIOT act expanded the power of the FBI and U.S. Department of Justice to monitor and search suspects under counterterrorism Investigations.
  - Describe what is different about how the FBI operates after 9/11.

| <b>Assignments:</b> | Items to be Completed:                       | Due No Later Than:        |
|---------------------|--|---------------------------|
|                     | Read The assigned materials                  |                           |
|                     | Post Initial response to discussion question | Thursday 11:59 PM EST/EDT |
|                     | Post Responses to at least two classmates    | Sunday 11:59 PM EST/EDT   |
|                     | Complete Final exam                          | Sunday 11:59 PM EST/EDT   |

