

AMERICAN CRIMINAL PROCEDURE

JUSTICE STUDIES 225, THREE SEMESTER CREDITS

The Procedural Rights of the Accused



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Office Hours M/W 1:30-2:30; T/TH 3:00-4:00

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<https://www.youtube.com/channel/UCZWxocmAzVs1YJeENv3Pe2Q>

INTRODUCTION TO CRIMINAL PROCEDURE

COURSE DESCRIPTION: The objective of this course is to provide a comprehensive perspective of the procedural rights of the defendant and the law enforcement practices of government with regard to the criminal justice system. The course is organized into three different sections, including: (1) Foundations of Due Process, (2) Detection to Apprehension, and (3) Prosecution to Punishment. The first part introduces the historical development of procedural protections and the competing theories of due process and crime control. Detailed attention is also given to wrongful conviction and the remedies available where government officials exceed their legal authority, ranging from the exclusion of evidence to civil suits to internal agency review. Section Two covers the investigative practices of police officers as a series of decisions narrowly tailored to law enforcement. Constitutional rules concerning stops, frisks, arrests, searches, seizures, custodial interrogations, and identification procedures are examined as they occur in practice. The final part considers the stages of adjudication and corrections from the decision of whether to prosecute the defendant to the decision of how to punish the guilty. Due process requirements for the initial appearance, preliminary hearing, grand jury indictment, arraignment, pre-trial motions, trial, sentencing, punishment, and appeal are analyzed with regard to the rights of the accused. By focusing on these general areas, the course will provide students with an opportunity to accomplish the following objectives:

- A. To develop critical thinking about how and why government policies to fight crime must be tempered by a commitment to protect rights and do justice.
- B. To provide a historical perspective of criminal procedure, and particularly the 4th, 5th, and 6th Amendment rights and remedies for their violations.
- C. To explain the application of procedural rules to law enforcement practices from the standpoint of the apprehension and investigation of criminals.
- D. To understand the scope of procedural rights relating to the prosecution of the defendant, punishment of the guilty, and confinement of the prisoner.

COURSE TEXTBOOKS: The reading materials required for the class consist of Joel Samaha, *Criminal Procedure*, 10th edition (New York: Cengage, 2018) and Wayne LaFave and Jerold H. Israel, *Criminal Procedure in a Nutshell* (St. Paul: West Publishing, 2020). In writing these textbooks, the authors have concentrated on the historical struggle to interdict and punish socially harmful behavior without sacrificing the procedural rights of the individual. The *Casebook* uses excerpts from the written opinions of federal and state courts to evaluate the issues, rationales, and significance of the major cases defining the rights of the accused. The *Nutshell* contains a summarized treatise written by scholars who examine procedural issues dealing with searches, seizures, interrogations, confessions, identifications, pretrial hearings, and trial proceedings. These texts go beyond simply presenting general information about American criminal procedure. They also show how judges reach different conclusions according to their perspectives of political ideologies, legal principles, and case facts.

COURSE WORK AND EVALUATION: The work requirements for this course consist of a research project and three exams—each of which are worth 100 points and amount to 400 total points. The tests will be made up of essay questions designed to evaluate the ability of students to comprehend, analyze, and apply the primary principles of criminal procedure. The research paper must examine a dilemma of criminal procedure and analyze how the law has dealt (empirical component) and should deal (normative component) with the problem. The topic of the research will be proposed by the student and approved by the instructor. The paper must be a minimum of eight pages long and draw from and cite at least five academic sources, including two from scholarly journals. In addition, the students may receive extra credit by taking part in class discussions and completing any of the end-of-chapter lessons worth three points each. Students are also required to write course assignments in their own words, except for those few occasions where they find it necessary to quote and cite authorities. The course work is structured to evaluate not only the student's knowledge and application of the subject, but also his or her ability to analyze and synthesize it. In terms of the grading scale, the research paper will account for 25% of the course grade and the examinations 75% (or 25% for each test) with the following breakdown:

<u>Grade in Course</u>	<u>Percent of Total</u>	<u>Range of Points</u>
A+	100-97%	400-388
A	96-93%	387-372
A-	92-90%	371-360
B+	89-87%	359-348
B	86-83%	347-332
B-	82-80%	331-320
C+	79-77%	319-308
C	76-73%	307-292
C-	72-70%	291-280
D+	69-67%	279-268
D	66-63%	267-252
D-	62-60%	251-240
F	59-00%	239-00

SUGGESTED STUDY METHODS: No method of study can meet the diverse needs of each student. Still a number of strategies can be used to gain a better perspective of the subject. Before attending class the students need to read the materials and brief the corresponding court opinions assigned by the syllabus. This will allow students to familiarize themselves with the focus of the lectures and at the same time enable them to digest the judicial decisions. After the readings have been completed, the students should outline the material around the basic principles and problems of modern criminal procedure. The outlines should also emphasize the critical case facts, legal rationales, and rules of law emerging from the judicial opinions. This will help the students to concentrate on what legal issues were raised by each case and understand how the courts went about resolving them. The next important strategy is to attend class. After all, the classroom is where the greatest amount of learning takes place through an open dialogue. Plus the examination questions will be taken from the class lectures and reading materials. It is important to realize that students actually learn what they read and write about on a regular basis. So the key to unlocking the doors of American Criminal Procedure is to take all the assignments seriously.

CALENDAR FOR CRIMINAL PROCEDURE

Section 1: Foundations of Due Process	Dates	Text Assignments	Page #s
A. Crime, Control, and Process	8/23	CP Casebook: Nutshell Text:	02-023 01-010
B. The Due Process Revolution	8/30	CP Casebook: Nutshell Text:	24-065 10-026
C. Crisis and Procedural Rights	9/06	CP Casebook: Nutshell Text:	598-668 26-049
D. Exclusionary Evidence Rule	9/13	CP Casebook: Nutshell Text:	412-439 263-343
E. Other Procedural Remedies	9/20	CP Casebook: Nutshell Text:	440-473 492-500
F. Examination for this Section	9/27	Texts Listed:	All
Section 2: Detection to Apprehension	Dates	Text Assignments	Page #s
A. The Expectations of Privacy	9/29	CP Casebook: Nutshell Text:	66-115 50-066
B. Stops, Frisks, and Suspicion	10/04	CP Casebook: Nutshell Text:	116-183 123-135
C. Seizures, Arrests of Persons	10/11	CP Casebook: Nutshell Text:	184-221 91-102
D. Law Enforcement Searches	10/18	CP Casebook: Nutshell Text:	222-281 66-122
E. The Special Needs Searches	10/20	CP Casebook: Nutshell Text:	282-319 123-159
F. Interrogation and Confession	10/25	CP Casebook: Nutshell Text:	320-365 187-242
G. The Identification Procedure	11/01	CP Casebook: Nutshell Text:	366-411 243-262
H. Examination for this Section	11/03	Texts Listed:	All
Section 3: Prosecution to Punishment	Dates	Text Assignments	Page #s
A. The Role of the Prosecution	11/08	CP Casebook: Nutshell Text:	474-483 410-456
B. Bail and Pretrial Confinement	11/10	CP Casebook: Nutshell Text:	483-491 460-464
C. Right to Competent Counsel	11/15	CP Casebook: Nutshell Text:	492-504 344-409
D. Pretrial and Trial Guarantees	11/29	CP Casebook: Nutshell Text:	504-555 457-512
E. The Post-Conviction Process	12/06	CP Casebook: Nutshell Text:	556-597 513-539
F. Examination for this Section	12/15	Texts Listed:	All

