**Instructor**: Ryan Swingle

**Email**: ryan@ryanswinglelaw.com

**Phone**: (706) 713-0332 (texting is preferred)

**Class time and location:** Tues. / Thurs. 6:30 pm – 7:45 pm; Location TBD

**Office hours:** After class and by appointment.

**Textbook**: Dressler, Joshua, George Thomas III and Daniel Medwed. 2020. *Criminal Procedure: Principles, Policies and Perspectives*. 7th ed. West. ISBN 978-1-64242-236-8

**Course description:** Criminal procedure in our common law system is developed through case law. This class will examine some of the important cases that create the guidelines for the criminal justice system to follow. The majority of the reading assignments will consist of United States Supreme Court opinions and commentary from the Dressler textbook. Other required readings will be provided by the instructor.

**Course objectives:** The objective of the class is for students to gain an understanding of the law of criminal procedure both in the context of the legal system of the United States and the effect it has on society. There will also be an emphasis on criminal procedure in practice through the instructor’s professional experience and guest speakers. The class will be taught mostly using the **Socratic Method** where students will answer questions and participate in discussions.

**Attendance Policy:** Students are allowed three absences without penalty. More than three absences will negatively impact the student’s class participation grade.

**Grading:** Grades will be determined through a midterm exam, a cumulative final exam, class participation, and an optional extra credit assignment. A breakdown of the weight of each assignment toward the student’s final grade is listed below. Questions for the exams may come from any reading assignment, in class discussion, or from a guest speaker. Class participation will be a combination of comments and questions. Class participation can increase or decrease your grade. Students who demonstrate an understanding of the material in class will receive an increase in their overall grade at the end of the semester.

**Students who text, use Facebook, or otherwise disrupt the class will receive a reduction in their overall grade. If a student is disrupting the class through the use of electronics, the student will be asked to leave and may be withdrawn from the class. No electronic devices may be used when we have a guest speaker.**

**Grades**:

Midterm 50%

Final Exam 50%

Class Participation +/-

Extra Credit +/-

*Exam make-ups will not be offered unless previously scheduled because of extenuating circumstances, or in the event of a* ***verifiable*** *emergency*. Similarly, the due dates for assignments such as papers are not negotiable unless a true emergency warrants further consideration. Turning in a late paper will significantly reduce the grade.

Grading Scale

A = 94-100

A - = 90-93

B+ = 86-89

B = 83-85

B- = 80-82

C+ = 76-79

C = 73-75

C- = 70-72

D = 60-69

F = 0-59

Students with special needs that require accommodation should notify me and the Disability Resource Center at the beginning of the semester to facilitate appropriate arrangements.

**Honor Code:** *As a University of Georgia student, you have agreed to abide by the University’s academic honesty policy, “A Culture of Honesty,” and the Student Honor Code. All academic work must meet the standards described in “A Culture of Honesty” found at: www.uga.edu/honesty. Lack of knowledge of the academic honesty policy is not a reasonable explanation for a violation. Questions related to course assignments and the academic honesty policy should be directed to the instructor.*

**Emergencies:** In the case of an emergency in class we will take the following actions. If there is a tornado warning we will proceed to the lowest floor in the building for shelter. If there is a fire we will quickly exit the building. The class will reconvene in the cemetery next to Baldwin Hall in an attempt to make sure everyone excited the building. If there is a medical emergency, I will ask students to flag down the emergencies vehicles outside the building and lead them to our room. Students are encouraged to make sure their information in UGA Alert is accurate.

**Coronavirus Information for Students for Fall 2022 Classes**

**Face coverings:**

Following guidance from the University System of Georgia, face coverings are recommended for all individuals while inside campus facilities.

**How can I obtain the COVID-19 vaccine?**

University Health Center is scheduling appointments for students through the UHC Patient Portal (<https://patientportal.uhs.uga.edu/login_dualauthentication.aspx>).  Learn more here – <https://www.uhs.uga.edu/healthtopics/covid-vaccine>.

The Georgia Department of Health, pharmacy chains and local providers also offer the COVID-19 vaccine at no cost to you. To find a COVID-19 vaccination location near you, please go to:  <https://georgia.gov/covid-vaccine>.

In addition, the University System of Georgia has made COVID-19 vaccines available at 15 campuses statewide and you can locate one here: <https://www.usg.edu/vaccination>

**What do I do if I have COVID-19 symptoms?**

Students showing COVID-19 symptoms should self-isolate and schedule an appointment with the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5p.m.). Please DO NOT walk-in. For emergencies and after-hours care, see, <https://www.uhs.uga.edu/info/emergencies>.

**What do I do if I test positive for COVID-19?**

If you test positive for COVID-19 at any time, you are **required to report it** through the [DawgCheck Test Reporting Survey](https://dawgcheck.uga.edu/). We encourage you to stay at home if you become ill or until you have excluded COVID-19 as the cause of your symptoms.  UGA adheres to current Georgia Department of Public Health (DPH) quarantine and isolation[guidance](https://dph.georgia.gov/covid-quarantine-calculator)and requires that it be followed. Follow the instructions provided to you when you report your positive test result in DawgCheck.

**Guidelines for COVID-19 Quarantine Period (As of 8/1/21; follow DawgCheck or see DPH website for most up-to-date recommendations)**

Students who are fully vaccinated **do not** need to quarantine upon exposure unless they have symptoms of COVID-19 themselves. All others should follow the Georgia Department of Public Health (DPH) recommendations:

Students who are not fully vaccinated and have been directly exposed to COVID-19 but are not showing symptoms **should self-quarantine for 10 days**. Those quarantining for 10 days must have been symptom-free throughout the monitoring period and continue self-monitoring for COVID-19 symptoms for a total of 14 days. You should report the need to quarantine on [DawgCheck](https://dawgcheck.uga.edu/) (<https://dawgcheck.uga.edu/>), and communicate directly with your faculty to coordinate your coursework while in quarantine. If you need additional help, reach out to Student Care and Outreach (sco@uga.edu) for assistance.

Students, faculty and staff who have been in close contact with someone who has COVID-19 are no longer required to quarantine if they have been fully vaccinated against the disease and show no symptoms.

**Well-being, Mental Health, and Student Support**

If you or someone you know needs assistance, you are encouraged to contact Student Care & Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu/>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.

UGA has several resources to support your well-being and mental health: <https://well-being.uga.edu/>

Counseling and Psychiatric Services (CAPS) is your go-to, on-campus resource for emotional, social and behavioral-health support: <https://caps.uga.edu/>, TAO Online Support (<https://caps.uga.edu/tao/>), 24/7 support at 706-542-2273. For crisis support: <https://healthcenter.uga.edu/emergencies/>.

The University Health Center offers FREE workshops, classes, mentoring and health coaching led by licensed clinicians or health educators: <https://healthcenter.uga.edu/bewelluga/>

**Monitoring conditions:**

Note that the guidance referenced in this syllabus is subject to change based on recommendations from the Georgia Department of Public Health, the University System of Georgia, or the Governor’s Office or. For the latest on UGA policy, you can visit [coronavirus.uga.edu](https://coronavirus.uga.edu/).

**Criminal Procedure - POLS 4720**

**Fall 2022 Readings Schedule**

**\*\*Expect Changes\*\***1

**Week 1 – Aug. 18 (First Day of Class)**

Introductions

Dressler, pp. 1 – 4

United States Constitution (Selected Provisions)

Dressler, pp. 9 – 11

Introduction

Dressler, pp. 31 – 32

Responsibilities of a Criminal Defense Attorney

Dressler, pp. 35 – 46

The Norms of the Criminal Process

Dressler, pp. 46 – 66

The Bill of Rights and the Fourteenth Amendment

*Duncan v. Louisiana*

The Best Trial in the World?

Dressler, pp. 67 - 75, 79 - 90

Fourth Amendment Overview

The Reach of the Fourth Amendment

*Weeks v. United States*

*Mapp v. Ohio*

**Week 2 – Aug. 23 and Aug. 25**

Dressler, pp. 91 – 100, 111 – 118, 130 – 140, 141 – 154, 174 – 185,

*United States v. Katz*

*Smith v. Maryland*

*Kyllo v. United States*

*United States v. Jones*

*Florida v. Jardines*

**Week 3 – Aug. 30 and Sept. 1**

Dressler, pp. 188 – 189, 199 - 279

Probable Cause: Introductory Comment

*Illinois v. Gates*

*Payton v. New York*

*ILo-Ji Sales, Inc. v. New York*

*Richards v. Wisconsin*

*Warden v. Hayden*

*Chimel v. California*

*Riley v. California*

**Week 4 – Sept. 6 and Sept. 8**

Dressler, pp. 279 – 315, 323 – 341

Warrant Clause: When Are Warrants Required?

*New York v. Belton*

*Arizona v. Gantt*

*Whren v. United States*

*Chambers v. Maroney*

*United States v. Chadwick*

*California v. Acevdeo*

**Week 5 – Sept. 13 (no class Sept. 15)**

Dressler pp. 347 – 353 (plain view doctrine)

*Arizona v. Hicks*

Dressler, pp. 353 – 383 (consent)

*Schneckloth v. Bustamonte*

*Georgia v. Randolph*

*Illinois v. Rodriguez*

**Week 6 – Sept. 20 and Sept. 22**

Dressler, pp. 383 – 407

*Terry v. Ohio*

Dressler, pp. 415-424

*United States v. Mendenhall*

Dressler, pp. 429 – 462

*Alabama v. White*

*Illinois v. Wardlow*

*Maryland v. Buie*

Special Needs Searches, 462 – 485

*Michigan Dept. of State Police v. Sitz*

*City of Indianapolis v. Edmond*

**Week 7 – Sept. 27 and Sept. 29**

Dressler, pp. 487 – 512, 515 – 529, 556 - 572

Remedies for Fourth Amendment Violations

*Rakas v. Illinois*

*Minnesota v. Carter*

Notes on *Mapp v. Ohio*

Scope of Exclusionary Rule

*Murray v. United States*

*Wong Sun v. United States*

*Herring v. United States*

*Davis v. United States*

**Week 8 – Oct. 4 and Oct. 6**

**Midterm Exam –**

Dressler, pp. 12 - 31

*Brown v. Mississippi*

*Powell v. Alabama*

Dressler, pp. 589 - 599

*Spano v. New York*

Dressler, pp. 613 - 632

*Miranda v. Arizona*

**Week 9 – Oct. 11 and Oct. 13**

Dressler, pp. 638 - 655

*New York v. Quarles*

*Oregon v. Elstad*

Dressler, pp. 663 - 675

*Missouri v. Seibert*

Dressler, pp. 675 - 695

*Berkemer v. McCarty*

*Rhode Island v. Innis*

Dressler, pp. 702 - 727

*Berguis v. Thompkins*

*Edwards v. Arizona*

A Year on the Killing Streets

**Week 10 – Oct. 18 and Oct. 20**

Dressler, pp. 735 - 766

*Massiah v. United States*

*Brewer v. Williams*

*Patterson v. Illinois*

Dressler, pp. 794 - 824

*United States v. Wade*

*Perry v. New Hampshire*

**Week 11 – Oct. 25 and Oct. 27**

Dressler, pp. 825 - 856

*Stack v. Boyle*

*United States v. Salerno*

Dressler, pp. 857 - 879

*United States v. Armstrong*

*Blackledge v. Perry*

Dressler pp. 886 - 894

Grand Jury Screening

Dressler, pp. 907 - 910

Preparing for Adjudication

Dressler, pp. 955 - 961

*Smith v. Cain*

Dressler, pp. 943 – 944

Discovery: Constitutional Discovery

**Week 12 – Nov. 1 and Nov. 3**

Dressler pp. 1001 – 1010, 1018 - 1034

The Role of Defense Counsel

*Gideon v. Wainwright*

*Scott v. Illinois*

Dressler pp. 1040 – 1091

*Ross v. Moffit*

*Faretta v. California*

*Stickland v. Washington*

The Supreme Court and Defense Counsel

Dressler, pp. 1097 – 1126

Plea Bargaining and Guilty Pleas

*Brady v. United States*

**Week 13 – Nov. 8 and Nov. 10**

Dressler, pp. 1132 - 1142

*Missouri v. Frye*

Dressler, pp. 1177 - 1202

The Trial Process

*Duncan v. Louisiana*

*Taylor v. Louisiana*

Dressler, pp. 1201 – 1202 (explanation of *Voir Dire and A Special Problem: Race and Racism in Jury Selection*)

Dressler, pp.1225 - 1252

The Story of *Miller-El*

*Batson v. Kentucky*

**Week 14 – Nov. 15 and Nov. 17**

Dressler, pp. 1269 – 1321

*Maryland v. Craig*

*Crawford v. Washington*

*Michigan v. Bryant*

Dressler, pp. 1348 – 1359

Right to Testify

*Griffin v. California*

Dressler, pp. 1369 - 1371

Introductory Comment

Dressler, pp. 1380 - 1388

The Federal Sentencing Guidelines and the Key Compromises Upon Which They Rest

Dressler, pp. 1418 - 1440

*Blakely v. Washington*

**Week 15 – Nov. 22 (No class Nov. 24)**

Dressler, pp. 1499 - 1507

*Jackson v. Virginia*

**Week 16 – Nov. 29 and Dec. 1**

Review and Catch-up

**Final Exam – TBD (Comprehensive Exam)**