

# **POLS 4720: Criminal Procedure**

University of Georgia **Spring 2025**

**MWF 10:20-11:10**

Location: Baldwin **301**

## **Instructor**

Alyson Hendricks-Benton

## **Email**

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## **Office Location & Hours**

101W

Monday/ Wednesday 11:15-12:30; By appointment: Zoom

## General Information

### Description

This course is designed to help students understand how criminal procedures have developed and transformed within the American legal landscape at the federal and state levels. Students will engage with criminal procedure literature through court cases, academic papers, and current events in the media. The process and changes within the realm of criminal procedure will be examined from the early 20<sup>th</sup> century through present day, including topics such as probable cause, warrants, searches and seizures, rights of the accused and many more facets of criminal procedure law in the United States.

### Expectations and Goals

Students are expected to attend/*participate* in class every day and turn in assignments on time. Students should be able to trace and explain how criminal procedure case law has evolved within the eyes of the law and Supreme Court throughout American history. Laptops are permitted but please limit cell phone use. If there is an emergency, step into the hall.

## Course Materials

### “Required” Text

**\*\*\*\*TECHNICALLY NOT REQUIRED BUT HAS THE MAJORITY OF CASES WE WILL READ\*\*\*\***

**Weinreb, Lloyd L. and Elizabeth Papp Kamali. Leading Constitutional Cases on Criminal Justice. 2022 Edition**

ISBN: 978-1636599618

On the syllabus, the textbook will be denoted as WK and supplemental readings will be posted on ELC and noted as ELC on the syllabus. ALL READINGS THAT ARE NOT CASES WILL BE POSTED TO ELC.

\*Because of the cost of this textbook, you may also choose an earlier, which is available for a lower cost but the page numbers and cases may be slightly different.

## Course Grades

*\*\*Case briefs may be hand-written or typed. They can be handed in in person or emailed at the end of class.\*\**

This course will be based on a 100 -point scale, detailed below:

**Participation (20%):** Students are expected to attend class every day. Each student gets 2 excused absences. Barring family or personal emergencies, any additional absences will negatively affect your participation grade. 6 points are allotted for spoken participation and 14 points are allotted for written participation (often in the form of tickets out the door). Discussion is key to understanding constitutional law in context, especially for the ever-changing area of criminal procedure.

**Exams (40%; 20% each):** There will be one midterm and one final exam. The midterm will cover material from the first half of class and the final will cover the last half. The final exam is not cumulative. Exams consist of three sections. The first part is short answer (one to two sentences) (5 points), followed by two compare and contrast of cases (8 points), and a short essay (2-3 paragraphs) (7 points). If an exam is missed, the student must contact the instructor within 24 hours of missing the exam. The make-up exam must be taken within one week of the *original* exam date (extenuating circumstances notwithstanding). Notice before missing an exam is appreciated but not required.

**Homework (10%):** Briefing cases is essential to understanding constitutional law and placing it within American Political Development. Every class, I will randomly collect 5 case briefs from students. Each student will be called twice throughout the semester (once before the midterm and once after). The template on how to brief a case is on ELC.

**Simulation (15%):** Every student will receive a role (attorney, jury member, police officer, or expert witness) and we will have a mock trial. Attorneys will prepare briefs to assist them in their argument. Jury members will be expected to take detailed notes and supply a 2-page double spaced paper on the reasoning for why they voted the way they did during deliberation. Police officers will be called to the stand to recount the incident/arrest/interrogation and be expected to answer attorney questions on the constitutionality of their actions. To prepare, they will write a 2-page double spaced paper on the constitutionality of the arrest and subsequent interrogations, defending their choices throughout. Expert witnesses are psychologists that are trained to spot false or coerced confessions and are expected to write a 2-page double spaced paper on the legitimacy and persuasiveness of false or coerced confessions. The exact case and more instructions will be given later in the semester. Simulation instructions and student assignments given 10/12.  
**Simulation papers (depending on your role) due 11/29 OR 12/7 on ELC by MIDNIGHT. Do not type your answers in the space provided by ELC.**

**Reflection Paper (10%):** For this assignment you will choose one unit and reflect on how that area of law has changed over time. Has it changed for better or worse in your opinion? What are some of the cases that you believe are most vital? Use case law to support your

answers. **Due 4/18 on ELC by MIDNIGHT. Word document or PDF only. Do not type your answers in the space provided by ELC.**

**Digital Day (5%):** Aspects of criminal procedure are all around us in everyday life, including on television. Choose any episode of a television (or even a movie) show that demonstrates some type of criminal procedure in action (execution of a warrant, vehicle search, home search, drug usage etc.). In a 1-page, single-spaced paper, analyze whether the portrayal of the act is constitutional (How does Hollywood's portrayal of criminal procedure comport with what we know to be true? Ex: Do they follow knock and announce, do they read *Miranda* properly, do they follow *Gant* for searches of a vehicle. There are several different angles from which you can pull for this analysis) according to the case law we have studied. Use at least one case we have discussed in your answer. **DUE 10/26 ON ELC by MIDNIGHT. Word document or PDF only. Do not type your answers in the space provided by ELC.**

### Grading Scale

No plus/minus scale

90-100: A

80-89: B

70-79: C

60-69: D

59 and below: F

\*\*Late grades will have one point deducted for every day late. For example, if you received at 4.5/5 on your Digital Day assignment, but turn it in a day late then your score will be 3.5/5.\*\*

### Academic Honesty

All students are responsible for maintaining the highest standards of honesty and integrity in every phase of their academic careers. The penalties for academic dishonesty are severe and ignorance is not an acceptable defense. All academic work for this course must meet the standards contained in "A Culture of Honesty." Students are responsible for informing themselves about those standards before performing any academic work. The penalties for academic dishonesty are severe, and ignorance is not an acceptable defense.

### Title IX/Inclusion

This course will require discussion of potentially divisive topics. All viewpoints expressed in class should be respected. Disrespectful behavior will result in a deduction of participation points. The key to productive academic discourse is to respect other worldviews and beliefs.

### Special Accommodations

Accommodation for Disabilities (e.g., If you plan to request accommodation for a disability, please register with the Disability Resource Center. They can be reached by visiting Clark

Howell Hall, calling 706-542-8719 (voice) or 706-542-8778 (TTY), or by visiting <http://drc.uga.edu>.) See <https://drc.uga.edu/sample-access-statements/> for additional examples.

*Disclaimer: The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary.*

## **Course Schedule**

**Week 1:** 1/6-1/10: Syllabus and Foundations

*\*First day of classes 1/6/25\**

*\*Friday (1/10) is the last day to add/drop classes\**

**M:** Syllabus and intro to class

**W:** Foundations of judicial analysis and the United States' court system: Read "The Federal Judicial System" (ELC)

**F:** Case Briefs and WestLaw (ELC): Go over template, examples, and do a practice brief in class (*Rochin v. California*)

*Beginning of Unit 1: Due Process of Law*

**Week 2: 1/13-1/17: Due Process I**

**M:** Spheres of Privacy and Incorporation

- *Griswold v. Connecticut*

**W:** Incorporation Continued

- Brief: *Adamson v. California; Palko v. Connecticut*

**F:** Due Process Application

- Brief: *Kahler v. Kansas; Washington v. Glucksberg*

*Beginning of Unit 2: Fourth Amendment, Searches and Seizures*

**Week 3: 1/20-1/24: Fourth Amendment, Searches and Seizures I**

**M:** NO CLASS MLK DAY

**W:** Fourth Amendment: People, Places, and Friends: Read "Katz and the Origins of the Reasonable Expectation of Privacy Test" ELC

- Brief *Olmstead v. U.S.; Katz v. U.S.; U.S v. White* (WK)

**F:** Privacy and the home: Read "Curtilage and the Reasonable Expectations of Privacy" (ELC)

- Brief *U.S. v. Dunn* (ELC); *Oliver v. U.S.* (WK)

**Week 4: 1/27-1/31: Fourth Amendment, Searches, and Seizures II and Warrants and Probable Cause I**

**M:** Technology and the home: Read "Surveillance Technologies" and "Carpenter and Cell Phone Records" (ELC)

- *Florida v. Riley* (ELC); *Florida v. Jardines; Kyllo v. U.S.* (WK)

*Beginning of Unit 3: Warrants and Probable Cause*

**W:** Exigency and the Puzzle of the Fourth Amendment: Read “Warrants and Probable Cause” (ELC)

- Brief: *Illinois v. Gates* (WK); *Maryland v. Pringle*

**F:** Exigency, Warrants, and Probable Cause

- Brief: *Kentucky v. King* (WK)

**Week 5: 2/3-2/7: Warrants and Probable Cause II and Arrests, Stops, and Reasonable Suspicion I**

**M:** Exceptions to the Warrant Requirement

- *Warden v. Hayden* (WK); *Birchfield v. ND*

*Beginning of Unit 4: Arrests, Stops, and Reasonable Suspicion*

**W:** Plain View and Automobiles: Read “The Impact of Gant on Police Searches” (ELC)

- Brief: *California v. Acevedo*; *Michigan Dept. of State Police v. Sitz* (WK); *Arizona v. Gant*

**F:** Seizures and Arrests: Read “Dimensions of Seizures” (ELC)

Brief: *California v. Hodari*; *U.S. v. Watson*; *Atwater v. City of Lago Vista* (WK)

**Week 6: 2/10-2/14: Arrests, Stops, and Reasonable Suspicion II and Exclusionary Rule I**

**M:** Types of Stops: Read “Reasonable Suspicion and *Terry*” (ELC); ALSO REASONABLE SUSPICION AND PROBABLE CAUSE

- Brief: *Terry v. Ohio*; *U.S. v. Sharpe*; *Ornelas v. U.S.*; *Adams v. Williams* (WK)

**W:** Profiling; Stop and Frisks: Read “Profiling and Reasonable Suspicion” (ELC)

- Brief *Illinois v. Wardlow*; *Florida v. JL* (WK)

*Beginning of Unit 4: Exclusionary Rule (END OF THIS UNIT IS END OF MATERIAL FOR MIDTERM)*

**F:** Origins of the Exclusionary Rule: Read “Exclusionary Rule” (ELC)

- Brief: *Mapp v. Ohio* (WK); *Weeks v. U.S.*; *Elkins v. U.S.*

**\*\*Supreme Court Simulation Roles Given\*\***

**Week 7: 2/17-2/21: Exclusionary Rule II**

**M:** Exceptions to the Exclusionary Rule: Watch video: Exceptions to the Exclusionary Rule (ELC)

- Brief: *Nix v. Williams*; *U.S. v. Leon*; *Wong Sun v. U.S.*; *Harris v. New York* (WK); *Murray v. U.S.*

**W:** Continue exceptions to Exclusionary Rule/ Review for Midterm

**F: MIDTERM EXAM**

*Beginning of Material for Final Exam starts Monday 2/24—Unit 5: Interrogations, Confessions, and Lineups*

**Week 8: 2/24-2/28: Interrogations, Confessions, and Lineups I**

**M:** Voluntariness and Confessions: Read “The Social Psychology of False Confessions” (ELC)

- Brief: *Brown v. Mississippi*; *Spano v. New York*; *Colorado v. Connelly* (WK)

**W:** Interrogations and the Miranda Warning: Read “Interrogations and Effectiveness of Miranda” (ELC)

- Brief: *Escobedo v. Illinois*; *Miranda v. Arizona* (WK)

**F:** Exceptions, Waivers, and Violations of *Miranda*

- Brief: *Oregon v. Elstad*; *Berghuis v. Thompkins* (WK); *New York v. Quarles*

Week 9: 3/3-3/7: NO CLASS SPRING BREAK

**M:** No class

**W:** No class

**F:** No class

### **Week 10: 3/10-3/14: Interrogations, Confessions, and Lineups II and Right to Counsel I**

**M:** Lineups: Read: “The Legality of Lineups” (ELC)

- Brief: *U.S. v. Wade*; *Kirby v. Illinois* (WK)

*Beginning of Unit 6: Right to Counsel*

**W:** The Sixth Amendment and the “Right” to Counsel: Read “From Powell to Gideon” (ELC)

- Brief: *Powell v. Alabama*; *Betts v. Brady*; *Gideon v. Wainwright* (WK)

**F:** Right to Counsel Continued

### **Week 11: 3/17-3/21: Right to Counsel II**

**M:** Ineffective Assistance of Counsel: Read: “Effective Counsel and Race” (ELC)

- Brief: *Argersinger v. Hamlin*; *U.S. v. Cronic*; *Strickland v. Washington* (WK)

**W:** Defending Sixth Amendment Rights: Read “The Sixth Amendment and A Fair Trial”

- Brief: *Maryland v. Craig*; *Crawford v. Washington*

**F:** Defending Sixth Amendment Rights

- Brief: *Faretta v. California*; *Montejo v. Louisiana* (WK)

**Digital Day Papers due MARCH 23<sup>RD</sup> at MIDNIGHT.**

*Beginning of Unit 7: Trial Rights*

**Week 12: 3/24-3/28: Trial Rights I**

**M:** Trial Process and Publicity: Read “What is Voir Dire?” and “Steps of a Trial” (ELC)

- Brief: *Ramos v. Louisiana*; *Barker v. Wingo*; *Sheppard v. Maxwell* (WK)

**W:** Right to a (size appropriate) Jury of Your Peers: Read “Does Jury Size Matter?”

- Brief: *Duncan v. Louisiana*; *Ballew v. Georgia*

**F:** Trial by a (non-biased) Jury of Your Peers: Read “Batson and Jury Bias”

- Brief: *Boston v. Kentucky*; *JEB v. Alabama*, *Georgia v. McCollum* (WK)

**Week 13:** 3/31-4/4: Race, Counsel, and Trials

*\*\*Thursday 4/3 is the last day to withdraw from classes\*\**

**M:** Watch *A Time to Kill*

**W:** Watch *A Time to Kill*

**F:** Watch *A Time to Kill*

*Beginning of Unit 8: Double Jeopardy and Sentencing*

**Week 14:** 4/7-4/11: Double Jeopardy and Sentencing

**M:** Discussion of *A Time to Kill*

*Beginning of Unit 8: Double Jeopardy and Sentencing*

**W:**

**F:**

**Week 15:** 4/14-4/18:

**M:**

**W:**

**F:** MIDTERM MAKE UP DAY (If you took the midterm on the original date you do NOT have class today)

**Reflection Papers due by Friday APRIL 18<sup>TH</sup> at MIDNIGHT.**

**Simulation Papers (attorneys, police officers, expert witnesses) DUE TUESDAY APRIL 22<sup>ND</sup> AT MIDNIGHT ON ELC.**

**Simulation Papers (jury members) due FRIDAY MAY 2<sup>ND</sup> at MIDNIGHT ON ELC.**

**Week 16:** 4/21-4/25: Supreme Court Simulation

**M:** Simulation Prep Day (Jury Members on Zoom)

**W:** Simulation

**F:** Simulation

**Week 17:** 4/28: Review

**M:** Final Exam Review

*\*\*Tuesday 4/29 is Reading Day\*\**

**FINAL EXAM FRIDAY MAY 2<sup>ND</sup>: 8:00 AM -11:00 AM**

## FERPA

FERPA Notice (e.g., The Federal Family Educational Rights and Privacy Act (FERPA) grants students certain information privacy rights. See the registrar's explanation at [reg.uga.edu/general-information/ferpa/](http://reg.uga.edu/general-information/ferpa/). FERPA allows disclosure of directory information (name, address, telephone, email, major, activities, degrees, awards, prior schools), unless requested in a written letter to the registrar.)

## Mental Health and Wellness Resources

- If you or someone you know needs assistance, you are encouraged to contact Student Care and 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 for a student seeking mental health services (<https://www.uhs.uga.edu/bewelluga/bewelluga>) or crisis support (<https://www.uhs.uga.edu/info/emergencies>).
- If you need help managing stress anxiety, relationships, etc., please visit BeWellUGA (<https://www.uhs.uga.edu/bewelluga/bewelluga>) for a list of FREE workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center.
- Additional resources can be accessed through the UGA App.

## COVID-19

Students who test positive for COVID-19 may attend class virtually. It is recommended not to come to class if you have tested positive or are feeling ill.