



UNIVERSITY OF
GEORGIA

School of Public and International Affairs
Department of Political Science

POLS 4720: Criminal Procedure

Monday/Wednesday 8:15-9:35

Room: 102 Baldwin Hall

Instructor: Dr. John Newton

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Office Hours: Tuesdays 11:30 – 12:30

Course Description

The Fourth, Fifth, Sixth and Eighth Amendments to the United States Constitution, with specific attention to the law governing criminal arrest, trial, and punishment. There will be an emphasis on cases from our common law system where stare decisis expounds on the meaning of these amendments and other legal guidelines.

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Text

Criminal Procedure: Principles, Policies, and Perspectives. 8th edition.
Joshua Dressler, George Thomas, and Daniel S. Medwed
ISBN: 9781647087722

There is a casebook plus version with ISBN 9781685619497. This is not required. The casebook plus version offers additional resources from the publisher. This is not required. The casebook plus version is not required.

The textbook publisher offers a discount if you order through their website, but you may wish to purchase from the UGA Bookstore as they should have the book in stock. I do not advocate for purchasing the book through any specific site/location – I'm only providing possible discount options.

Students can purchase the book directly from West Academic in various formats at:
https://www.westacademic.com/Criminal-Procedure-Principles-Policies-and-Perspectives_14

15% Student Discount:

Students can save 15% when they purchase their book directly from us at www.westacademic.com by using the Discount Code: STUDENTSAVE. The discount code can be applied to both print books and eBooks providing flexible, affordable options for them in the format that best suits their learning. Students who purchase their print books on the West Academic store receive free ground shipping and instant 14-day digital access to most casebooks while their book ships.

There may be additional readings on ELC as cases make their way through the judicial system.

Student Learning Objectives

- Students will examine constitutional policy making by the U.S. Supreme Court in the area of criminal procedure.
- Students will attain a basic understanding of protections afforded to citizens against the government in the area of criminal justice.
- Students will develop an understanding of the varying legal and political influences that shape criminal procedure policy and doctrine.
- Students will learn how to analyze court opinions and apply legal principles from those opinions to factual situations.
- Students will learn how to communicate legal and policy issues in a structured and cogent manner.

TOPICAL OUTLINE

The Criminal Justice System, Courts, and Sources of Rights

The Exclusionary Rule

Arrest, Search and Seizure--Arrests

Arrest, Search and Seizure--Searches and Seizures

Interrogation, Confessions and Admissions

Right to Counsel and Effective Assistance

Identification and Pre-Trial Proceedings

A Defendant's Right at Trial

Grading

Quizzes: 20 %

Midterm: 30%

Final Exam: 50%

Class Participation: Students who demonstrate an understanding of the material or assist in the learning process through questions may get a class participation bonus.

Students who text, browse social media, shop online, 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.

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+ = 66-69

D = 63-65

D- = 60-62

F = 0-59

Important Class Dates

Classes Begin: August 17

Quizzes: Various

Labor Day: Sept. 7 (no class)

Midterm:

Withdrawal Deadline: Nov. 11

Spring Break: Nov. 23-27

Classes End: April 27

Final Exam:

Syllabus Policy

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

I reserve the right to make changes to the syllabus if necessary. It can be difficult to project how long sections will take to cover. Other situations may indicate the need for changes in the assignments, so please pay attention in class. If you have questions, please ask.

Late Work

Assignments turned in late will be assigned a penalty for each day that an assignment is late (including weekends). The typical late penalty is ten points per day, but it may vary depending on circumstances. Assignments turned in after the deadline but on the day it is due will be given a partial penalty.

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: <https://honesty.uga.edu>. Lack of knowledge of the

academic honesty policy is not a reasonable explanation for a violation. This means I expect you to follow the rules of this course and not use outside assistance on any quizzes, writing assignments, presentations, tests, or other work unless authorized by the assignment. Please ask if you have questions.

Under the honor code, you have agreed to the statement below:

"I will be academically honest in all of my academic work and will not tolerate academic dishonesty of others." A Culture of Honesty, the University's policy and procedures for handling cases of suspected dishonesty, can be found at honesty.uga.edu.

Accessibility and Testing

If you anticipate needing classroom or exam accommodations due to the impact of a disability or medical condition, you must register for services with Accessibility and Testing. Additional information can be found at <https://accessibility.uga.edu>

Withdrawal Policy

UGA's withdrawal policy can be found at <http://www.reg.uga.edu/policies/withdrawals>.

Attendance Policy

Class participation is a very important part of the learning process in this course. Although not explicitly graded, you will be evaluated on the QUALITY of your contributions and insights. Quality comments possess one or more of the following properties:

- Offers a different and unique, but relevant, perspective;
- Contributes to moving the discussion and analysis forward;
- Assists in the learning process
- Demonstrates an understanding of the assigned material
- Includes evidence, argumentation, or recognition of contrasting values or tradeoffs (ie critical thinking)
- Demonstrates analytical thinking – especially using information or expertise learned outside of this class

Your participation is especially helpful for borderline grades. While your participation grade is subjective, it will not be random or arbitrary. And, clearly, more frequent quality comments are better than less frequent quality comments.

The decision to excuse an absence is the responsibility of the class instructor. Under certain circumstances, the Office of Student Care and Outreach may certify the legitimacy of absences.

The Office of Student Care and Outreach does not excuse or verify routine absences. The decision to excuse an absence, allow make-up work, or reschedule or make up an exam is entirely at the discretion of each faculty member or instructor.

Students who miss a significant amount of class (generally more than one week) and have documentation that helps provide verification of the legitimacy of the absences may provide that documentation to the instructor. If there are compelling privacy concerns, Student Care and Outreach will review the documentation at the request of the student and/or instructor. If the documentation appears sufficient to establish verification of the legitimacy of the absences, Student Care and Outreach will send a memo to the student's instructor(s) notifying the instructor(s) that the student has provided sufficient documentation of legitimate reasons for the absence. This memo will inform the instructor's decisions regarding whether to and/or how to accommodate or excuse any absences. The decision to excuse an absence, allow make-up work, or reschedule or make up an exam is entirely at the discretion of each faculty member or instructor.

The attendance policy can be found at <https://policy.uga.edu/policies/#/programs/SJTFnNAUp>.

Prohibition on Recording Lectures

In the absence of written authorization from the UGA Disability Resource Center, students may not make a visual or audio recording of any aspect of this course. Students who have a recording accommodation agree in writing that they:

- Will use the records only for personal academic use during the specific course.
- Understand that faculty members have copyright interest in their class lectures and that they agree not to infringe on this right in any way.
- Understand that the faculty member and students in the class have privacy rights and agree not to violate those rights by using recordings for any reason other than their own personal study.
- Will not release, digitally upload, broadcast, transcribe, or otherwise share all or any part of the recordings. They also agree that they will not profit financially and will not allow others to benefit personally or financially from lecture recordings or other course materials.
- Will erase/delete all recordings at the end of the semester.
- Understand that violation of these terms may subject them to discipline under the Student Code of Conduct or subject them to liability under copyright laws.

Artificial Intelligence Software

Artificial intelligence (AI) is a tool that will be part of the future. We will discuss in class how it may be used. If AI is used on an assignment, it should be explicitly stated and an explanation of how it was used should be included. Failure to include that AI was used and how it was used will constitute academic dishonesty. AI is not allowed for book questions, quizzes, or other assignments unless expressly authorized.

Preferred Name and Pronouns

Please let me know how you would like me to refer to you and/or what to call you. I'm happy to oblige to your preference of name and pronouns. My pronouns are he, him, his. As a student in this class, it is most appropriate to refer to me as Dr. Newton.

Email/Contact Etiquette

I want to help you succeed and achieve greatness. UGA students are enormously capable, and I am constantly impressed with what you all accomplish. However, I don't know you and my impression of you is based on our interactions and how you communicate with me. For that reason, it is a good idea to be respectful in our communications. Here are my suggestions:

- Please email me from your UGA email address. This helps me know who you are and connect you with this class.
- Please do not email me through ELC. I have missed those emails in the past and I am afraid I might not see your email. It is best to email me from your UGA email account.
- Please understand that I may post your email and my response on ELC. I started this practice because many students have similar questions. I don't post every email on ELC, because the email may not pertain to class questions. If you email me questions about tests, what we are supposed to be reading, about concepts or anything we are learning – I may post your question and my reply to benefit others in the class.
- It is best to be respectful of everyone. You never know when that may come in handy for a recommendation, a suggestion, or something else. Talk to other people in the class (and in all your classes). Take a moment to say something nice to someone and be supportive of each other. We are stronger together.

UGA Well-Being and Involvement

UGA Well-being Resources promote student success by cultivating a culture that supports a more active, healthy, and engaged student community.

Anyone needing assistance is encouraged to contact Student Care & Outreach (SCO) in the Division of Student Affairs at 706-542-8479 or visit sco.uga.edu. Student Care & Outreach helps students navigate difficult circumstances by connecting them with the most appropriate resources or services. They also administer the Embark@UGA program which supports students experiencing, or who have experienced, homelessness, foster care, or housing insecurity.

UGA provides both clinical and non-clinical options to support student well-being and mental health, any time, any place. Whether on campus, or studying from home or abroad, UGA Well-being Resources are here to help.

- Well-being Resources: well-being.uga.edu
- Student Care and Outreach: sco.uga.edu
- University Health Center: healthcenter.uga.edu
- Counseling and Psychiatric Services: caps.uga.edu or CAPS 24/7 crisis support at 706-542-2273
- Health Promotion/ Fontaine Center: healthpromotion.uga.edu
- Accessibility and Testing: accessibility.uga.edu

Additional information, including free digital well-being resources, can be accessed through the UGA app or by visiting <https://well-being.uga.edu>.

My recommendation for additional resources that may be useful:

- Rec Sports – <https://recsports.uga.edu> - stay healthy and have fun. I encourage you to maintain a fitness routine as this is great for physical and mental health. Also – if you go on an outdoor trip, I would love to hear about it so I can live vicariously through you.
- Georgia Museum of Art – not part of the well-being initiative, but you should visit. Take a break and walk around. It is free, on campus, and a great place to spend some time. <https://georgiamuseum.org>.
- UGA Involvement Network – <https://uga.campuslabs.com/engage>
- The UGA Police – 706-542-2200: You can contact them 24/7. They work for UGA and can connect you to on call mental health, help fix broken lights, or whatever you might need. You can also use the UGA Safe app to text the police anytime.

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 walkway behind the cemetery next to Baldwin Hall in an attempt to make sure everyone exited 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. As needed, I may ask a student to get the nearest AED which is outside room 101D. Students are encouraged to make sure their information in UGA Alert is accurate and to download the UGA Safe app.

Exam/Assignment make-ups

Makeup exams 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. Late work may not be accepted. If any late work is accepted, the reduction in grade is at the sole discretion of the instructor.

Final Exam and Midterm

You will need a laptop or similar device for the midterm and final exam. Please let me know if you need one for the exams. The final exam will be cumulative. There will be a written portion and a multiple choice portion. These will be in class exams.

Course Schedule (changes announced in class)

All readings are from the textbook unless otherwise indicated

Week 1

Failure/Introduction, pp. 9-11

Responsibilities of a Criminal Defense Attorney, Norms, pp. 31-47

Bill of Rights/Incorporation, pp. 47-61

Fourth Amendment: An Overview

Weeks, Wolf, Mapp

pp. 69-92

Week 2

Threshold of the Fourth Amendment

Katz, White, Smith, Kyllo, Jones, Carpenter Jardines, Karo

pp. 93- 191

Week 3

Substance of the Fourth Amendment, pp. 193-196, 206-286

Introduction, *Gates, Payton, Lo-Ji Sales. Richards, Hayden, Chimel, Riley*

Week 4

Substance of the Fourth Amendment, cont., pp. 287- 321, 329- 346

Belton, Gant, Whren, Chambers, Chadwick, Acevedo

Week 5

Substance, Cont. pp. 347- 386

Horton, Hicks, Schneckloth, Randolph, Rodriguez

Week 6

Reasonableness and *Terry*, pp. 387- 461

Terry, Dunaway, Mendenhall, Hodari D, White, Wardlow, Buie

Week 7

Reasonableness, pp. 461-480

Special Needs, *Sitz, Edmond*

Week 8

Remedies for Fourth Amendment Violations, pp. 481-562

Rakas, Carter, Mapp, Silverthorne, Murray, Wong Sun, Leon, Hudson, Herring, Davis

[If we have time, we will do the civil remedies section. I encourage you to read it even if it is not something we cover in class.]

Week 9

Questioning, pp. 581-586, 597- 640, 645-662, 672-685

Brown (p. 12), *Spano, Escobedo, Miranda, Quarles, Elstad, Siebert*

Week 10

Miranda Custody, Questions, Waiver, pp. 685-704, 709-734, 745-765

Berkmer, Innis, Edwards, Burghuis, Massiah, Brewer

Week 11

Pre-Trial Release, pp. 835-866

Stack, Salerno

Right to Counsel, pp. 1031-1042, 1053-1092

Gideon, Fareta, Strickland

Plea Bargaining, pp. 1105-1150

Brady, Alford, Frye

Week 12

Trial Process, pp. 1187-1214, 1240-1282

Duncan, Taylor, Batson, Thomas

Week 13

Entrapment, pp. 785-803

Week 14

Catch-up and recent cases

Week 15

Catch-up and prepare for final

Reading Day:

Final Exam: