

PLSC 4338
Criminal Procedure: 4th Amendment Rights
Fall 2016

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Office Hours: Tuesdays and Thursdays, 11:00 – 12:00, and by appointment

This course is designed to provide you with an understanding of certain key aspects of American constitutional criminal procedure. Specifically, we will study many of the procedural issues presented by the Fourth Amendment.

Text: Kenneth D. Agran. “Investigative Criminal Procedure.” West Academic Publishing (2015).

Student Learning Outcomes

History, Social and Behavioral Sciences (Depth)

Students will demonstrate an understanding of specific disciplinary or professional subject matter(s) by applying research outcomes or theory about how individuals, institutions, and/or cultures shape economic, political and social experiences.

Proficiencies and Experiences: Oral Communication

1. Students will be able to select, organize and use appropriate evidence or information to suit a specific or targeted audience.
2. Students will be able to use appropriate vocal and visual cues to deliver a presentation to a specific or targeted audience.

Course Requirements

Take-Home Hypotheticals/Memoranda (20%)

Two times during the semester, I will post a hypothetical question on Canvas and you will be required to write a decision memorandum. You will answer these hypotheticals outside of class, using your notes and textbook. The answers require application/analysis of assigned readings and do not involve library research. In fact, points will be deducted if you use any materials other than your notes and textbook. You **must** answer the hypotheticals using the IRAC method, which will be explained in class. The answers must be typed and approximately 10-15 pages, double-spaced, standard font size. Once I have posted the hypothetical, it is treated as a take-home exam. That means I cannot answer any questions and you are not to receive any assistance from anyone. **Each**

hypothetical must be turned in by 12:30 PM on the due date. If it is turned in at 12:31 PM, it is LATE. Each 24 hour period it is late, one grade will be deducted (A to A-, A- to B+, etc.) I will not accept a hypothetical more than 3 days late. That means that if you turn it in at 12:31 PM on 11/4 (for Hypothetical #1) or at 12:31 PM on 11/25 (for Hypothetical #2), you will receive a zero. A hard copy of the hypothetical must be turned in even if you e-mail it to me. If you do e-mail the hypothetical, if you do not receive a confirmation e-mail from me that I have received it, I HAVE NOT RECEIVED IT.

***Note:* No variation on the computer/printer/hard drive catastrophe excuse will be accepted. You should keep adequate backups of all written work to prevent such a problem. Google Drive and Dropbox are both free and you can use either of them to store your work.**

Case Presentation (5%)

Students will make a formal 10 minute presentation of a case to the class, specifically summarizing the core elements of their case and contextualize its importance in light of the balancing the need to detect, investigate, prosecute, and punish crime against the constitutional commitment to protecting the rights and liberties of individuals. Students must use power-point to facilitate their presentations.

Attendance/Class Participation (5%)

In light of the nature of the course material and the case-method approach to conducting this class, regular attendance and thoughtful participation are expected of each student throughout the semester. I use a modified Socratic teaching method, which means I randomly call on students to answer questions. Each student is expected to have read assigned materials **prior** to class. Your attendance and the quality of your individual contributions to class discussion will account for a portion of your final grade.

Note: All cell phones, iPods, BlackBerries, and other electronic devices must be turned to silent and stowed away for the duration of each class session. Any use of these devices is distracting. Computers are allowed for use in class, but only for note-taking purposes. If you do spend time in class surfing the Internet, text messaging, or reading outside materials, etc., this will adversely affect your participation grade.

Outline (10%)

An outline is a way to reduce the materials from class into a reasonable, organized study aid. You learn the law through the process of creating an outline. You are required to turn in your outline the day of the midterm exam. If you do not turn in your outline on that day, you will receive a zero. **I will not accept late outlines.** We will discuss how to outline in class.

Midterm Exam (25%)

On 10/13, we will have an in-class, closed-book, mid-term exam. The mid-term exam may consist of multiple choice, matching, fill in the blank, short answer, and essay questions.

Final Exam (35%)

On 12/12, we will have an in-class, closed-book, final exam. The final exam may consist of multiple choice, matching, fill in the blank, short answer, and essay questions. THE FINAL EXAM IS CUMULATIVE.

Course Schedule

8/23 Introduction
Exclusionary Rule
How to Read a Legal Opinion (Hand-Out)
How to Brief a Case (Hand-Out)

Starting 8/25 stay 5 cases ahead (starting with Chapter 3)

Important Dates:

10/11 No class: Fall Break

10/13 Midterm Exam; Outline Due

11/1 Hypothetical #1 Due

11/22 Hypothetical #2 Due

11/24 No class: Thanksgiving Holiday

12/12 11:30 AM – 2:30 PM Final Exam (Cumulative)

Additional Information

Disability Accommodations: Students needing academic accommodations for a disability must first register with Disability Accommodations & Success Strategies (DASS).

Students can call 214-768-1470 or visit <http://www.smu.edu/Provost/ALEC/DASS> to begin the process. Once registered, students should then schedule an appointment with the professor as early in the semester as possible, present a DASS Accommodation

Letter, and make appropriate arrangements. Please note that accommodations are not retroactive and require advance notice to implement.

Religious Observance: Religiously observant students wishing to be absent on holidays that require missing class should notify their professors in writing at the beginning of the semester, and should discuss with them, in advance, acceptable ways of making up any work missed because of the absence. (See University Policy No. 1.9.)

Excused Absences for University Extracurricular Activities: Students participating in an officially sanctioned, scheduled University extracurricular activity should be given the opportunity to make up class assignments or other graded assignments missed as a result of their participation. It is the responsibility of the student to make arrangements with the instructor prior to any missed scheduled examination or other missed assignment for making up the work. (University Undergraduate Catalogue)

Note: The course syllabus provides a general plan for the course; deviations may be necessary.