

## **CRIMINAL PROCEDURE**

Fall 2009

**Prof. Lerner**

### **Assignment for first class (Monday, August 24):**

Saltzburg & Capra, *American Criminal Procedure: Cases and Commentary* (8th ed.) pp. 787-793 (*Brewer v. Williams*); 1-7 (what is a criminal case)

Is the result in *Brewer* (child murderer goes free as the result of a technical violation of law) “intolerable in any society which purports to call itself an organized society,” (Burger, C.J., dissenting, p. 792), or have “[t]he dissenters . . . lost sight of the fundamental constitutional backbone of our criminal law. . . . [G]ood police work is something far different from catching the criminal at any price. It is equally important that the police, as guardians of the law, fulfill their responsibility to obey its commands scrupulously,” (Marshall, J., concurring, p. 791)?

### **Assignment for second class (Wednesday, August 26):**

Saltzburg & Capra pp. 7-19 (incorporation and *Duncan v. Louisiana*); 32-42 (introduction to Fourth Amendment and *Katz v. US*)