Course Description:

This course examines topics central to the criminal adjudication process. Topics covered may include the right to counsel, the charging decision, bail and detention pending trial, discovery, guilty pleas, trial rights, double jeopardy, sentencing, and post-conviction remedies. Criminal Procedure: Investigation is recommended, but not a prerequisite.

Class Schedule:

Class meets Tuesdays and Thursdays, 2:00 PM – 3:15 PM

Contact Information and Availability:

My office is Room 310; my office phone number is 703-993-9556. Office hours will be held at a time to be determined. If you are unable to attend my office hours, please let me know and we can arrange to meet at a mutually available time. Please request appointments and direct other class-related questions or concerns via email (etreyger@gmu.edu).

Required Course Material:

Kamisar, LaFave, Israel, King, Kerr, and Primus, *Advanced Criminal Procedure: Cases, Comments and Questions*, 14th edition (2015), with a 2015 supplement. It is a soft-cover, West Academic book. You may, if you so prefer, use the more expensive, hard-cover *Modern Criminal Procedure, Cases, Comments, & Questions*, 14th edition, by the same authors, which includes all the chapters in *Advanced Criminal Procedure* and chapters that cover the law of police investigation. [Note that if you choose to purchase an older edition of either casebook, which I do not recommend, you are responsible for verifying the correspondence of the material in the older editions with the assignment and for obtaining any readings added to the new edition.]

If I supplement the casebook with outside materials, these will be made available to you. Unless otherwise indicated, all reading assignments are from the casebook. The assignments will be adjusted from time to time to reflect the natural pace of the course and additional materials may be added. For this reason, assignments are numbered, rather than dated; unless I tell you
otherwise, you should presume each assignment is to be completed for the corresponding class (i.e. Assignment 1 should be read prior to our first class meeting).

Pay attention to the particular material assigned, or omitted, within a given page range: e.g., “1-10: Smith, n.1, n.4, B. Applications of Smith” means read the case where Smith is a named party, notes 1 and 4, and section B titled “Applications of Smith” within the page range given, and does not mean read all the material from page 1 through 10. “Up to n.1” means stop reading before note 1. If a page range is indicated without further information, you are responsible for the entire range. You are of course welcome to read beyond the assigned sections of the book, but for exam purposes, you are responsible for the material covered on the assigned portions, as well as any additional material presented in lecture.

***The first few assignments are posted below. The rest will be specified as the syllabus is updated***

Classroom Participation and Attendance:

Classroom participation is part of the course requirements. I will take volunteers but will also call on students randomly. My purpose is never to embarrass you, but to draw a good portion of the class into each class discussion; therefore, if you know that you will be absent or unable to prepare (for medical, family or other serious reasons), please let me know by email prior to class. Final grades may be raised or lowered by a third of a grade (i.e. from A to A- or vice versa) to reflect the quality of your class participation.

Academic Regulation 4 governs attendance. An attendance sheet will be available for your signature during each class. You are responsible for signing in for each class that you attend; at the end of the semester, if your name is missing from 20% of the classes, you are not eligible for course credit.

Power Point Slides:

I will make the class power point slides available via the course TWEN site at some intervals throughout the semester. You should keep in mind that slides will often contain minimal substantive information and cannot serve as a substitute for notes or attending class.

Final Exam:

The exam will take place on May 7, 2016 at noon. The exam will be open-book and open-notes; further details to follow.

Internet and Phone Policy:
I ask that you refrain from using the internet in any form, as well as phone messaging, during class time.

**Food Policy:**

Please check with me if you need to bring food into the classroom; on account on severe allergies, I must ask you to refrain from bringing certain foods into the room.

**ASSIGNMENT 1**

**Introductory Material:**

5-17: B. Steps in the Process (skip 5-9, pre-arrest investigation and arrest, if you took Criminal Procedure: Investigation).

19-23: §3. Diversity in Legal Regulation n.1-2, n.6; §4. Diversity in Administration, n.1

25-27: Optional: If you have not taken Investigation, or if you would like a refresher on the selective incorporation of the Bill of Rights to the states, read §1.

**Right to counsel:**

62-64: *Betts v. Brady*, n. 2-3

**ASSIGNMENT 2**

64-73: *Gideon v. Wainwright*, n. 2, 5, 6, Extending *Gideon* to Misdemeanor cases, n.3-5

76-82: *Rothgery v. Gillespie County*, n. 3, 4, 6


**ASSIGNMENT 3**

Reread material not covered in prior class

96-105: *Faretta v. Califronia*, n.2, n.4; 103-105: Notes & Questions on Warning, n.1-4


**Performance of Counsel:**

120-143: n.3, n.5-6, *Strickland v. Washington*, n.1, n.5-6, n.8
ASSIGNMENT 4

Re-read material not covered in prior class

143-144: §3. Strickland Applied n.1-2


Remaining Topics:

- Pretrial Release (bail)
- Decision to prosecute
- Preliminary hearing
- Grand jury review
- Joinder & severance
- Speedy trial
- Pretrial discovery & related rights
- Guilty pleas
- Trial by jury
- The criminal trial
- Reprosecution & double jeopardy
- Sentencing
- Appeals
- Post-conviction review: federal habeas corpus