Class Schedule:

Class meets Mondays and Wednesdays at 6:30 to 7:45 p.m.

Contact Information and Availability:

I can be reached by phone at (703) 299-3954 (office) or (703) 371-3580 (mobile). Additionally, I can be reached at the following email addresses dennis.fitzpatrick@usdoj.gov (work) dennis.fitzpatrick07@gmail.com (personal). Do not hesitate to contact me with any class-related questions, concerns or with requests to schedule a meeting. While I will not have set office hours, I am happy to meet with anyone before class, after class, or at the law school at another time, if needed. Please be mindful that my work schedule is often chaotic. It may take me several hours or even overnight to return a call or email, but I always return calls or emails.

Required Course Materials:

Joshua Dressler and George C. Thomas, III, Criminal Procedure: Investigating Crime, Fifth Ed. (2013); and, the 2013 Supplement.

Note: this is a softcover book. Dressler and Thomas’s more extensive (and expensive) hardcover edition Criminal Procedure: Principles, Policies and Perspectives is not assigned.

I may occasionally supplement the casebook with outside materials, which will be made available to you with sufficient advance notice and other disclaimers (i.e., not mandatory but for informational purposes only). The assignments may be adjusted from time to time given the pace of the course, and in consideration of certain subjects or topics that require more attention or less attention, as the case may be. As a reference point, my goal is to keep reading assignments at about 30 pages per class.

Classroom Participation and Attendance:

Classroom participation is part of the course requirements. During the first two classes I will discuss class participation with the class and we will come up with an effective method to encourage class participation. Naturally, the purpose of class participation is never to cause
embarrassment and I’ll never do that. However, class participation is beneficial to everyone and helps everyone “think like a lawyer.” Everyone should get in the habit of reciting facts, applying the facts to the law, and arriving at a plausible analysis. This is a skill you will continue to develop for the remainder of your career.

Class attendance is obviously important and will be monitored. If you fail to attend class with some frequency without sufficient explanation, you may be precluded from taking the final exam.

**Internet, Phone and Recording Policies:**

Use of the internet in any form is prohibited during class. Also, please “silent” or turn off your phones during class – “texting” or any other phone use is prohibited during class. Recording of the class in any way is prohibited.

**Final Exam:**

The exam will take place on **December 10, 2014 at 6:00 pm**. The exam will be open book and open notebook (details to follow).

---

**Assignment # (Date) Assignment:** Page references are to the *Dressler and Thomas* softcover text or the supplement. Individual class assignments primarily follow the text outline on pps. xvii--xxiii. Further explanation of individual class assignments will be provided in class throughout the semester.

---

1 (08/25/14) **Introduction:** *Preface* (v-vii); *United States Constitution* (selected provisions) (1-4) – pay particular attention to Amendments IV, V, VI and XIV. **Fourteenth Amendment:** *Brown v. Mississippi* (pps. 12-17) notes 1-4.

**TWEN Documents:**
1. *In a Muddle Over Metadata*, Ruth Marcus, Washington Post 12/18/13
2. Fitzpatrick Class One Handout
2 (08/27/14) Fourteenth Amendment: Incorporation (44-57); Dressler & Michaels (Notes 2,5-6); Duncan v. Louisiana (Notes 1-3).

Fourth Amendment: Overview and Exclusionary Rule (64-85); Weeks v. United States (Note 1); Wolf v. Colorado (Notes 1-3); Mapp v. Ohio (Notes 1-4, 6, 8).

3 (09/03/14) Fourth Amendment: What Is a “Search”? (87-105); Katz v. United States (Notes 1, 4-6); United States v. White (Notes 1-2, 5-6, 8); Supplement (pps. 1-14) What is A “Search”?; Florida v. Jardines.

4 (09/08/14) Fourth Amendment: “Search” cont. (105-121); Smith v. Maryland (Notes 1-8).

Fourth Amendment and National Security: Posted on TWEN:

1. 50 U.S.C. § 1861 (also known as Section 215 of the USA Patriot Act);


Fourth Amendment and National Security: OPTIONAL READING posted on TWEN (Not required for class participation, but Professor Fitzpatrick may discuss the following cases because they are reflect the current national debate concerning the Fourth Amendment and national security):


<table>
<thead>
<tr>
<th>Date</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 (09/10/14)</td>
<td>Fourth Amendment: “Search” cont. New Technology (121-147); <em>Kyllo v. United States</em> (Notes 1-4); <em>United States v. Jones</em> (Notes 1-4); What is a “Seizure”? (147-150) <em>United States v. Karo</em> (Notes 1-5).</td>
</tr>
<tr>
<td>10 (09/29/14)</td>
<td>Fourth Amendment: When are warrants required? (i.e., the exceptions to rules) (209-229) <em>Kentucky v. King</em> (Exigent circumstances)(Notes 1-2); <em>Chimel v. California</em> (search incident to arrest)(Notes 1,5,7).</td>
</tr>
<tr>
<td>12 (10/06/14)</td>
<td>Fourth Amendment: Cars cont. (260- 299) “Pretextual” stops and arrests. <em>Whren v. United States</em> (Notes3-4); Cars and Containers; <em>Chambers v. Maroney</em> (Notes 1-3); <em>California v. Carney</em> (Notes 1-4); <em>United States v. Chadwick</em> (Notes 1-4); <em>California v. Acevedo</em> (Notes 1-2,4).</td>
</tr>
<tr>
<td>13 (10/08/14)</td>
<td>Fourth Amendment: Plain View (and Touch) Doctrines; (299-311) <em>Horton v. California</em>; <em>Arizona v. Hicks</em> (Notes 1-2); Consent; (311-344) <em>Schneckloth v. Bustamonte</em> (Notes 5,7,9); <em>Georgia v. Randolph</em> (Notes 1-3); <em>Illinois v. Rodriguez</em> (Notes 2,4).</td>
</tr>
<tr>
<td>Date</td>
<td>Topic</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>15 (10/15/14)</td>
<td>Fourth Amendment: Terry seizures v. non-seizures (Drawing Lines). (375-396)</td>
</tr>
<tr>
<td>16 (10/20/14)</td>
<td>Fourth Amendment: Reasonable Suspicion. (396-421)</td>
</tr>
<tr>
<td>19 (10/29/14)</td>
<td>Fourth Amendment: Remedies—Exclusionary Rule REVISITED (467-484)</td>
</tr>
<tr>
<td>21 (11/05/14)</td>
<td>Fifth Amendment: Voluntariness <em>Brown v. Mississippi</em> (12-17); <em>Lisenba v. California</em> (538-547) (Notes 1-2); <em>Spano v. New York</em> (549-559)(Notes 1,3-5).</td>
</tr>
<tr>
<td>22 (11/10/14)</td>
<td>Fifth Amendment: (570-590) <em>Miranda v. Arizona</em> (Notes 1-3); <em>Thinking About Miranda</em>. (590-595) and Supplement pps 23-24, <em>Stormy Seas for Miranda</em>.</td>
</tr>
<tr>
<td>Date</td>
<td>Topic</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 23 (11/12/14) | Fifth Amendment: (596-632) *Miranda’s Status and the Exclusionary Rule*  
*New York v. Quarles* (Note 4);  
*Oregon v. Elstad* (Notes 2,3,5-7);  
*Dickerson v. United States* (Notes 1-2);  
*Missouri v. Seibert* (Notes 2,4,6). |
| 24 (11/17/14) | Fifth Amendment: (632-663)  
*Miranda Custody*  
*Berkemer v. McCarty* (Notes 1-4);  
*Miranda Interrogation*  
*Rhode Island v. Innis* (Notes 2,3,8);  
*Miranda waivers*  
*North Carolina v. Butler* (Notes 2,3,5);  
*Edwards v. Arizona* (Note 1). |
| 25 (11/19/14) | Sixth Amendment: (692-721)  
*Right to Counsel*  
*Massiah v. United States* (Notes 1-3);  
*Deliberate Elicitation: The Doctrine Evolves* (Note 1).  
*Brewer v. Williams* (*Massiah* waiver) (Notes 1-5);  
*Patterson v. Illinois* (Note 4). |
| 26 (11/24/14) | Sixth Amendment: (721-747).  
*Right to Counsel cont.*  
*Montejo v. Louisiana* (Notes 1-3);  
*McNeil v. Wisconsin* (Notes 1-3).  
*Kansas v. Ventris* (Notes 1-2). |
| 27 (12/01/14) | Sixth Amendment:  
*Confrontation Clause*  
Class material on TWEN:  
*Dressler and Thomas the Trial Process* pps. 1176 – 1223. |
| 28 (12/03/14) | FINAL CLASS:  
CLASS REVIEW and EXAM REVIEW (No assignment) |