CRIMINAL PROCEDURE: INVESTIGATION (206-003)

Fall 2020

William Fitzpatrick

Syllabus

Class Schedule:

This class will be fully remote. Class will meet by Zoom Mondays and Wednesday from 8:10 to 9:35 p.m.

Contact Information and Availability:

I will provide my contact information during the first class. Do not hesitate to contact me with any class-related questions, concerns or with requests to schedule a call or virtual meeting. I enjoy teaching and I am always open to answering questions, discussing issues, or doing anything else that will enhance the learning process.

Required Course Materials and Assignments:


Class Assignments:

You are responsible for all of the assigned material, but pay particular attention to the primary cases in each reading.

On occasion I may 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. Further information about the expectations for reading assignments will be provided during the first class.
Classroom Participation and Attendance:

Classroom participation is part of the course requirements. During the first two classes I will discuss class participation and we will come up with an effective method to encourage class discussion in the virtual classroom. Of course, the class participation requirement is not intended to cause embarrassment or be a source of needless anxiety. If anyone has concerns in this regard please let me know. Class participation is beneficial to the learning process and will help you “think like a lawyer.” Everyone should become proficient at reciting case facts, applying the facts to the law, and arriving at a thoughtful and well-reasoned legal conclusion. 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:

Any non-course related use of the internet is prohibited during class. Also, please “silent” or turn off your phones during class – “texting” or any other on-class related phone use is prohibited. Recording of the class in any way is prohibited.

Final Exam:

The exam will take place on December 3, 2019 at 6:00 p.m. The exam will be open book and open notebook (details to follow).

Learning Outcomes:

By the end of the course students should have acquired:

- An understanding of the investigative process, including 4th, 5th and 6th Amendment jurisprudence;
- The ability to identify legal issues that arise during the course of an investigation; and
- Proficiency in applying Constitutional and statutory law to a given set of facts.
Class Assignments:

1. 08/24/2020  Overview of the Federal Criminal Justice System
   Read the text of the 4th, 5th, 6th, and 14th Amendments to the United States Constitution

2. 08/26/2020  Overview of the Federal Investigative Process
   Saltzburg pps. 1-6  (Basic Principles)
   Saltzburg pps 6-34  (Incorporation and Retroactivity)

3. 08/31/2020  Saltzburg pps. 35-103 (Introduction to the Fourth Amendment/What is a “Search?” and “What is a Seizure?”)

4. 09/02/2020  Examples of search warrant documents will be provided prior to class. This class will address:
   How warrants are drafted;
   What documents are attached to the warrants;
   How warrants are presented to the Court;
   How warrants are executed;
   How evidence is collected and maintained;
   The warrant return.

   09/07/2020:  No Class (Happy Labor Day)

5. 09/09/2020  Saltzburg pps. 103-149 (Probable Cause)

6. 09/14/2020  Saltzburg pps. 150-212 (Search Warrants)

7. 09/16/2020  Saltzburg pps. 212-267 (Stop and Frisk);

8. 09/21/2020  Saltzburg pps. 267-315 (Stop and Frisk);

9. 09/23/2020  Saltzburg pps. 316-391 (Warrantless Searches and Seizures);

10. 09/28/2020 Saltzburg pps. 391-436 (Warrantless Searches and Seizures);

11. 09/30/2020 Saltzburg pps. 436-526 (Warrantless Searches and Seizures);

12. 10/05/2020 Saltzburg pps. 526-546 (Consent Seizures);
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<thead>
<tr>
<th>Date</th>
<th>Reading Assignment</th>
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<tbody>
<tr>
<td>10/07/2020</td>
<td>Saltzbourg pps. 546-562 (Electronic Surveillance)</td>
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<tr>
<td>10/12/20</td>
<td>No Class: Columbus Day, Fall Recess</td>
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<tr>
<td>10/13/2020</td>
<td>Saltzbourg pps. 562-622 (Remedies for 4th Amendment Violations); (Monday Schedule)</td>
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<tr>
<td>10/14/2020</td>
<td>Saltzbourg pps. 622-665 (Remedies for 4th Amendment Violations);</td>
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<td>10/19/2020</td>
<td>Saltzbourg pps. 667-728 (Self-Incrimination and Confessions);</td>
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<td>10/21/2020</td>
<td>Saltzbourg pps. 728-747 (Self-Incrimination and Confessions);</td>
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<td>10/26/2020</td>
<td>Saltzbourg pps. 747-802 (Self-Incrimination and Confessions);</td>
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<td>10/28/2020</td>
<td>Saltzbourg pps. 802-861 (Self-Incrimination and Confessions);</td>
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<tr>
<td>11/02/2020</td>
<td>Saltzbourg pps. 861-894 (Self-Incrimination and Confessions);</td>
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<td>11/04/2020</td>
<td>Saltzbourg pps. 895-938 (Identifying Suspects);</td>
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<td>11/09/2020</td>
<td>Saltzbourg pps. 939-967 (Right to Counsel);</td>
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<td>11/11/2020</td>
<td>Saltzbourg pps. 971-999 (Charging Decisions);</td>
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<td>11/16/2020</td>
<td>Saltzbourg pps. 999-1029 (Grand Jury);</td>
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<td>11/18/2020</td>
<td>Saltzbourg pps. 1029-1936 (Indictment and Related Issues);</td>
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