



FALL 2026 COURSE SYLLABUS

Course Number: Law 206-002

Course Title: Criminal Procedure I: Investigations

Credit Hours: 3 hrs.

Grading Mode: Letter grade

Meeting Day(s)/ Time(s): Wednesdays, 6:05 p.m. – 9:00 p.m.

Meeting Mode: In-person (class will meet via Zoom on September 23)

Exam Day(s)/ Time(s): DEC 3, 6:00PM

Final Exam Mode: In-person

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s): David A. Lord

Contact Information: dlord1@gmu.edu

Office Hours: I will be at Mason generally by 5:15 p.m. on Wednesdays and Thursdays and am happy to meet in person at that time. Otherwise, please contact me to arrange a meeting via Zoom.

Course Overview

This course introduces students with the criminal justice system, its procedures, and the Fourth, Fifth, Sixth, and Fourteenth Amendment rights.

Course Learning Outcomes

By the end of the course, students will have acquired the following skill-set:

- (A) A broad understanding of the key U.S. Supreme Court jurisprudence in 4th, 5th, and 6th Amendment law;
- (B) An understanding of the interrelatedness of legal concepts involving these three amendments to the U.S. Constitution;
- (C) An appreciation of the differing viewpoints and debated concepts that apply to criminal procedure;
- (D) An ability to apply case law in this field to individual fact patterns and make cogent arguments on contested legal issues.

Reading(s) & Supplement(s):

The recommended text for this class is American Criminal Procedure: Investigative – Cases and Commentary, 12th Edition by Stephen A. Saltzburg and Daniel J. Capra (ISBN 978-1-64708-646-6). Please note that this is a soft-bound, book with a red(ish) cover. Pay careful attention to which version you are purchasing, as these authors have a more inclusive book which includes adjudication. That is not the volume you need for this class. Students frequently ask whether they can purchase the prior edition of a book, in this case the 11th edition. I don't prohibit that. The benefit of the textbook is that it a) provides exceptional, easy to grasp context for the concepts we are talking about; and b) for most of our cases gives the needed excerpt for briefing. However, you will note that I have identified the cases in the syllabus that we will be discussing and that you need to know for the final. How you get information about these cases is up to you. It can be the new version of the textbook, the older version supplemented by internet sources, or entirely through the internet.

I am mindful of the many time constraints facing law students. For the reading each week, I've been highly selective about which portions of the text need to be read and the most important cases that you need to focus on in order to master this area of the law. ***Some of the cases that I cite as being of significant importance do not have a full copy of the opinion in the text. If you are assigned to brief that case, you may need to do additional research in order to be able to meaningfully discuss the case in class.***

Grading Policies

Participation & Preparation:

Generally, each class will begin with a mock motion to suppress. Two students will volunteer to act as defense attorney and prosecutor. A video will be made available prior to class involving a scenario of law enforcement interaction with a suspect. The student acting as the defense attorney will be responsible for identifying any conduct by the law enforcement officer that they believe to be legally or constitutionally problematic and will argue why it should result in the Court suppressing evidence if the suspect in the video is charged with the crime. The prosecutor will be responsible for responding to these arguments and answering whether the government can constitutionally defend the conduct at issue. All of the class will be engaged in a general discussion of the videos.

In terms of reading, every student is expected to be thoroughly engaged in class discussions about the cases. However, to reduce anxiety and improve the quality of case presentation, the cases that we plan on discussing each

class will be identified in the prior session and each case will be assigned to a particular student. That student will be responsible for summarizing the facts and holding as well as offering their view of the issues. However, all students are expected to engage in conversation about the cases and are responsible for reading the decisions.

You will note that this text in many ways is part case-book and part hornbook. As a result, some of the cases that we will be discussing offer only a cursory summary in the casebook and the student assigned the case may need to access the full text of the decision online.

Class participation will consist of attendance, engagement in class discussion, preparation for the class activities. If a student is deemed to have exceptional class participation, they will be eligible to have their final grade increased one level (for example, from a B to a B+ or from a B+ to an A-), **assuming it does not cause a violation of the university's mandatory curve**. Similarly, the failure to meaningfully participate can result in a one-step decrease on a student's grade level.

Courtroom Observation Assignment/Police Ride-along:

Additionally, each student is required to complete either a police ride-along or attend court proceedings at least once before the day of the final and submit a one page written paper describing the experience and discussing anything that overlapped with what we discussed in Court. We will talk more about this activity in class and how to find an opportunity to complete this assignment that allows you a meaningful chance to explore the issues we are discussing. This activity stand in lieu of one session identified below. The activity is pass/fail. However, the impact on the final grade is as follows: Any student who does not satisfactorily complete the project will have their grade reduced by one level (for example, from a B to a B- or from a B- to a C+).

Final %: 100

The final exam will take place on a date/time TBD and students will have three hours to complete it. The exam will be open-book (closed internet). Half will consist of multiple choice and true/false questions. The additional portion will consist of an essay in which you are provided a fact pattern and asked to assess the constitutional issues in it.

Classroom Policies

Attendance: Per AR 3-1.4, "maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student's program (full-time or part-time), successive registration for each fall and

spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

Absences: Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

Use of Technology & AI:

Students are encouraged to explore generative AI tools in this course, and are authorized to use AI for any purpose during this course except during the final exam. Moreover, please understand that you are responsible for appropriately presenting cases or other material and knowing their content. If you utilize AI to assist in how you present a case for class and it produces inaccurate results, you are on the hook for it. In other words, as you should in real life and real practice, check the results that AI is producing to ensure accuracy. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

Use of Electronic Text Books During Exams:

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's written exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student's computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor's standards for all examinations, which are included in the examination materials.

Course Schedule & Assignments

Week 1:

Date: August 19

Topic: Introduction to the 4th Amendment and the exclusionary rule. How to address a 4th Amendment problem. What is a search? Expectation of privacy vs. property rights view of the 4th Amendment; Standing

Assignment(s): Saltzburg and Capra pp. 561-578; 609-619; 33-38; 53-78; 111-116 (63 pages)

Cases of significance

- Weeks v. US/Mapp v. Ohio/Wolf v. Colorado
- Katz v. United States
- United States v. Jones
- Oliver v. United States
- Florida v. Jardines
- Kyllo v. US
- Illinois v. Cabales
- Rakas v. Illinois
- Minnesota v. Carter
- Minnesota v. Olson

Week 2:

Date: August 26

Topic: 3rd party doctrine: what is probable cause?

Assignment(s): Saltzburg and Capra 81-85; 89-105; 149-182 (53 pages)

Cases of significance

- US v. Miller/Smith v. Maryland
- US v. Jacobsen/Illinois v. Andreas
- Carpenter v. United States
- Spinelli v. US (including Aguillar)
- Illinois v. Gates
- Massachusetts v. Upton
- Maryland v. Pringle
- Florida v. Harris

Week 3:

Date: September 2

Topic: Particularity requirement; Seizure of a Person; "Stop and Frisk"/Terry Stops part 1.

Assignment(s): Saltzburg and Capra pp. 193-205; 120-140; 245-265 (52 pages)

Cases of significance

- Torres v. Madrid
- California v. Hodari D.
- Florida v. Royer
- US v. Mendenhall
- US. V. Drayton
- Terry v. Ohio
- Minnesota v. Dickerson (referenced in text, likely need to pull decision)
- Adams v. Williams
- Pennsylvania v. Mimms
- Maryland v. Wilson

Please note that on Wednesday, September 9, the University observes a Monday schedule

Week 4:

Date: September 16

Topic: Stop and Frisk/Terry Stops pt. 2, limits of a Terry stop, Pretextual stops

Assignment(s): Saltzburg and Capra pp. 265-300; 314-330; 387-394 (67 pages)

Cases of significance

- Kansas v. Glover
- Florida v. J.L.
- Navarette v. California
- Illinois v. Wardlaw
- Whren v. United States
- Ohio v. Robinette,
- US v. Sharpe
- US v. Place

Week 5:

Date: September 23 (class will be held via Zoom)

Topic: Search incident to arrest and plain view

Assignment(s): Saltzburg and Capra pp. 333-347; 359-384; 396-405 (48 pages)

Cases of significance

- Chimel v. California
- Maryland v. Buie
- U.S. v. Robinson
- Riley v. California
- Birchfield v. North Dakota
- Atwater v. City of Lago Vista
- Horton v. California
- Arizona v. Hicks

Week 6:

Date: September 30

Topic: Vehicle searches and exigent circumstances

Assignment(s): Saltzburg and Capra pp. 347-359; 405-445 (57 pages)

Cases of significance

- New York v. Belton
- Arizona v. Gant
- Michigan v. Long (may need to pull)
- Carroll v. United States
- Chambers v. Maroney
- Coolidge v. New Hampshire
- California v. Carney
- Collins v. Virginia
- California v. Acevedo
- Wyoming v. Houghton
- South Dakota v. Opperman
- Florida v. Wells
- Warden v. Hayden
- Brigham City v. Stuart
- Mincey v. Arizona
- Schmerber v. California/Missouri v. McNeely
- Kentucky v. King

Please note that we will not have class on Wednesday, October 7th. This stands in place of the courtroom observation/police ride-along assignment (and also lets you start Fall break a little early!)

Week 7:

Date: October 14

Topic: Special needs searches; consent

Assignment(s): Saltzburg and Capra pp. 448-458; 465-468; 489-512; 523-530; 533-551 (61 pages)

Cases of significance

- New York v. Burger
- New Jersey v. TLO
- City of Ontario v. Quon
- Maryland v. King
- Michigan Dept of State Police v. Stitz
- City of Indianapolis v. Edmond
- Illinois v. Lidster
- US v. Flores-Montano
- Schneckloth v. Bustamonte/US v. Drayton
- US v. Matlock
- Illinois v. Rodriguez
- Georgia v. Randolph

Week 8:

Date: October 21

Topic: Limitations on the Exclusionary Rule

Assignment(s): : Saltzburg and Capra pp.300-304; 578-609; 621-648; 657-658 (61 pages)

Cases of significance

- Heien v. US
- US v. Leon
- Massachusetts v. Shepherd
- Arizona v. Evans
- Herring v. United States
- Brown v. Illinois
- Rawlings v. Kentucky
- Utah v. Strieff
- Murray v. United States
- Nix v. Williams
- Franks v. Delaware

Week 9:

Date: October 28

Topic: Voluntariness and Compulsion

Assignment(s): Saltzburg and Capra pp. 673-678; 685-698; 722-742 (38 pages)

Cases of Significance

- Lefowitz v. Turley
- Fisher v. US
- Schmerber v. California
- Pennsylvania v. Muniz
- Brown v. Mississippi
- Spano v. New York
- Colorado v. Connelly
- Hiibel v. Sixth Judicial District Court of Nevada, Humboldt County

Week 10:

Date: November 4

Topic: The Basics of Miranda

Assignment(s): Saltzburg and Capra pp. 743-801 (58 pages)

Cases of significance:

- Miranda v. Arizona
- Dickerson v. United States
- New York v. Quarles
- Oregon v. Elstad
- Missouri v. Seibert
- Harris v. New York
- Mincey v. Arizona
- US v. Patane
- Vega v. Tekoh

Week 11:

Date: November 11

Topic: What is interrogation?, What is custody? Waiver of Miranda rights

Assignment(s): Saltzburg and Capra pp. 801-861 (60 pages)

Cases of Significance

- Berkemer v. McCarty
- Stansbury v. California
- J.D.B. v. North Carolina

- Rhode Island v. Innis
- Illinois v. Perkins
- Moran v. Burbine
- Berghuis v. Thompkins
- Edwards v. Arizona and Oregon v. Bradshaw
- Davis v. United States
- California v. Prysock
- Pennsylvania v. Muniz
- Arizona v. Roberts/Minnick v. Mississippi, Maryland v. Shatzer
- Michigan v. Mosely

Week 12:

Date: November 11

Topic: The right to Counsel and the 6th Amendment . Additional instruction will be offered on additional issues related to the identification of suspects) and Review Session

Assignment(s): Saltzburg and Capra pp. 861-894 (33 pages)

Cases of Significance:

- Massiah v. United States
- Brewer v. Williams
- US v. Henry/Kuhlmann v. Wilson
- Maine v. Moulton
- Texas v. Cobb
- Illinois v. Patterson
- Michigan v. Jackson/Montejo v. Louisiana
- Powell v. Alabama
- Gideon v. Wainwright
- Argersinger v. Hamlin
- US v. Wade/Coleman v. Alabama

Student Resources

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing titleix@gmu.edu.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-993-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[University Life](#)