



SPRING 2026 COURSE SYLLABUS

Course Number: Law 207-001

Course Title: Advanced Criminal Procedure

Credit Hours: Two (2) Credit Hours

Grading Mode: Grades are based on two writing assignments. The first assignment is to draft a suppression motion on behalf of a defendant. The motion must be 8-10 pages in length and is worth 25% of your final course grade. The second assignment is a final paper concerning a criminal procedure issue of your choice. The paper must be 20-25 pages and is worth 75% of your final course grade. In addition, in accordance with AR 4-4.2, final course grades can be raised or lowered by a single increment based on class participation (e.g., from B to B+ or from A- to B+.)

Meeting Time(s): Thursdays from 1:50 pm to 3:50 pm

Meeting Mode: In Person

Exam Time(s): No Exam

Exam Mode: Final paper

Prerequisite(s): Criminal Procedure: Investigation (Law 206)

Corequisite(s): None

Instructor(s):

Randy I. Bellows

Contact Information and Office Hours:

My email is rbellow@gmu.edu. I am available to speak with students by appointment. The best way to schedule an appointment is by emailing me. Appointments can take place either by telephone or in person at the law school.

Reading(s) & Supplement(s):

All readings can be accessed through Lexis or Westlaw or other online resources. The materials I post on Canvas, or use in class, are for the exclusive use of students registered in this course. These materials may not be shared with others or posted or circulated.

Course Overview:

This course closely examines significant, complex, and emerging constitutional issues in the investigation, prosecution, and defense of criminal cases. The course is broken into several categories: the impact of new technologies and novel investigative techniques on Fourth, Fifth and Sixth Amendment case law; due process, speedy trial and the Covid-19 pandemic; criminal discovery and *Brady* issues in the age of terabytes; the opioid crisis and its effect on charging and sentencing decisions; some of the most difficult and challenging ethical issues confronting prosecutors and public defenders; litigation of Fourth, Fifth and Sixth Amendment suppression motions; and recent developments in Supreme Court criminal procedure jurisprudence. The course will be taught through a combination of lectures, assigned readings, and class discussions.

Course Learning Outcomes:

- Students will build on their knowledge and understanding of criminal law and procedure by focusing in-depth on several significant and leading-edge constitutional issues.
- Students will gain an appreciation of the complex set of ethical issues unique to the prosecution and defense of criminal cases.
- Students will develop greater expertise and familiarity with the litigation of Fourth, Fifth and Sixth Amendment suppression motions.
- Students will be better prepared to assume front-line prosecution or criminal defense responsibilities after graduation.
- Students will acquire a realistic understanding of the challenges, difficulties, and satisfactions of a career as a prosecutor or public defender.

Grading Policies:

Participation: Class participation can raise or lower your final course grade by one increment, e.g., from B+ to an A-.

Suppression Motion (25%): This paper is due March 3, 2026, and is the *Defendant's Motion to Suppress Tangible Evidence and Statements*. This paper should be 8-10 pages in length. Additional information is provided below.

Final Paper (75%): The Final Paper is due April 30, 2026, and should be 20-25 pages in length. Additional information is provided below.

There are three main course deadlines:

March 3, 2026: Deadline for submission of the Defendant's *Motion to Suppress Tangible Evidence and Statements*. The pleading is due by 11:59 P.M. Every 24-hour period after the due date will reduce a student's grade on the assignment by one letter grade (e.g., from an A to a B, or from an A- to a B-.)

March 6, 2026: Deadline for submission of a one-page summary of proposed topic for the Final Paper.

April 30, 2026: Deadline for Final Paper. The Final Paper is due by 11:59 P.M. In accordance with AR 4-5.1(b)(iii): "Late submission of a final paper will result in a full grade reduction (e.g., A to B, B- to C-) for each 24-hour period that the paper is submitted beyond the deadline. The first 24-hour period begins at the submission deadline. A paper submitted at any point during the first 24-hour period will receive a full grade reduction; a paper submitted at any point during the second 24-hour period will receive a second full grade reduction; and so on until the paper is submitted or the grade is reduced to a failing ("F") grade."

Delaying the Deadline for the Final Paper

In accordance with AR 4-5.1(b)(i), unless the deadline for the final paper falls during a period when the university is closed, "instructors may not grant deadline extensions for final papers; all authority in this matter is delegated to the Associate Dean for Administration and Student Affairs. Excuses and requests for a deadline extension must be presented, with appropriate documentation, to the Associate Dean for Administration and Student Affairs. Except in emergencies, deadline extensions must be sought in advance of the scheduled deadline." The circumstances permitting a deadline extension for the final paper are set forth at AR 4-5.1(c).

Defendant's Motion to Suppress Tangible Evidence and Statements

At the beginning of the course, I will post a hypothetical presenting various potential suppression issues. Students are responsible for drafting and submitting a pleading entitled *Defendant's Motion to Suppress Tangible Evidence and Statements*. To assist you in drafting your motion, I will provide students links to numerous suppression motions filed in various jurisdictions.

Requirements: The pleading should be 8-10 pages in length, not including a cover page. The pleading must use 12-point Times New Roman or similar typeface and one-inch margins on all sides. Text should be double-spaced, and footnotes should be single-spaced. Footnotes must also be in 12-point type. The pleading must be submitted to me by email by the deadline and should be in the form of a PDF. Grading will be based on several factors, including: (1) following the assignment instructions; (2) identification of relevant factual and legal issues; (3) thoroughness of legal research; (4) proper citation of legal authorities; (5) clarity of the legal argument; and (6) the overall quality of the pleading. Late submission of the pleading will result in a grade reduction, as described above.

Final Paper

The Final Paper is a legal research paper on a criminal procedure topic selected by the student. I must pre-approve the chosen topic. Students must email me no later than **March 9, 2026**, with a one-page summary of their proposed topic(s) for the Final Paper. To assist you in selecting a topic, I will post numerous links to cases, law review articles, and other source materials that relate to the subject matters we will be discussing in each class. This additional material is not "required" reading. Rather, it is a selection of additional readings that I have chosen to serve as a resource for students wishing to delve deeper into course topics and to assist students in selecting a subject matter for the Final Paper.

Requirements: The paper should be at least 20 pages and no more than 25 pages (not including the cover page and bibliography). The paper must use 12-point Times New Roman or similar typeface and one-inch margins on all sides.

Text should be double-spaced, and footnotes should be single-spaced.

Footnotes must also be in 12-point type. The paper must be submitted to me by email by the deadline and should be in the form of a PDF. The grade will be based on the quality, depth, and thoroughness of the legal research, analysis, and writing, as well as the originality and complexity of your chosen topic. Late submission of the Final Paper will require a reduction in grade, in accordance with AR 4-5.1(b)(iii), as described above.

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.”

Participation & Preparation:

I expect students to have completed the assigned readings prior to each class and to participate actively in the class discussion. In addition, class discussion will be used to help students familiarize themselves with strategies and methodologies for orally arguing their position. Class discussion will also play an essential role in helping students understand and appreciate the difficult and complex criminal justice issues which we will be covering in class. While volunteering is encouraged and expected, I also “cold call” on students.

Use of Technology & AI:

Strict Use Policy: The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards.

Course Schedule & Assignments

Week 1:

Date: **January 15, 2026**

Topic: **NEW TECHNOLOGIES AND INVESTIGATIVE TECHNIQUES – A STRESS TEST FOR THE 4TH AMENDMENT?**

Assignment(s):

Readings:

- [Carpenter v. United States, 138 S. Ct. 2206 \(2018\)](#)
- [United States v. Chatrue, 136 F.4th 100 \(4th Cir. 2025\)](#)
- [United States v. Smith, 110 F.4th 817 \(5th Cir. 2024\)](#)

Week 2:

Date: **January 22, 2026**

Topic: **BODILY AUTONOMY AND THE FOURTH AND FIFTH AMENDMENTS**

Assignment(s):

Readings:

- [Seo v. State, 148 N.E.3d 952 \(Ind. 2020\)](#)
- [United States v. Wright, 431 F. Supp. 3d 1175 \(D. Nev. 2020\)](#)
- [In re Search of a Residence in Oakland, 354 F. Supp. 3d 1010 \(N.D. Cal. 2019\)](#)

Week 3:

Date: **January 29, 2026**

Topic:

WHY JURIES MATTER:

- **RAMOS V. LOUISIANA: THE LONG ROAD TO UNANIMITY**
- **BATSON, FLOWERS AND PENA-RODRIGUEZ AND THE**
- **SIXTH AMENDMENT GUARANTEE OF “AN IMPARTIAL JURY”**

DRAFTING MOTIONS TO SUPPRESS AND OPPOSITIONS

Assignment(s):

Readings:

- [Pena-Rodriguez v. Colorado, 580 U.S. 206, 137 S. Ct. 855 \(2017\)](#)
- [Flowers v. Mississippi, 139 S. Ct. 2228 \(2019\)](#)
- [Ramos v. Louisiana, 140 S. Ct. 1390 \(2020\)](#)

Week 4:

Date: **February 5, 2026**

Topic: **PREVENTIVE DETENTION, CASH BAIL, AND THE IMPORTANCE OF PRE-TRIAL FREEDOM**

Assignment(s):

Readings:

- [United States v. Salerno, 481 U.S. 739, 107 S. Ct. 2095 \(1987\)](#)
- [Walker v. City of Calhoun, 901 F.3d 1245 \(11th Cir. 2018\)](#)
- [Burroughs v. State, Nos. 144, 2022, 130, 2022, 2023 Del. LEXIS 288 \(Aug. 30, 2023\)](#)

Week 5:

Date: **February 12, 2026**

Topic: **THE EXCLUSIONARY RULE AND THE FOURTH AMENDMENT: HAVE THE EXCEPTIONS SWALLOWED THE RULE?**

Assignment(s):

Readings:

- [United States v. Leon, 468 U.S. 897, 104 S. Ct. 3405 \(1984\)](#)
- [Nix v. Williams, 467 U.S. 431, 104 S. Ct. 2501 \(1984\)](#)
- [Murray v. United States, 487 U.S. 533, 108 S. Ct. 2529 \(1988\)](#)

Week 6:

Date: **February 19, 2026**

Topic: **CRIMINAL DISCOVERY AND BRADY ISSUES IN THE AGE OF TERABYTES**

Assignment(s):

Readings:

- Federal Rules of Criminal Procedure Rule 16: [USCS Fed Rules Crim Proc R 16.](#)
- Federal Rules of Criminal Procedure Rule 26.2: [USCS Fed Rules Crim Proc R 26.2.](#)
- [United States Department of Justice's *Justice Manual*, Section 9.5000.](#)

Week 7:

Date: **February 26, 2026**

Topic: **A PROSECUTOR'S MOST CHALLENGING ETHICAL OBLIGATIONS**

Assignment(s):

Readings:

- American Bar Association's Criminal Justice Standards – [Prosecution Function](#)
- Virginia State Bar [Rules of Professional Conduct](#), Rule 3.8 ("Additional Responsibilities of Prosecutors")

Week 8:

Date: **March 5, 2026**

Topic: **A CRIMINAL DEFENSE ATTORNEY'S MOST CHALLENGING ETHICAL OBLIGATIONS**

Assignment(s):

Readings:

- Lisa G. Lerman et al., [The Buried Bodies Case: Alive and Well After Thirty Years](#), 2007 PROF. LAW. 19 (2007)
- McCoy v. Louisiana, 138 S. Ct. 1500 (2018)
- [Nix v. Whiteside](#), 475 U.S. 157, 106 S. Ct. 988 (1986)

Week 9:

Date: **March 19, 2026**

Topic: **DUE PROCESS, SPEEDY TRIAL, AND THE COVID-19 PANDEMIC**

Assignment(s):

Readings:

- [State v. Brimmer](#), 983 N.W.2d 247 (Iowa 2022)
- [United States v. Rodriguez-Mendez](#), No. 22-1422, 2023 U.S. App. LEXIS 11558 (3d Cir. May 11, 2023)
- [State v. Tate](#), 985 N.W.2d 291 (Minn. 2023)

Week 10:

Date: **March 26, 2026**

Topic: **CONFESSION SUPPRESSION AND THE FUTURE OF MIRANDA**

Assignment(s):

Readings:

- [Dickerson v. United States, 530 U.S. 428, 120 S. Ct. 2326 \(2000\)](#)
- [Vega v. Tekoh, 142 S. Ct. 2095 \(2022\)](#)

Week 11:

Date: **April 2, 2026**

Topic: **GIDEON, STRICKLAND, AND THE STATE OF CRIMINAL DEFENSE**

Assignment(s):

Readings:

- [Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 \(1984\)](#)
- [Kuren v. Luzerne Cty., 637 Pa. 33, 146 A.3d 715 \(2016\)](#)
- [ARTICLE: Too Much Heart and Not Enough Heat: The Short Life and Fractured Ego of the Empathic, Heroic Public Defender, 37 U.C. Davis L. Rev. 1203](#)

Week 12:

Date: **April 9, 2026**

Topic: **CHARGING AND SENTENCING DECISIONS IN THE SHADOW OF FENTANY**

Assignment(s):

Readings:

- [United States v. Watson, No. 22-3278, 2023 U.S. App. LEXIS 14405 \(6th Cir. June 8, 2023\)](#)
- [United States v. Ihediwa, 66 F.4th 1079 \(7th Cir. 2023\)](#)
- [United States v. Jeffries, No. 21-4197, 2023 U.S. App. LEXIS 9629 \(6th Cir. Apr. 21, 2023\)](#)

Week 13:

Date: **April 16, 2026**

Topic: **RECENT CRIMINAL PROCEDURE CASE LAW**

Assignment(s):

Readings:

- [Lee v. United States, 582 U.S. 357, 137 S. Ct. 1958 \(2017\)](#)
- [Jones v. Mississippi, 141 S. Ct. 1307 \(2021\)](#)
- [Smith v. Arizona, 602 U.S. 779 \(2024\)](#)
- Listen to Supreme Court's 10/5/25 oral argument in [Villarreal v. Texas](#), accessible at various sites, including: [Supreme Court of the United States](#)

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

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)