



SPRING 2026 COURSE SYLLABUS

Course Number: Law 389 (001)

Course Title: Criminal Procedure II: Adjudication

Credit Hours: 3.00

Grading Mode: Letter graded

Meeting Time(s): Tuesday, 6:05 p.m. to 9:00 p.m.

Meeting Mode: In-person

Exam Time(s): TBD

Exam Mode: On campus final exam

Prerequisite(s): None

Corequisite(s): None

Instructor(s):

David A. Lord

Contact Information and Office Hours:

dlord1@gmu.edu. I generally will be available one hour before the start of class at Mason. Alternatively, I am happy to schedule a remote meeting with you via Zoom.

Reading(s) & Supplement(s):

The required text for this class is *American Criminal Procedure: Adjudication – Cases and Commentary, 12th Edition* by Stephen A. Saltzburg and Daniel J. Capra (ISBN-978-1-647408-645-9). Please note that this is a soft-bound, book with an olive-green cover.

I am mindful of the many time constraints facing law students. As a general rule, approximately 60 pages of reading have been assigned per class. Some classes have more, others less. I may cover additional cases and principles that are not in the assigned reading. If you are absent from a class, please contact me about any extraneous material that may be covered. A PowerPoint set of slides will be available for each lecture and will be posted on Canvas after the relevant class.

Course Overview:

This course is designed to equip a student to understand how criminal cases are litigated at trial following an arrest. I rely heavily on the practical application of the law and we will use a single fact pattern throughout the semester to explore how to make bond arguments, engage in jury selection, and argue sentencing. This class will meet Tuesdays from 6:05 p.m. to 9:00 p.m. We will have two breaks during each class. Please note below particular days when class is not meeting either due to Spring Break or a practical exercise involving viewing judicial proceedings that is done in lieu of one class session. That activity is pass/fail. The activity does not have to be done specifically on the week in which there is no class, but must be completed at some point over the course of the semester.

Course Learning Outcomes:

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

- (A) A broad understanding of the legal issues and controlling cases that govern the adjudication of criminal cases.
- (B) The basic skill set to understand how to make appropriate arguments for either the prosecution or defense at various proceedings in a criminal case.
- (C) An understanding of the controversies and debates in constitutional law that pertain to the adjudication of criminal cases.
- (D) An ability to apply case law in this field to individual fact patterns and make cogent arguments on contested legal issues.

Grading Policies:

Participation %: 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.

Midterm Exam/ Paper %: N/A

Final Exam/ Paper %: 100%. Open book, closed internet, multiple choice and an essay.

Additional Content %: Over the course of the semester, each student is expected to attend proceedings in a criminal court and to write a one-page paper on what they observed and the extent to which any of the topics we have discussed in class played a role in what was happening that day in Court. I'm happy to help provide assistance in

identifying court proceedings that you could attend if you are uncertain how to go about doing this. Additionally, if you work a full-time job or have other scheduling constraints that make this assignment impractical or would create an undue hardship, I will work with you to find an alternate assignment to stand in place of this. It may involve interviewing criminal practitioners about one of the topics that we discuss this semester. However, to be eligible for an alternate assignment, please contact me within the first month of class to let me know that you need this kind of accommodation. This will be a pass/fail assignment, but is factored into your class participation. Specifically, failure to complete the assignment will result in a one-step decrease in grade (i.e. from an A to an A-; from an A- to a B+ and so forth).

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:

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 or at the beginning of the semester and each case will be assigned to a particular student. In the class session break-out below, I’ve identified particular cases that will be briefed and should be given particular focus. 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. Class participation will consist of attendance, engagement in class discussion, preparation for the class activities and case preparation discussed above. 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. Additionally, if a student fails to complete the courtroom observation practical assignment, it will result in one step decrease of their grade (for example from an A- to a B+ or from a B+ to a B).

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 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. The final exam is open book but without access to the internet. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room. Electronic text books (e-books) may be used during exam 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: January 20, 2026

Topic: Introduction – The screening and charging process/prosecutorial discretion, grand juries

Assignment(s): Saltzburg and Capra, pp. 982-1031 (49 pgs.) US v. Armstrong
US v. Williams Costello v. United States

Week 2:

Date: January 27, 2026

Topic: No Class – This is the Stand In for the Courtroom Participation Project Described Above

Assignment(s): N/A

Week 3:

Date: February 3, 2026

Topic: Bail and pretrial detention

Assignment(s): Saltzburg and Capra, pp. 1057-1101 (44 pgs.) Stack v. Boyle
U.S. v. Salerno

Week 4:

Date: February 10, 2026

Topic: Discovery and Brady (Exculpatory Evidence)

Assignment(s): Saltzburg and Capra, pp. 1101-1164 (63 pgs.) Brady v. Maryland
Giglio v. United States US v. Ruiz U.S. v. Agurs Kyles v. Whitley California v.
Trombetta/Arizona v. Youngblood District Attorney's Office for the 3rd Judicial
District v. Osborne Williams v. Florida U.S. v. Nobles US v. Skilling

Week 5:

Date: February 17, 2026

Topic: Guilty Pleas and Plea Bargaining

Assignment(s): Saltzburg and Capra, pp. 1165-1212 (47 pgs.) US v. Medina
Cervantes/Brady v. US (the other Brady) Bordenkirscher v. Hayes Boykin v.
Alabama McCarthy v. US/Boykin v. Alabama Henderson v. Morgan Padilla v.
Kentucky Bousley v. United States North Carolina v. Alford US v. Hyde US v.
Palladino Ricketts v. Adamson

Week 6:

Date: February 24, 2026

Topic: Pretrial Motions, including speedy trial, joinder/severance, and burden shifting/proof issues

Assignment(s): Saltzburg and Capra, pp. 1213-1298 [exclude 1237-1244; 1272-1287] (60 total pages) United States v. Marion p. 1215 United States v. Lovasco – p. 1218 Barker v. Wingo – p. 1222 Doggett v. United States p. 1228 Zafiro v. United States p. 1246 Mullhaney v. Wilbur (p. 1255)/Patterson v. New York (p. 1256)/Smith v. US (p. 1258) Apprendi v. New Jersey p. 1262 Harris v. US and Alleyne v. US (p. 1269) Ring v. Arizona (p. 1272) and Hurst v. Florida) Blakely v. Washington and US v. Booker (p. 1274)/Cunningham v. California and Oregon v. Ice United States v. Haymond p. 1283 Schad v. Arizona p. 1287 Richardson v. US p. 1289 County Court v. Allen p. 1291

Week 7:

Date: March 3, 2026

Topic: Jury trials

Assignment(s): Saltzburg and Capra, pp. 1299-1366; exclude 1332-1340 Duncan v. Louisiana Williams v. Florida Ramos v. Louisiana Taylor v. Louisiana Duren v. Missouri Batson v. Kentucky U.S. v. Glaudin Hernandez v. New York

PLEASE NOTE NO CLASS ON MARCH 10 DUE TO SPRING BREAK

Week 8:

Date: March 17, 2026

Topic: Sentencing

Assignment(s): Saltzburg and Capra, pp. 1547-1576; 1626-1640 (47 pgs.) Rummell v. Estelle/Solem v. Helm/Harmelin v. Michigan/Ewing v. California Graham v. Florida Miller v. Alabama Roper v. Simmons Maynard v. Cartwright/Edmond v. Florida/Coker v. Georgia/Lockett v. Ohio Alexander v. US/US v. Bajakajian/Austin v. US Williams v. New York Morrissey v. Brewer US v. Silverman

Week 9:

Date: March 24, 2026

Topic: Double Jeopardy

Assignment(s): Saltzburg and Capra, pp. 1641-1724 (89 pgs.); can exclude dissents/concurrences) and 1697-1701; 1720-1724 (about 74 US v. Scott Evans v. Michigan Smith v. Massachusetts Illinois v. Somerville Arizona v. Washington Oregon v. Kennedy Burks v. US Lockhart v. Nelson Blockburger/Brown v. Ohio Grady v. Corbin Jeffers/Currier v. Va/Ohio v. Johnson Garret v. US/Diaz v. US/Witte v/ US US v. Dixon Ashe v. Sawnsen Gamble v. US Yeager v. US

Week 10:

Date: March 31, 2026

Topic: Presence, competence and the right to counsel

Assignment(s): Saltzburg and Capra, pp. 1416-1485, except for pages 1454-1469, which need not be read (54 pages) Illinois v. Allen Dusky v. United States Riggins v. Nevada Medina v. California/Cooper v. Oklahoma Strickland v. Washington Darden v. Wainwright Florida v. Nixon/McCoy v. Louisiana Padilla v. Kentucky Missouri v. Frye Lafler v. Cooper

Week 11:

Date: April 7, 2026

Topic: Self Representation, post-trial motions, and direct attack/appeal

Assignment(s): Saltzburg and Capra, pp. 1526-1547; 1737-1775 (59 pgs) Farett v. California Indiana v. Edwards Wright v. West Musacchio v. US Chapman v. California Arizona v. Fulimante Sullivan v. US Neder v. US Weaver v. Massachusetts Kotteakos v. United States Rivera v. Illinois

Week 12:

Date: April 14, 2026

Topic: Habeas proceedings

Assignment(s): Saltzburg and Capra, pp. 1775-1820, excluding pages 1808-1814 which need not be read (39 pgs.) Holland v. Florida Estelle v. McGuire Stone v. Powell Piccard v. Connor Williams v. Taylor Winthrow v. Williams Wainwright v. Sykes

Week 13:

Date: April 21, 2026

Topic: Review Session for Final Exam

Assignment(s): N/A

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](#)