

Criminal Procedure  
Professor Cornwell  
Syllabus

Course Materials:

- (1) JAMES J. TOMKOVICZ & WELSH S. WHITE, *Criminal Procedure: Constitutional Constraints upon Investigation and Proof* (4th ed.)
- (2) Handout cases (H), distributed in class
- (3) In-class materials, distributed as we go along

**August 26/27:** The “Threshold” of the Fourth Amendment Right to be Secure Against Searches.

Reading: Pages ix-xv; 3-37.

**September 3:** Unreasonableness and the Probable Cause Requirement.

Reading: Pages 45-71.

**September 9/10:** Unreasonableness and the Warrant Requirement; Reasonable Searches Without Warrants: Searches Incident to Arrest and Searches for Arrestees.

Reading: Pages 79-107;115-139.

**September 17:** Reasonable Searches Without Warrants: Searches Incident to Arrest and Searches for Arrestees (cont’d); Exigent Circumstances Searches.

Reading: Pages 139-153; 161-166.

**September 23/24:** Reasonable Searches Without Warrants: Vehicle and Container Searches; Inventory Searches.

Reading: Pages 171-210; 216-230.

**Sept 30 / Oct 1:** Reasonable Searches Without Warrants: Consent Searches and the “Plain View” Doctrine; Balancing Approach to Fourth Amendment Reasonableness: Stops, Frisks, and the Right to Be Secure in One’s Person, Home and Effects: The Constitutional Doctrine and Its Theoretical Underpinnings.

Reading: Pages 236-273; 279-294.

- October 7/8:** The Balancing Approach to Fourth Amendment Reasonableness: Stops, Frisks, and the Right to Be Secure in One's Person, Home and Effects: "Seizures" of Persons; the Showing Needed to "Stop" and "Frisk;" the Permissible Scope of "Stops," "Frisks" and "Sweeps."
- Reading: Pages 294-309; *Drayton* (H); 309-15; 320-335; 340-356.
- October 14/15:** The Balancing Approach to Fourth Amendment Reasonableness: Stops, Frisks, and the Right to Be Secure in One's Person, Home and Effects: The Permissible Scope of "Stops," "Frisks" and "Sweeps" (cont'd); Balancing in Other Contexts.
- Reading: Pages 356-373; 380-424.
- October 21/22:** The Balancing Approach to Fourth Amendment Reasonableness: Higher than Usual Standards of Reasonableness; Entrapment and Related Defenses.
- Reading: Pages 424-430; 436-448; 455-479.
- October 28/29:** Due Process of Law and Confessions; The Privilege Against Self-Incrimination and Confessions: The Constitutional Basis and Custody.
- Reading: Pages 489-509; 517-548; 549-554.
- November 4/5:** The Privilege Against Self-Incrimination and Confessions: Interrogation, Waiver and the Invocation of Protections.
- Reading: Pages 549-554; 559-573; 576-586; 589-614.
- November 11/12:** The Right to Assistance of Counsel at Trial; Confessions and the Right to Assistance of Counsel.
- Reading: Pages 625-636; 643-674.
- November 18/19:** Identifications and the Right to Assistance of Counsel; The Due Process Clause and Identifications; The Sources of and Rationales for the Exclusionary Rules.
- Reading: Pages 683-710; 713-727; 735-748.

**November 25/26:** The Scope of and Exceptions to the Exclusionary Rules: The “Standing” Limitation and the “Independent Source,” “Inevitable Discovery” and “Attenuation” Doctrines.

Reading: Pages 751- 773; 777-791; 795-819.

**(PLEASE NOTE: Class will NOT meet on November 27, which otherwise follows a Monday schedule.)**

**December 2:** The Scope of and Exceptions to the Exclusionary Rules: The “Good Faith” Exception and the “Impeachment” Limitation.

Reading: Pages 825-844; 849-864.

PLEASE NOTE: The exam for this course is on Thursday, December 19, at 1:00. I will have a question-and-answer review at a mutually-agreed-upon time some day between December 2 and December 19. At that review, I will discuss the Supreme Court’s decision last year in *Kyllo v. United States*. *Kyllo* considers the Fourth Amendment implications of thermal imaging, and I have saved it until the end of the course since it provides an excellent opportunity to review core Fourth Amendment concepts.