SYLLABUS
Criminal Procedure I    LAW-803E § LSN   Spring 2010
Monday 6:30-9:10 p.m.
Hon. Patricia K. Sepulveda EMAIL: patsepul@aol.com
Office Hours: Mon. 5:30-6:30 (office location TBA)

Required materials:
1. Casebook: Kamisar, LaFave, Israel & King, Modern Criminal Procedure: Cases, Comments and Questions, 12th Ed., West (“Case”), ISBN 9780314189875

Course materials: The required textbooks are noted above. An additional reader booklet (“Reader”) labeled with the course number LAW803-LSN will be available in the law faculty center, room 2333, for pick up before the first class. You are required to register on TWEN for this class (password: crimproSpr10) http://lawschool.westlaw.com/TWEN. The syllabus, as well as daily class summaries and review notes, will be posted on TWEN on a weekly basis. I will be periodically e-mailing all members of the class through TWEN, so make sure you register with your correct e-mail address.

Course Content: In this course, we will cover a variety of issues regarding search & seizure, including search warrants, probable cause, exceptions to the warrant requirement, arrests, temporary detentions, “frisks,” automobile searches, standing, and the exclusionary rule. Also covered in the course materials are:

- Confessions, including 6th Amendment and Miranda issues.
- Fruit of the Poisonous Tree Doctrine
- Line-ups
- Right to Counsel
- Double Jeopardy

Attendance/Preparedness Policy: Regular attendance & preparation for class participation are required in this course; “pull points” may be assessed if a student does not meet these requirements. Any student who misses more than three (3) classes, or who is unprepared more than three (3) times, or whose absences and incidents of being unprepared together total more than three, will have his or her final grade reduced by one grade step (e.g., from a “B” to a “B-”), unless excused by me. If a student has a valid reason for missing a class, or being unprepared, he or she may be excused if class notes are obtained from another student and all assigned materials are read. I will take roll each day. Please e-mail me if you are going to miss a class.

Grading Method: You will receive a letter grade in this class. Grades will be based upon a final exam only, and adjusted for any “pull points.” The final exam is scheduled for Monday, May 1 at 2:00 p.m., and will consist of a combination of essay, multiple choice, and short answer questions. The final exam will be closed book. There will be no midterm exam.
Contacting Professor: My office hours will be from 5:30-6:30 p.m. on Monday evenings; room to be announced. Students may always contact me by e-mail at patsepul@aol.com. I check my e-mail regularly and will respond promptly.

## DETAILED READING SYLLABUS

### Lecture I (Mon., Jan. 11th)


**Case:** 12th Ed.: pp. 2-17  
2009 Supp.: None  
**Grano:** 4th Ed.: pp. 97-104 (problems 3-6)  
**Reader:** pp. 1-22

II. Search & Seizure

A. The Fourth Amendment. What is being protected? What is a search/seizure?

**Case:** 12th Ed.: pp. 254-276  
2009 Supp.: None  
**Reader:** p. 23

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**Mon., Jan. 18th—MLK Day Holiday—No class**

### Lecture II (Mon., Jan. 25th)

II. Search & Seizure

B. Probable Cause

**Case:** 12th Ed.: pp. 282-307  
2009 Supp.: p. 51  
**Grano:** 4th Ed.: text p. 9, problem 17 (p. 11)  
**Reader:** pp. 24-31  
Reader: pp. 32-33 (Hypo # 1)

C. Other Search Warrant Issues

**Case:** 12th Ed.: 307-319  
2009 Supp.: pp. 51-52  
*People v. Murphy* (2005) 37 Cal.4th 490  
**Reader:** p. 34
Lecture III (Mon., Feb. 1st)

D. The Exclusionary Rule (good faith exception, application to searches by private parties).

Case: 12th Ed.: 218-254  
2009 Supp.: pp. 44-51

E. Arrests: With and Without a Warrant

Case: 12th Ed.: 322-325; 364-371  
Minn. v. Olson 495 U.S. 91 (1990.)  
2009 Supp.: None  
Reader: pp. 35-37

Lecture IV (Mon., Feb. 8th)

E. Arrests, cont’d.

Case: 12th Ed.: 327-328; 331-350  
2009 Supp.: p. 52-53

F. “Exceptions” to Warrant Requirement

1. Searches Incident to Lawful Arrest  
2. Plain View Doctrine—Is it an exception?

Case: 12th Ed.: pp. 30-33, 351-358  
2009 Supp.: pp. 53-54  
Grano 4th Ed.: pp. 16-17 (problems 29 & 30)  
Reader: pp. 38-40

**President’s Day Holiday—No class**

Lecture V (Tues., Feb. 16th—Makeup class for President’s Day)

F. “Exceptions” cont’d.

3. Exigent Circumstances

2009 Supp.: None  
P. v. Thompson (2006) 38 Cal.4th 811  

4. Consent to search

Case: 12th Ed.: pp. 449-464
5. Inevitable Discovery

Case: 12th Ed.: pp. 896-904
2009 Supp.: pp. 96-100

Lecture VI (Mon., Feb. 22nd)

G. Regulatory Searches (including vehicle checkpoints)

Case: 12th Ed.: pp. 435-439
2009 Supp.: pp. 65-66

H. Automobile Searches

Case: 12th Ed.: pp. 371-399
2009 Supp.: pp. 54-64
Grano: 4th Ed.: pp. 21-23 (problems 39 & 41)

I. Temporary Detention/Pat Search (“Stop & Frisk”)

Case: 12th Ed.: pp. 399-428
2009 Supp.: p. 64
People v. Sanders (2006) 38 Cal. 4th 1129
Grano: 4th Ed.: pp. 29-32 (problems 52 & 57)

Lecture VII (Mon., Mar. 1st)

I. Temporary Detentions, cont’d.

Case: 12th Ed.: pp. 429-435; 343-350; 352, fn. e.
2009 Supp.: pp. 64-65
Grano: 4th Ed.: pp. 33-34 (problem 60)
[Reader: pp. 41-43 (Hypos 2 and 3)]

J. Standing

Case: 12th Ed.: pp. 872-881
2009 Supp.: None
Grano: 4th Ed.: pp. 82-84 (problems 2, 4 & 7)
Lecture VIII (Mon., Mar. 8th.)

J. Standing, cont’d.

Case: 12th Ed.: pp. 881-886
2009 Supp.: None

K. The Analysis of Search & Seizure Problems/”Top 20 Cases”

Reader: pp. 44-46 (Hypo # 4)

III. Confessions

A. “Voluntariness” (including physical & psychological coercion)

Case: 12 Ed.: pp. 539-552; 700-721
2009 Supp.: pp. 69-70; 91-92

**Movie

**SPRING RECESS—Mar. 15th-Mar. 19**

Lecture IX (Mon., Mar. 22nd)

B. The Right to Counsel--On the Road to Miranda

Case: 12th Ed.: pp. 552-566
2009 Supp.: None
Reader: p. 47

C. Miranda

Case: 12th Ed.: pp. 567-585; 656-665
2009 Supp.: None

Lecture X (Mon., Mar. 29th)

C. Miranda, cont’d.

1. What is custody?

Case: 12th Ed.: pp. 593-600
2009 Supp.: None

2. What is interrogation?

Case: 12th Ed.: pp. 600-614
3. Warnings

Case: 12th Ed.: pp. 588-592
2009 Supp.: p. 70

4. Waiver

Case: 12th Ed.: pp. 622-628
2009 Supp.: pp. 71-80

5. Emergency Exception

Case: 12th Ed.: pp. 614-619
2009 Supp.: None

6. Invocation

Case: 12th Ed.: pp. 628-642; 642-649
2009 Supp.: pp. 80-91

Lecture XI (Mon., April 5th)

7. Contrasted with Voluntariness & 4th Amendment Issues

Case: 12 Ed.: pp. 653-655
2009 Supp.: None

8. Use of Illegally Obtained Confessions

Case: 12 Ed.: pp. 905-910; 916
2009 Supp.: None

9. Review

D. 6th Amendment Issues

Case: 12 Ed.: pp. 722-737
2009 Supp.: None
Lecture XII (Mon., Apr. 12th)

IV. Fruit of the Poisonous Tree

Case: 12th Ed.: pp. 887-904; 677-700
2009 Supp.: pp. 96-100

V. Analysis of Confession Issues

Reader: pp. 48-49; 51-52 (Hypos # 5 & 7)

VI. Right to Counsel

A. Indigent Defendants

Case: 12th Ed.: pp. 74-104
2009 Supp.: pp. 24-31
Grano: 4th Ed.: pp. 150-152 (problem 5)

Lecture XIII (Mon., April 19th)

VI. Right to Counsel, cont’d.

B. Right to Represent Oneself

Case: 12th Ed.: pp. 115-133
2009 Supp.: 32-40

C. Right to Counsel of One’s Choice

2009 Supp.: None

D. Right to Effective Assistance of Counsel

Case: 12th Ed.: pp. 139-181
2009 Supp.: pp. 40-43
Reader: pp. 57-58

VII. Lineups

Case: 12th Ed.: pp.744-773
2009 Supp.: pp. 93-94
Grano: 4th Ed.: pp. 55-57 (problems 4 & 5)
Lecture XIV (Mon., April 26\textsuperscript{th}–MLK Day Makeup)

VIII. Double Jeopardy

A. Prosecution After Mistrial

Case: 12 Ed.: pp.1446-1451; 1456-1461
2009 Supp.: p. 111

B. Prosecution After Acquittal

Case: 12 Ed.: pp. 1462-1472
2009 Supp.: None

C. Re-Prosecution

Case: 12th Ed.: pp.1472-1479
2009 Supp.: None
Reader: pp. 59-60

D. Prosecution by different jurisdiction

Case: 12th Ed.: pp.1479-1485
2009 Supp.: None

E. Failure to Prosecute Related Offenses

Case: 12 Ed.: pp.1138-1150
2009 Supp.: None

IX. Analysis of Multiple Issue Criminal Procedure Problems

Reader: pp. 55-56 (use as practice exam).

Final exam scheduled for Saturday, May 1, at 2:00 p.m.