Criminal Procedure C JL 4410

Instructor: Joseph W. Rivera, JD.
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Text and Required Materials:
1. Criminal Procedure (CP), 2nd Edition by Matthew Lippman

Optional Text Materials:
2. The Devil’s Advocates, by Michael Lief and H. Mitchell Caldwell

Course Description:
In this course we will cover: the basic foundations of criminal procedural law, to include the application of the US Constitution, the effect and influence of judicial decision makers, and the role of Stare Decisis in the law. We will also cover issues regarding: Fourth Amendment searches and seizures of persons and property; the use and legality of police tactics, such as stop and frisk and interrogations; the legal requirements for reasonable suspicion and probable cause; the level of scientific reliability and the constitutional requirements for evidence presented in a court; the initiation of the legal process, plea bargains, and pretrial procedures and rights; and the procedural requirements and rights during the trial.

Course Objectives:
After taking this course, students should be able to explain the sources of criminal procedural law, the application of the law to them, and the legal limits of their own behavior and the behavior of the police. Students should also be able to explain how these constitutional requirements play into the admissibility of evidence, the basis behind plea bargains, and the function of the trial process to seek the truth.

Course Content/Outline:

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Grading:

- **Discussions**—30%. Each module will include several discussions which will total 10 to 20 points. There will be 11 modules; so, for every 10-point discussion will equal ~ 2.31% of your grade.
- **Quizzes**—15%. There are 6 quizzes, and each quiz will be worth 2.5% of your grade.
- **Activities**—25%. There are 4 activity assignments, and each will be worth 6.25% of your grade.
- **Exams**—30%. There are 4 exams, and each exam will be worth 7.5%.

This course uses a +/- grading scale:

- A = 93+
- A- = 90—92
- B+ = 87—89
- B = 83—86
- B- = 80—82
- C+ = 77—79
- C = 73—76
- C- = 70—72
- D+ = 67—69
- D = 63—66
- D- = 60—62
- E = 59 and below

**Discussions:**

In order to earn full credit on the discussions, you must do the following three things:

1. **Discuss each of the questions asked in a way that makes it clear to me you understand the material.** (8 points) To do this, I want you to make a point about something directly from the text for each of the questions I ask. Don’t just state a vague opinion you’ve derived from previous classes or outside resources. State your opinion on where you stand and why you think that supports your opinion. I’ll give you one point (or two points for a 10 point discussion) just for attempting to answer the questions. The other one point or two points you’ll have to earn by answering the questions in a way that indicates to me you understood what you were talking about. This is more art than science, but try your best to make a point that makes me, or even your classmates, go “hmm, that was insightful. Thanks for sharing,” in a non-sarcastic way.

2. **Cite the page from the textbook** (Criminal Procedure (CP), 2nd Edition by Matthew Lippman) where you derived your opinion. (4 points) You don’t have to give me a full APA citation. This isn’t a writing course, but citing the page directly helps me check your work. It’s also another indicator to me that you’ve read.

3. **Make several posts.** (8 points) For each discussion forum you must post at least one original thread, and you must post at least twice within the same discussion forum on separate days of the week. So, if the module is open for two days, you must post at least...
once on each day. Your other post(s) within the same discussion can be a response to another student’s thread or you can post a second original thread expressing a different opinion based on the text. The point of this is that this is a discussion; so, you need to discuss with others.

**Quizzes:**
You will receive two attempts to take each quiz. All the quizzes will be on Canvas. The questions will be different each time, but this is to give you the opportunity to improve your grade by giving you time to go back and study the material. YOU WILL NOT BE GIVEN THE CORRECT ANSWERS. So, you need to know what material and questions you felt less familiar with and focus on that to study before your second attempt. If you have specific questions about what you got wrong or about material you did not understand, you can post in the general discussion for course questions or email the instructor.

**Activities:**
There will be four course activities. A link to the activity will be provided at the beginning of each module section (Module 1, 4, 7, and 10). You will have the entire time over the course of the module section to complete the activities. Exact due dates will be available on Canvas. The first activity will be a case brief. You will be given a link to a case, which you must read, attempt to understand, and summarize IN YOUR OWN WORDS. Do not copy case briefs that can be found online. This will constitute plagiarism, and you will receive a failing grade for the course. The next three activities will try to force you to think and write like a lawyer. You will be given a fact scenario, which you must read and try to spot the various legal issues we have discussed during the course. Each activity will focus on the law we covered in class during the current module section. You will be required to discuss the relevant case law and how it applies to the given facts. The exact details and grading instructions will be available on the assignment and on Canvas. If you have specific questions about the activity you did not understand, you can post in the general discussion for course questions or email the instructor.

**Exams:**
You will only get one attempt to take the exam. You will need to download and install Respondus Lockdown Browser. A link to that software will be made available on Canvas. Just go to the home page and click on the “start here” button. Again, after you submit your exam, YOU WILL NOT BE GIVEN THE CORRECT ANSWERS. So, you need to know what material and questions you felt less familiar with when taking the quizzes and focus on that to study before you take the exam. If you have specific questions about what you got wrong or about material you did not understand on the exam, you can post in the general discussion for course questions or email the instructor.

**Attendance Policy:**
If a student misses two or more modules (without a valid excuse) I may prohibit further attendance and subsequently assign a failing grade for excessive absences.

**Make-up Work Policy:**
All make-up work is the student’s responsibility! If you know you may miss a class, let me know as soon as possible. Without appropriate documentation, class assignments cannot be made up.

**Classroom Rules of Conduct:**
I have the primary responsibility for control over class behavior and may order temporary removal or exclusion of students from the discussions who disrupt the class or who violate the general policies of the
College. Disruptive conduct shall include, but is not limited to, any offensive or rude behavior directed toward the instructor or other students during the discussion forums.

**Cheating:**
In adopting this Honor Code, the students of the University of Florida recognize that academic honesty and integrity are fundamental values of the University community. Students who enroll at the University commit to holding themselves and their peers to the high standard of honor required by the Honor Code. Any individual who becomes aware of a violation of the Honor Code is bound by honor to take corrective action.

**The Honor Pledge:**
We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment."

**Disabilities:**
The University of Florida is committed to providing academic accommodations for students with disabilities. Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, a student should present his/her accommodation letter to me supporting a request for accommodations. The University encourages students with disabilities to follow these procedures as early as possible within the semester.

**Disclaimer:**
I reserve the right to alter the course syllabus as circumstances dictate. Any changes will either be announced in class or posted on Canvas. Any student not attending class is responsible for obtaining this information.