

**CRM 381  
CRIMINAL PROCEDURE  
SPRING 2016**

Professor: Dr. Adams  
Office: 127 Bear  
Phone: 962-3425  
E-mail: adamsm@uncw.edu  
Office Hours: MON-THUR ten to noon.

**DO NOT EVER ASK ME WHERE TO FIND THE SYLLABUS!**

Required Reading: Israel and LaFave's Criminal Procedure in a Nutshell, 8<sup>th</sup> edition.

Course Objectives: This course was once taught as the latter half of Criminal Law and Procedure. I am really pleased that we divided that course into two separate courses – 1) CRM 380 "Criminal Law" and 2) CRM 381 "Criminal Procedure." The two are distinctively different and the latter is continuously growing.

If you drive across the United States of America on I-40 (follow the sign that says "Barstow, CA, 2554 miles"! ) you will encounter numerous changes in the criminal law. The rules for a serious felony could change a half a dozen times before you reach the Golden State. Not so with regard to criminal procedure. Back in the 1960s, the Supreme Court nationalized most of the rules governing procedure. You learned about some of those changes in the "intro" course (CRM 105). You will learn about those changes in greater detail. You will also learn about other changes that time restraints kept your professor from covering in CRM 105.

This course will focus primarily on the exclusionary rules for the Fourth Amendment, the Fifth Amendment, and the Sixth Amendment. The Fourth Amendment will receive more attention than the Fifth Amendment. The Fifth Amendment will receive more attention than the Sixth Amendment. If you know anyone in law enforcement you will understand why the amendments are not given equal treatment.

Of course, this is not just a class for prospective law enforcement officers. It is also a class for prospective law students. Even if you do not fit into either category you will benefit from this class. Citizens need to know their rights. The surest way a government can deprive citizens of their rights is to ensure they never knew them in the first place.

Course Activities: I will talk about a lot of cases this semester. You will brief two or three of them (depending on which section you are in). I will explain how that is to be done (in our first class meeting). When you present your case briefs you will be a part of the dialogue about the case. Whenever someone else presents a case brief you will just listen. Take good notes.

Grading: There will be three tests, each worth 33.3% of your grade. Tests are comprised of true-false questions. But they are also essay in the sense that you must explain all false answers. **I will also deduct at least three points from your final average for each deficient case briefing.** Note I will take attendance this semester. If you miss two classes it is no big deal. If you miss three classes I will attach a minus to your final grade. For every additional absence I will deduct a letter grade. I doubt I will give anymore take home tests as I did last year. But, just in case, please note that I do not accept any assignments turned in by other students. You must personally hand in assignments to me. No exceptions. Maybe your mother told you that you were special. Your mother was wrong.

Course Learning Objectives: 1. To teach you criminal procedure. 2. To teach you that the “course objectives” they force us to list on the syllabus are generally meaningless.

Schedule of Topics and Assignments:

**Meeting One:** Discussion of syllabus and assignment of first six cases.

**Meeting Two:** Read Chapter One. *Hurtado v. Cal.* (1884), *Palko v. Conn.* (1937), *Ker v. Cal.* (1963).

**Meeting Three:** Read Chapter Two. *Weeks v. U.S.* (1914), *Mapp v. Ohio* (1961), *Katz v. U.S.* (1967).

**Meeting Four:** *Kyllo v. U.S.* (2001), *Cal. v. Ciraolo* (1986), *Fla. V. Riley* (1989).

**Meeting Five:** *Cal. v. Greenwood* (1988), *Ill. v. Gates* (1983), *Coolidge v. N.H.* (1971).

**Meeting Six:** *Connally v. Ga.* (1977), *Atwater v. City of Lago Vista* (2001), *Gerstein v. Pugh* (1975).

**Meeting Seven:** *Tenn. V. Garner* (1985). *Chimel v. Cal.* (1969). *Payton v. N.Y.* (1980).

**Meeting Eight:** *Welsh v. Wis.* (1984), *Steagald v. U.S.* (1981). *Ariz. v. Hicks* (1987).

**Meeting Nine:** Review.

**Meeting Ten:** Test.

**Meeting Eleven:** *Ariz. v. Gant* (2009), *Carroll v. U.S.* (1925), *Cal. v. Carney* (1985).

**Meeting Twelve:** *Terry v. Ohio* (1968), *Ill. V. Wardlow* (2000), *Adams. V. Williams* (1972).

**Meeting Thirteen:** *Cal. v. Hodari D.* (1991), *Minn. v. Dickerson* (1993). *Del. v. Prouse* (1979).

**Meeting Fourteen:** *City of Indianapolis v. Edmond* (2000), *N.J. v. T.L.O.* (1985), *U.S. v. Matlock* (1974).

**Meeting Fifteen:** *Ga. v. Randolph* (2006), *Ill. v. Rodriguez* (1990), *Olmstead v. U.S.* (1928).

**Meeting Sixteen:** Read Chapter Three. *Hoffa v. U.S.* (1966), *U.S. v. White* (1971), *Brown v. Miss.* (1936).

**Meeting Seventeen:** Read Chapter Four. *Malloy v. Hogan* (1964), *Massiah v. U.S.* (1964), *Escobedo v. Ill.* (1964).

**Meeting Eighteen:** Review.

**Meeting Nineteen:** Test.

**Meeting Twenty:** *Miranda v. Ariz.* (1966), *R.I. v. Innis* (1980), *Ill. V. Perkins* (1990).

**Meeting Twenty-One:** *Pa. v. Muniz* (1990), *N.Y. v. Quarles* (1984), *N.C. v. Butler* (1979).

**Meeting Twenty-Two:** Read Chapter Six. *U.S. v. Leon* (1984), *Silverthorne v. U.S.* (1920), *Walder v. U.S.* (1954).

**Meeting Twenty-Three:** *Harris v. N.Y.* (1971), *Powell v. Ala.* (1932), *Johnson v. Zerbst* (1938).

**Meeting Twenty-Four:** Read Chapter Seven. *Betts v. Brady* (1942), *Gideon v. Wainwright* (1963), *Argersinger v. Hamlin* (1972).

**Meeting Twenty-Five:** *Douglas v. Cal.* (1963), *Ake. V. Okla.* (1985), *Mempa v. Rhay* (1976).

**Meeting Twenty-Six:** *Johnson v. Avery* (1969), *Bounds v. Smith* (1977), *Faretta v. Cal.* (1975).

**Meeting Twenty-Seven:** Review.

**Meeting Twenty-Eight:** Test.

Final Exam: Hard copies of briefs due. Consult online exam schedule.

## Who is Davidson Myers?

If you have not yet heard (or read) about me, I am an outspoken professor who has, at times, been critical of certain aspects of evolution. I mention this because it affects the way I see you and the way I will treat you this semester.

Rather than seeing you as the mere product of random mutation, I see you as a unique individual endowed by his Creator – not just with a right to life, liberty, and the pursuit of happiness – but with a purpose. Each one of you has unique and special talents and along with that a distinct purpose in life that makes you not just unique but irreplaceable. Unfortunately, I sometimes have students who resist fulfilling their God-given potential. Often, they do things in college that hurt their chances of success in life. One good example is a fellow named Davidson Myers whom I first taught in the fall of 1999.

Davidson, who aspired to be a lawyer, came into my class late on several occasions. He was also prone to turning around in his seat and yapping in class with another student by the name of Paula Tyndall. This went on for weeks until Davidson the aspiring lawyer got back his first test grade. It was a “C” in a class called “Criminal Law and Procedure” that was central to his career aspirations. He was devastated so he came by the office to see me.

When Davidson came by he told me he could not afford to be getting “Cs” because he was going to be a lawyer. My response to Davidson was simple: “No, you’re never going to be a lawyer. Not until you get your (offensive term deleted) together.”

A truly bizarre thing happened to Davidson after I told him to get to class on time and pay attention or he would never amount to anything. He actually did what I told him to do. In addition to getting an “A” on my next exam he took another of my courses the next semester. He got an “A.” Today, he is a lawyer married to another lawyer. He and his wife have successful practices here in North Carolina. When I called him to ask permission to share his story he laughed uncontrollably. I consider him and friend and someone I would hire were I to get into trouble with the law.

By the way, here is the reason I am sharing Davidson’s story with you today:

1. Every time you enter my class late – even one second late (as you should be in your chair before the class begins) – I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.
2. Every time you flap your jaws with one of your classmates while I am lecturing I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.
3. Every time I see or hear your cell phone in my class I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.

All points deducted will go into a special fund available to credit (at semester’s end) those students who follow the rules. In other words, they will go to those who never received a “Who is Davidson Myers?” email.