

## Criminal Procedure: Pre-Trial – Fall Semester 2020 - Professor Cox

More full information for this course is in our course TWEN page entitled “Criminal Procedure: Pre-trial - Professor Cox.” Please enroll there and pay attention to announcements there and in class regarding materials posted and assignments required to be submitted.

### **Beginning Readings** (subject to change)

August 16:

Getting the Supreme Court’s attention

Read: pp 9-35

These readings are for introductory purposes and not for the detail of rules that you might learn later. Do not overstress for example as to the rule take away in *Powell* as to right of counsel; pay a bit more attention to the test for voluntariness of confessions in *Brown* but be aware we will be returning to that issue as to rule content much later in the semester in more detail. The cases are included at this point to show how the Court has been challenged to address potentially disturbing state conduct. Hopefully they still spark your attention.

Norms that might influence constitutional interpretation

Read: pp 35-45 (stop after note 3)

Non-reading assignment: Come to class also ready to very briefly discuss or at least list one or two examples of: 1) things that you believe police too often do in connection with detaining people or investigating crime that you think they ought not be able to do and/or 2) rules or laws that you believe too often prevent police from detaining suspects, investigating crime, or protecting the public from dangerous crime.

August 18:

Intro to the 4<sup>th</sup> Amendment

Read: pp 67-70 (study the text carefully)

Exceedingly brief intro to the exclusionary rule (we will study the exclusionary rule in considerably more detail later - this is just to let you know it exists in some fashion)

Read: pp 70-72 (stop before “Note”); pp 82-83 (parts III, IV & V of majority opinion in *Mapp v Ohio*); pp 89-90 (note 8 only)

Begin: What is a Search?

Read: pp 91-110 (*Katz* reasonable expectation of privacy test; *White* test of voluntarily revealed info)

You should spend some serious time with the law coming out of these materials.

(NB: This “What is a search?” unit will continue for several more sessions and has many twists, turns, and potential changes of direction. Enjoy the ride!)