

P.Sc. 262

RIGHTS OF DEFENDANTS

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Office Hours: TTh 2:45-4:45

Winter 2015  
TTh 9:40-11-10  
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**Introduction:** This course will examine Supreme Court decisions interpreting the Fourth Amendment to the U.S. Constitution. We will read and discuss cases on search and seizure of houses, cars, and containers, police powers of arrest, street encounters between police and citizens, electronic surveillance, and the use of agents and informants.

The required book for the course is a spiral-bound volume entitled "Rights of Defendants." In this syllabus, the cases that are not enclosed in brackets are the main cases. Cases enclosed in brackets are those discussed in the main cases or in footnotes. Exams will be based on both the main cases and the bracketed cases.

**Class Meetings and Briefs:** The class will meet twice a week for intensive discussion of the cases. Members of the class will be required to prepare briefs or outlines of the main cases (and are also encouraged to prepare briefs of the bracketed cases). Briefs will not be "graded," as such, but timely submission of briefs will contribute to the class participation component of your overall grade.

**Briefs or notes must be submitted on the day on which the cases that they cover will be discussed in class.** On rare occasions, belated submissions of briefs or notes will be acceptable. Under ordinary circumstances, however, I will be collecting the briefs on the day of the discussion to which they relate and not at some future time.

**Attendance:** Each day we meet will consist of a discussion of a substantial number of important cases. I would not expect anyone to miss any class without good reason. If you must miss

class, please inform me before the fact or as soon as possible afterwards.

**Plagiarism:** Plagiarism is a serious academic offense and is punishable by expulsion from the class and in some cases from the University itself. **Do not even think of submitting any written work that is not entirely your own.** When writing your term paper, be careful to put quotation marks around any passage taken from the cases and other materials and to accurately cite the source from which the passage has been taken.

**Grading:** Grading will be based on a midterm exam (counting 20%), a term paper (counting 30%), a final exam (counting 40%), and class participation (including timely submission of briefs) (counting 10%).

### Readings

#### I. Introduction

Tue. 1/6: Discussion the American Judicial System

Thu. 1/8: Discussion of the Fourth Amendment  
Read: Text of 4th Amendment (Appendix A)

#### II. The Exclusionary Rule

Tue. 1/13: Wolf v. Colorado (1949), 1  
[Weeks v. United States (1914)], 2  
Mapp v. Ohio (1961), 3

Thu. 1/15: United States v. Leon (1984), 9  
Herring v. United States (2009), 16

#### III. The Right of Privacy and the Fourth Amendment

Tue. 1/20: Olmstead v. United States (1928), 22  
Katz v. United States (1967), 25  
California v. Greenwood (1988), 29  
Florida v. Riley (1989), 32  
[California v. Ciraolo (1986)], 33

Thu. 1/22: United States v. Knotts (1983), 35a-35c  
 United States v. Karo (1984), 36  
 Kyllo v. United States (2001), 40  
 United States v. Jones (2012), 45a-45g  
 Florida v. Jardines (2013), 45h-45l

#### IV. Probable Cause and Search Warrants

Tue. 1/27: Spinelli v. United States (1969), 46  
 [Aguilar v. Texas (1964)], 46  
 [Draper v. United States (1959)], 48  
 Illinois v. Gates (1983), **49-57** (the concurring  
 and dissenting opinions of White, Brennan,  
 and Stevens may be skipped)  
 Maryland v. Pringle (2003), 64

Thu. 1/29: Maryland v. Garrison (1987), 66  
 Richards v. Wisconsin (1997), 72  
 Hudson v. Michigan (2006), 75

Tue. 2/3: **Midterm Examination**

Thu. 2/5: **Return of Midterm**

#### V. Warrantless Arrests and Searches of the Person

Tue. 2/10: United States v. Watson (1976), 83  
 Terry v. Ohio (1968), **157**  
 United States v. Robinson (1973), 88  
 [Illinois v. Lafayette (1983)], 92

Thu. 2/12: Whren v. United States (1996), 96  
 Atwater v. City of Lago Vista (2001), 101  
 Tennessee v. Garner (1985), 107  
 Maryland v. King (2013), 112a-112i

## VI. Warrantless Searches of Houses, Cars, and Containers

- Tue. 2/17: Payton v. New York (1980), 113  
 [Steagald v. United States (1981)], 115  
 Chimel v. California (1969), 118  
 Riley v. California (2014), 123-125e
- Thu. 2/19: California v. Carney (1985), 126  
 [Carroll v. United States (1925)], 127  
 New York v. Belton (1981), 130  
 Knowles v. Iowa (1998), 136  
 Arizona v. Gant (2009), 139
- Tue. 2/24: California v. Acevedo (1991), 147  
 [United States v. Ross (1982)], 147  
 [United States v. Chadwick (1977)], 147  
 [Arkansas v. Sanders (1979)], 148

## VIII. Stop and Frisk and Investigative Detentions

- Thu. 2/26: Terry v. Ohio (1968), 157  
 Florida v. J.L. (2000), 165  
 Illinois v. Wardlow (2000), 168
- Tue. 3/3: Florida v. Royer (1983), 170  
 [Dunaway v. New York (1979)], 172  
 United States v. Drayton (2002), 177  
 [Florida v. Bostick (1991)], 179
- Thu. 3/5: Brendlin v. California (2007), 184  
 United States v. Place (1983), **188 & 38**
- Tue. 3/10: Review
- Thu. 3/12: **Paper Due**

**Final Exam: Tuesday, March 17 (9-11 AM)**