

Topics in Public Law
Criminal Procedure & the Constitution
PSC 269-801
Monday's 6pm-9:15pm
Arts & Letters Hall Room 109
January 6th – March 16th

I. General Information

Professor: Daniel J. Hanichak
Cook County State's Attorney's Office
Assistant State's Attorney
Felony Trial Division

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Chicago, IL 60608
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Office hours are by appointment. The best way to reach me is by email.

II. Text & Assignment Materials

There will be a binder that contains all of your class readings needed for class. That binder will be made available to you for pickup at our first class.

Materials for exercises/assignments will be uploaded and posted on D2L or provided in class. Students will be responsible for obtaining those documents on their own through use of D2L.

III. Attendance and Participation

Attendance and participation in class is mandatory. This class will be structured in a format in which student participation is necessary. We will be having discussion of the cases you have read for class, which often times may also turn into debates and discussion over the law and other issues. Also, you may be assigned to break into groups and work together to prepare lecture for a particular case you've studied prior to class. You will work with the group to prepare a powerpoint to supplement your group's lecture and discussion lead for that case.

Case Briefs: For each class you will be required to prepare case briefs, which are simple, one page summaries of the cases that you read for class. Those briefs and your knowledge of the case will provide a base for class discussion. Case briefs must be submitted via the D2L drop box prior to each class beginning. **LATE BRIEFS WILL NOT BE ACCEPTED – THEREFORE IF SOMETHING PREVENTS YOU FROM COMPLETING AND SUBMITTING CASE BRIEFS YOU MUST CONTACT ME PRIOR TO CLASS.**

Note on Case Briefs: There are obviously many internet resources that will have some of the information you could use for case briefs. You may even find entire case briefs online. You can consult these resources to assist you, but the brief must be in your own words and an original product. Any submitted case brief that is found to be plagiarized, cut/pasted, etc will be considered cheating and subject to discipline such as a drop in grade or failing the class.

Attendance and participation is heavily factored into your final grade. Students must arrive in class on time to avoid losing points. Students may miss one class for any reason, excused or unexcused. If there are case briefs or an assignment/exercise due that class the student is responsible for making arrangements **PRIOR TO CLASS** with me to turn in that assignment. Any missed assignment or exercise will result in a "0" unless arrangements are made with me in a timely manner.

Students may miss one additional class for an *emergency or excused* absence, however to avoid losing all points for that class the student must make similar arrangements as above **AND** must visit a criminal court and then write a 2 page (double spaced) observation response paper discussing what you observed. You must contact me prior to attending court so that we can discuss what court you are going to attend.

For each missed class after the second your grade will drop one level (A to an A-) and you will get "0" for all assignment and exercises due that class. Assignments will not be accepted via email or by alternate arrangements for students who have missed more than 2 classes.

IV. Class Readings

Every student must read the assigned readings, which consist primarily of appellate court decisions. Every student should be prepared to do the following for each case should the student be called on.

- A. Explain the factual circumstances of the case
- B. Explain the legal issue the court was deciding
- C. Explain the court's ruling and reasoning, as well as the reasoning of any Judges who give dissenting opinions

V. Desire2Learn

Instructions will be given in class. I will frequently post announcements or assignments there for which you will be responsible.

VI. Electronic Devices

Cell phone use during class is prohibited. If you need to call or text someone please do so during the class break, or if it is an emergency please step out of the classroom. Laptops and iPads are permitted, but please limit your use of websites, social media, g-chat or anything that may be a distraction to class. Abuse of this policy may result in a loss of points for attendance/participation. Recording class sessions is prohibited.

VII. Grading

96-100: A
90-95: A-
86-89: B+
83-85: B
80-82: B-
76-79: C+
73-75: C
70-72: C-
69-0: NP

The grades will be determined as follows:

50% Participation/Class Exercises/Case Briefs: Your class participation & exercises will be graded 1-20 for each assignment and/or participation in class and case briefs. The grade will be based upon preparation, participation and your success in using the lecture & required reading to craft an effective strategic position for the class exercise or discussion. Your class participation grades will be made available to you on a weekly basis on D2L.

25% Midterm Exam: The midterm will be given February 17th during the first half of the class. Format of the exam will be provided the week prior.

25% Final Exam: The final exam will be given March 16th. The final exam will NOT be cumulative, but rather will be an exam testing the materials covered after the midterm. Format of the exam will be provided the week prior.

VIII. Weekly Schedule – The following is a TENTATIVE schedule of each class and assignment. Pending class progress this may change. I reserve the right to alter this schedule at any time. All students will be put on notice of any changes and will be responsible for those changes. The notice of changes will be on the course D2L page – so be sure to check it frequently.

1/6/20 Class 1: Syllabus Review & Introduction to Criminal Procedure

- PRE-CLASS READING: Course Supplement Chapter 1
- Introduction to Criminal Procedure
 - The Exclusionary Rule
 - Wolf v. Colorado
 - Mapp v. Ohio
 - US v. Leon
 - Herring v. US

LECTURE/DISCUSSION: Introductions; Syllabus Review; Discussion on Reading

- ASSIGNMENT: Read Chapter 2 of Course Supplement
Prepare Case Briefs for:
- Terry v. Ohio
 - US v. Mendenhall
 - Gerstein v. Pugh

1/13/20 Class 2: Arrests, Police Encounters

- PRE-CLASS READING/ASSIGNMENT:
Chapter 2 of the Course Supplement
Prepare Case Briefs for:
- Terry v. Ohio
 - US v. Mendenhall
 - Gerstein v. Pugh

LECTURE/DISCUSSION: When is a person under arrest?

- ASSIGNMENT: Read Chapter 3 of the Course Supplement
Prepare Case Briefs for:
- a. People v. Lippert
 - b. People v. Saunders

1/20/20: NO CLASS MLK HOLIDAY

1/27/20 Class 3: Identifications

PRE-CLASS READING/ASSIGNMENT:

Read Chapter 3 of the Course Supplement

Prepare Case Briefs for:

- a. People v. Lippert
- b. People v. Saunders

LECTURE: What are proper identifications of offenders?

ASSIGNMENT:

Read Chapter 4 of Course Supplement from beginning to the end of the People v. Allen case

Prepare Case Briefs for:

- a. Pennsylvania v. Muniz
- b. US v. Whitfield
- c. People v. Allen

2/3/20 Class 4: Post Arrest Searches & Investigative Tools

PRE-CLASS READING/ASSIGNMENT:

Read Chapter 4 of Course Supplement from the beginning until the end of the People v. Allen case

Prepare Case Briefs for:

- d. Pennsylvania v. Muniz
- e. US v. Whitfield
- f. People v. Allen

LECTURE: What searches & evidence may officers obtain after an arrest? Obtaining personal information, biological information & search warrants; Midterm Review

ASSIGNMENT:

Read special caselaw packet provided in class for 2/10/20 in class project

2/10/20 Class 5:

In Class Project

2/17/20 Class 6:

Midterm Exam

ASSIGNMENT:

Read Chapter 4 of Course Supplement from People v. Allen until the end

Prepare Case Briefs for:

- a. People v. Bass
- b. Riley v. CA/US v. Brima Wurie

2/24/20 Class 7: DUI Law; Search Warrants & Searching Digital Information

PRE-CLASS READINGS/ASSIGNMENT:

Read Chapter 4 of Course Supplement from *People v. Allen* until the end

Prepare Case Briefs for:

- c. *People v. Bass*
- d. *Riley v. CA/US v. Brima Wurie*

LECTURE: What can officers do to investigate DUI's? Can officers search cell phones and other digital information? What does it take to get a search warrant?

ASSIGNMENT:

Read Chapter 5 of Course Supplement

Prepare Case Briefs for:

- a. *Riverside v. McLaughlin*
- b. *People v. Glanton*
- c. *Miranda v. Arizona*

3/2/20 Class 8: Custodial Rights of an Arrestee; Miranda

PRE-CLASS READING/ASSIGNMENT

Read Chapter 5 of Course Supplement

Prepare Case Briefs for:

- a. *Riverside v. McLaughlin*
- b. *People v. Glanton*
- c. *Miranda v. Arizona*

LECTURE: What are the basic rights of someone arrested; Landmark case of *Miranda v. Arizona*

ASSIGNMENT:

Read Chapter 6 of Course Supplement

Prepare Case Briefs for:

- a. *People v. Dunnegan*
- b. *Berkemer v. McCarty*
- c. *Florida v. Powell*
- d. *People v. Edwards*
- e. *People v. Nielson*
- f. *People v. Aldridge*

3/9/20 Class 9: Miranda & It's Caveats: Custody & Invocations of Silence

PRE-CLASS READING/ASSIGNMENT

Read Chapter 6 of Course Supplement

Prepare Case Briefs for:

- a. People v. Dunnegan
- b. Berkemer v. McCarty
- c. Florida v. Powell
- d. People v. Edwards
- e. People v. Nielson
- f. People v. Aldridge

LECTURE: When is a person in custody for purposes of Miranda & what are non-custodial statements?

ASSIGNMENT: Read Chapter 7 & 8 of Course Supplement

Prepare Case Briefs for:

- a. Davis v. US
- b. Oregon v. Bradshaw
- c. People v. Ellison
- d. People v. Minniti

3/9/20 Class 10: Miranda & Its Caveats: Attorneys; Re-initiation; Waivers of Miranda & Trickery

PRE-CLASS READING/ASSIGNMENT

Read Chapter 7 & 8 of Course Supplement

Prepare Case Briefs for:

- a. Davis v. US
- b. Oregon v. Bradshaw
- c. People v. Ellison
- d. People v. Minniti

LECTURE: What is a proper invocation of rights to an attorney; Who can re-initiate? What is a knowing & voluntary waiver of rights? Can the police use trickery to obtain a confession?

ASSIGNMENT: Study for Final Exam

3/16/20 Class 11: Final Exam 6pm