

RIGHTS OF DEFENDANTS

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Office Hours: TTh 2:45-4:45

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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)