

CRIMINAL PROCEDURE

PROFESSOR HETU
Spring 2025

HETU@MSLAW.ED
TUESDAY & THURSDAY

Purpose and Description

The purpose of this course is to cover those criminal procedure topics which reflect the *Federal Supreme Court's* current position on constitutional questions raised by operation of our federal and state criminal justice systems. Where relevant we will also review *Massachusetts Supreme Judicial Court* opinions that distinguish the law of the Commonwealth from the Federal law.

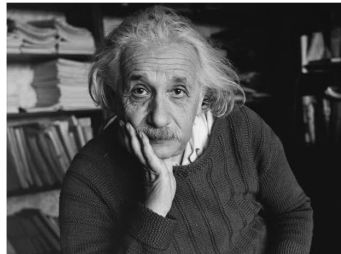
The intent of the course is to create competency in those areas tested by the bar examination as well as to lay a proper foundation to become skilled practitioners.

Grading

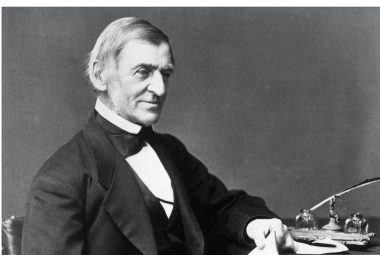
The midterm and final examinations will combine to be **85%- 95%** of your final grade in this class. In addition, there will be weekly assignments of **MBE-type** questions and/or **Short Directed Essay Questions** which will serve as quizzes and will combine to be **5%-15%** of semester grade. I reserve the right at any time during the semester to modify and/or change the course grading.

Lack of class participation has the strong potential to impact negatively on your course grade.

“Learn from yesterday, live for today, hope for tomorrow. The important thing is not to stop questioning.” – Albert Einstein



*“What lies behind us and what lies before us are tiny matters compared to what lies within us.”
– Ralph Waldo Emerson*



Class Times

TUESDAY & THURSDAY
4:30- 5:50 pm



www.lawschool.westlaw.com

Criminal Procedure and the Constitution

Leading Supreme Court Cases and Introductory Text (2024 Edition)



Israel • Kamisar • LaFave • King • Primus • Kerr WEST ACADEMIC

Criminal Procedure and the Constitution, Leading Supreme Court Cases and Introductory Text, 2024

Jerold H. Israel | Yale Kamisar |
Wayne R. LaFave | Nancy J. King |
Eve Brensike Primus | Orin S. Kerr

Course Requirements & Class Participation

Class Attendance:

Students must be prepared for every class to be called on to brief cases or for discussion of questions. You are, therefore, expected to be in class and to participate. Students who have more than **three** unexcused absences during the semester may have their semester grade lowered by as much as one-third of a grade.

Attendance is taken at the beginning of class.

You will be marked absent if you are not present when attendance is taken.

Quizzes

I will not permit any make-ups for missed weekly in-class and/or on-line **TWEN/SOCRATIVE** quizzes.

You must check **TWEN** and **SOCRATIVE** every weekend for posted quizzes.

TWEN quizzes will be under assignments/quizzes and

SOCRATIVE YOU MUST LOG ONTO **SOCRATIVE** THEN CLICK ON STUDENT.

YOU WILL BE PROMPTED TO ENTER AN ID.

MY ID IS: **HETU6452**.



TWEN (The West Education Network) is part of **Westlaw**, the legal field's most powerful search engine and research platform. Every MSL student is assigned an account in their first year, and each of your 1L courses will have a digital presence on **TWEN** where you will be able to access course materials, assignments, and other resources for each course. You may also easily contact your professors through **TWEN's** mail option.

Socrative is a web-based quizzing tool used by both Dean Coyne and Professor Devlin in your substantive 1L courses. You do not have to register an account to participate in weekly quizzes, just enter your name/student ID, depending on which the professor requests on your quizzes.



Notes And Tape Recorders In Class

I test what I teach, and I follow the syllabus. If you do all assigned readings and attend class, you will be prepared for the exams. It is necessary that each of you develop an effective method of recording and retaining the materials as it is taught and discussed. Classes are interactive, and it is not always advisable to take copious notes. Research strongly indicates that students who attempt to use word processors to "transcribe" class discussions perform less well on exams than do those students who actively participate in those discussions. Use of tape/digital recorders are allowed in this class and may be preferable for you.

The purpose of class is to learn the law through discussion and participation to develop analytical skills. This cannot be achieved if you are intent on being a scribe.



CLASSROOM DECORUM

All students will observe the following classroom decorum



Timeliness

Arrive on time.
Late arrivals are disruptive.
If late arrivals become too frequent those arriving late will not be allowed into the classroom.



With the exception of extraordinary circumstances there will be **no cell phone use in class**.

Turn off all cell phones before the class begins. If there is a family emergency requiring you to be reachable you must approach me before class and inform me of the situation. In such an event you may keep your cell phone on if it has a “vibrate” only option. In the event that your cell phone or other device disturbs the class you will be told to leave the classroom immediately and will be marked as absent for the class.

Talking in Class

This is an interactive class, and it is normal for there to be a bit of a “buzz” while we are discussing a case, a principle or a hypothetical. You are expected to listen while others are talking and to respond if called upon. Civility is expected at all times by all students. Do not “blurt” out answers wait to be called on especially if in the zoom class, it can become very distracting.

Eating/Drinking in Class

Eating in class is strongly disfavored. I do understand that stressed-for-time students, especially evening students, are often unable to take meals at normal hours, and therefore snacks and drinks will be tolerated as long as they are not disruptive.

I will not tolerate full meals, full “submarine” sandwiches, or anything of the like. I also will not tolerate undue noise such as stubborn plastic wrappers. I will ban all foods and drinks in class if I think they are becoming a distraction.

Civility Above All Else

Each of you will be treated at all times with courtesy and respect, and you will treat each other with a high degree of civility at all times.

At all times we will argue issues and never personalities.

Briefing is essential in *Criminal Procedure*.

You will not be able to apply the rule if you do not brief the cases.



January 21 st	Cases	<i>Ashe v Swenson</i>	<i>Hudson v US</i>
		<i>US v Dixon</i>	<i>Arizona v Washington</i>
		<i>Gamble v US</i>	<i>Oregon v Kennedy</i>

January 23 rd	Cases	<i>US v Scott</i>	<i>District Attorney v Osborne</i>
		<i>McElrath v Grayson</i>	<i>Wolf v Colorado</i>
		<i>Burks v US</i>	<i>Mapp v Ohio</i>
		<i>Duncan v Louisiana</i>	<i>US v Leon</i>



January 28 th	Cases	<i>Hudson v Michigan</i>	<i>California v Greenwood</i>
		<i>Herring v US</i>	<i>Florida v Riley</i>
		<i>Katz v US</i>	<i>US v Jones</i>

January 30 th	Cases	<i>Carpenter v US</i>	<i>Zurcher v Stanford Daily</i>
		<i>Florida v Jardines</i>	<i>Spinelli v US</i>
		<i>US v White</i>	<i>Illinois v Gates</i>
		<i>Torres v Madrid</i>	

February 4 th	Cases	<i>Maryland v Pringle</i>	<i>US v Watson</i>
		<i>Maryland V Garrison</i>	<i>US v Robinson</i>
		<i>Richards v Wisconsin</i>	<i>Whren v US</i>

February 11 th	Cases	<i>Atwater v City of Lago Vista</i>	<i>Payton v NY</i>
		<i>Maryland v King</i>	<i>Chimel v Ca</i>
		<i>Mitchell v Wisconsin</i>	<i>Kentucky v King</i>

February 13 th	Cases	<i>California v Carney</i>	<i>Wyoming v Houghton</i>
		<i>Arizonz v Gant</i>	<i>Colorado v Bertine</i>
		<i>California v Acevedo</i>	<i>Riley v California</i>



February 18 th	Cases	<i>Terry v Ohio</i>	<i>US v Drayton</i>
		<i>Kansas v Glover</i>	<i>Brendlin v California</i>
		<i>Florida v J.L</i>	<i>Rodriguez v US</i>
		<i>Florida v Royer</i>	

February 20 th	Cases	<i>Schneckloth v Bustamonte</i>	<i>Betts v Brady</i>
		<i>Georgia v Randolph</i>	<i>Gideon v Wainright</i>
		<i>Wong v Sun</i>	<i>Utah v Strieff</i>

February 25 th	Cases	<i>Murray v US</i>	<i>California v Greenwood</i>
		<i>Nix v Williams</i>	<i>Florida v Riley</i>
		<i>Hudson v Michigan</i>	<i>Alabama v Shelton</i>

February 27 th	Cases	<i>Rothgery v Gillespie County</i>	<i>Ashcraft V Tennessee</i>
		<i>Douglas v California</i>	<i>Spano v NY</i>
		<i>Ross v Muffin</i>	


March 4 th	Cases	<i>Massiah v Escobedo</i>	<i>Miranda v Arizona</i>
		<i>Massiah v US</i>	<i>U J.D.B v NC</i>
		<i>Escobedo v Illinois</i>	<i>Howes v Fields</i>

March 6 th	Cases	<i>Rhode Island V Innis</i>	<i>Salinas v Texas</i>
		<i>Illinois v Perkins</i>	<i>Maryland v Shatzer</i>
		<i>Berghuis v Thompkins</i>	

March 11 th	Cases	<i>Montejo v Louisiana</i>	<i>Moran v Burbine</i>
		<i>NY v Quarles</i>	<i>Dickerson v US</i>
		<i>US v Patane</i>	<i>Chavez v Martinez</i>
		<i>Missouir v Sebert</i>	<i>Vega v Tekoh</i>



March 13 th	Cases	<i>Brewer v Williams</i>	<i>Kirby v Illinois</i>
		<i>Kuhlman v Wilson</i>	<i>Manson v Braithwaite</i>
		<i>US v Wade</i>	<i>Perry v NH</i>

	Cases	<i>Boyd v US</i>	<i>US V Hubbell</i>
		<i>US v Dionisio</i>	<i>Stack v Boyle</i>
		<i>Carpenter v US</i>	<i>Utah v Strieff</i>
		<i>US v Mandujano</i>	<i>US v Salerno</i>
		<i>Kastigar v US</i>	<i>US v Armstrong</i>
		<i>Fisher v US</i>	<i>US v Batchelder</i>
			<i>US v Goodwin</i>

March 25th Tentative midterm




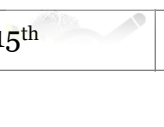
March 27 th	Cases	<i>Coleman v Alabama</i>	<i>Barker v Wingo</i>
		<i>Vasquez v Hillery</i>	<i>Doggett v US</i>
		<i>Costello v US</i>	<i>US v Lovasco</i>

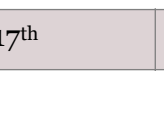
April 1 st	Cases	<i>Williams v Florida</i>	<i>Bordenkircher v Hayes</i>
		<i>US v Bagley</i>	<i>Santobello v NY</i>
		<i>Pennsylvania v Ritchie</i>	<i>Missouri v Frye</i>

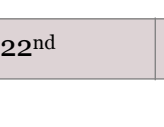
April 3 rd	Cases	<i>US v Ruiz</i>	<i>NC v Alford</i>
		<i>Boykin v Alabama</i>	<i>Class v US</i>
		<i>Henderson v Morgan</i>	

April 8 th	Cases	<i>Blanton v City of North Las Vegas</i>	<i>Turner v Murray</i>
		<i>Ramos v Louisiana</i>	<i>Lockhart v McCree</i>
		<i>Singer v US</i>	<i>Batson v Kentucky</i>
		<i>Taylor v Louisiana</i>	

April 10 th 	Cases	<i>Pena-Rodriguez v Colorado</i>	<i>Harrington v Richter</i>
		<i>Williams v Pennsylvania</i>	<i>Lafler v Cooper</i>
		<i>Strickland v Washington</i>	<i>Weaver v Massachusetts</i>

April 15 th 	Cases	<i>Mickens v Taylor</i>	<i>Illinois v Allen</i>
		<i>Wheat v US</i>	<i>Michigan v Bryant</i>
		<i>McCoy v Louisiana</i>	<i>Samia v US</i>
		<i>Faretta v California</i>	

April 17 th 	Cases	<i>Pena-Rodriguez v Colorado</i>	<i>Harrington v Richter</i>
		<i>Williams v Pennsylvania</i>	<i>Lafler v Cooper</i>
		<i>Strickland v Washington</i>	<i>Weaver v Massachusetts</i>

April 22 nd 	Cases	<i>Davis v Alaska</i>	<i>Holmes v South Carolina</i>
		<i>Griffin v California</i>	<i>Taylor v Kentucky</i>
		<i>Rock v Arkansas</i>	<i>Darden v Wainright</i>

April 24 th	<i>Chapters 20 and 16</i>
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April 28 th	<i>Chapters 20 and 16 and Review</i>
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May 1 th	<i>Review</i>
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Final Exam TBA

