

U.S. CRIMINAL PROCEDURE LAW

INSTRUCTOR: David Garavito

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SCHEDULE: Mon.–Fri. 2PM–5PM

CREDITS: 2

Course Description: This course provides an overview of pretrial rights of persons suspected or accused of crime in the United States. Primarily, this course will focus on those rights derived from the Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution. The topics covered include interrogation, *Miranda* rights, the right to counsel, undercover investigation, etc. Through activities and discussion, students will be exposed to state and federal approaches to these topics.

Learning Objectives: By the end of this course, I hope that you will be able to perform the following tasks:

- **Identify** the basic constitutional principles behind criminal procedure
- **Recognize** the limitations, or lack thereof, imposed upon the police by the United States Constitution in criminal investigations
- **Compare** an individual's rights in both custodial and non-custodial settings
- **Recognize** the effects of criminal procedure and police practices on systematic oppression and vice versa

Casebook: There is no casebook for this course. All materials (including reading, lecture slides, and supplementary materials) will be provided. All lecture slides will be posted **after** class.

Grade Composition:

This course is graded on a Pass/Fail (CR/NC) basis with a chance for a High Pass in case of exceptional quality. A student's final grade will be based on performance on tests (30% for the Midterm, 60% for the Final), as well as attendance and the quality of the student's discussion in class (10%).

Summary of Relevant Class Policies:

Participation & Classroom Behavior:

Generally, all students should get full points for the quality of in-class discussions. However, for the purposes of clarity, it is important to emphasize what good and bad discussions consist of.

Notably *good* class participation generally consists actively and **meaningfully** discussing class topics. It is important to come prepared with relevant questions to help deepen your understanding and improve classroom discussion.

Notably *bad* class participation may consist of behaving disruptively or disrespectfully in class, severe lack of preparation, etc. It is okay to disagree on topics, but it is never okay to be disrespectful. This policy is in place to help promote proper behavioral standards in classroom, professional, and other settings. I expect my students to come prepared and respect different views when meeting with clients, opposing counsel, judges, etc. This policy is *especially* important when discussing topics on which people have strong and differing opinions, such as criminal law and criminal procedure.

If we want to begin and end our discussions as a group, we all have to agree to the rules listed above. Of course, I reserve the right and power to intervene (but only when one of the rules has been or may likely be violated).

Attendance Policy:

The structure of this course is cumulative: one day's learning provides a foundation for the following day's material. Therefore, daily attendance is vital. It is important to arrive prepared and on time at the start of the class. If you are not present at the start of class, you may be marked absent for that class. Occasional lateness may be excused, particularly if the professor is given notice, but regular tardiness will not be excused. If you need to miss a portion of or all of one class, please obtain prior permission from me. Prior permission requires explicit approval. A simple notification that you will absent does not constitute permission. If you miss more than one day of class, you may not receive credit for the course.

Honor Code:

For this course, students are expect to comport with a similar honor code expected of law students in the United States. As such, it is important to only submit your own work. It is your obligation to submit your own work—even accidental failure to do so can have serious consequences in your ability to pass this course.

Accommodations:

Your experience in this class is important to me. If you require any accommodations for class (due to a temporary health condition, permanent disability, religious commitment, etc.), please contact student services to arrange such accommodations.

Course Outline

Class 1 (19/8)	<ul style="list-style-type: none">• Introductions & Challenging Interrogations• Reading: None
Class 2 (20/8)	<ul style="list-style-type: none">• 6th Amendment Right to Counsel: Origins• Reading: None
Class 3 (21/8)	<ul style="list-style-type: none">• 6th Amendment Right to Counsel: Deliberate Elicitation• Reading: None
Class 4 (22/8)	<ul style="list-style-type: none">• Miranda: Introduction• Reading: Texas Police Investigation Techniques• Test #1
Class 5 (23/8)	<ul style="list-style-type: none">• Miranda: Custody• Reading: <i>J.D.B. v. NC</i>
Class 6 (26/8)	<ul style="list-style-type: none">• Miranda: "Is this an interrogation?"• Reading: None
Class 7 (27/8)	<ul style="list-style-type: none">• Miranda: Asserting Your Rights• Reading: None
Class 8 (28/8)	<ul style="list-style-type: none">• Miranda: Waiving Your Rights• Reading: None
Class 9 (29/8)	<ul style="list-style-type: none">• Statutory Response, Constitutionality, & Exceptions• Reading: 18 U.S.C.A. § 3501
Class 10 (30/8)	<ul style="list-style-type: none">• Miranda: Other Gaps & Closing Remarks• Reading: None• Test #2