

## **Fall 2021 SYLLABUS – CRIMINAL PROCEDURE: INVESTIGATIONS**

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### **INSTRUCTOR:**

**Tim S. Braley**

### **CLASS TIMES:**

**Tuesday and Thursday, 6-7:20pm.**

### **BOOK:**

***Criminal Procedure, Investigation, Chemerinsky and Levenson (3<sup>rd</sup> Edition)***

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**CONTENT:** This class will focus on the constitutional and procedural aspects of criminal investigations which include Search and Seizure, the Exclusionary Rule, Police Interrogation and the Privilege Against Self-Incrimination, Identification Procedures, and the Right to Counsel to name a few. Professors Braley and Martinez have over 40 years combined experience conducting complex criminal investigations, using of the Grand Jury to investigate, employing sensitive investigatory techniques like TIII wire intercepts, and presenting complex legal and factual issues to judges and juries.

**GRADE:** The grade in this class will be based on an exam given at the end of the semester. The exam will consist of short answer/essay/multiple choice style questions.

**ATTENDANCE:** The law school mandates that you attend 80% of the classes. You must comply with this requirement.

**PARTICIPATION:** Class participation is an essential part of each class. Professors will utilize hypotheticals drawn from actual practice and case readings to teach concepts. Class participation may account for as much as 5% of the final grade.

### **READING:**

The reading assignments are drawn from the casebook and outlined below. Reading assignments will be made at the end of each class. Generally, all students should stay at least four cases ahead in their readings.

We will likely cover the entire textbook during our course. The course topics are as follows:

#### **Chapter 1-Introduction to Criminal Procedure pp. 1-29**

#### **Chapter 2-Searches and Seizure pp. 31-364**

*What is a Search*

*The Requirement of Probable Cause*

*The Warrant Requirement*

*Exceptions to the Warrant Requirement*

*Seizures and Arrests*

*Stop and Frisk*

**Chapter 3-The Exclusionary Rule pp. 373-457**

*Is the Exclusionary Rule a Desirable Remedy for Unconstitutional Behavior*

*The Origins*

*When Does the Exclusionary Rule Apply*

*Who Can Object to the Introduction of Evidence and Raise the Exclusionary Rule Exceptions*

**Chapter 4-Police Interrogations and the Privilege Against Self-Incrimination pp. 459-651**

*Due Process and the Requirement of Voluntariness*

*Fifth Amendments Limits on In-Custodial Interrogation*

*Miranda*

*Consequences of Violations*

*Waiver, and*

*Exceptions*

*Fifth and Sixth Amendment Right to Counsel and Police Interrogation*

**Chapter 5-Identification Procedures pp. 657-699**

**CONTACT INFORMATION:**

Tim S. Braley, tim12braley@comcast.net, Cell (832) 388-1117, Office/University visits by appointment consistent with all COVID protocol.

**COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS):**

CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. See: [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).

**PRONOUN PREFERENCES:**

We go by Professors Braley and Martinez. We generally use she/they, hers/theirs, you/y'all as our pronouns. Please reach out to us in person, by e-mail, or by phone if you have preferred pronouns you would like for us to use, or if you favor a particular prefix, like "Dr." or "Mx.," instead of "Mr." or "Ms." We will try our best to honor your preferences. Please attribute any lapses to failings of memory and do not feel embarrassed to correct either of us if we make any mistakes.