

Fall 2026 SYLLABUS – CRIMINAL PROCEDURE: INVESTIGATIONS

INSTRUCTOR:

Tim S. Braley

CLASS TIMES:

Tuesday and Thursday, 1:00-2:30 pm.

BOOK:

Criminal Procedure, Investigation, Chemerinsky and Levenson

CONTENT: This course provides an in-depth examination of the constitutional and procedural frameworks that govern criminal investigations, with a strong emphasis on how these doctrines operate in real-world law enforcement and litigation settings. Rather than studying the rules in isolation, the course is designed to develop your ability to apply legal principles to practical scenarios faced by prosecutors, defense attorneys, and judges.

A central focus of the course is the Fourth Amendment, which regulates searches and seizures. You will learn to identify when government conduct constitutes a “search,” when a person has a legally protected reasonable expectation of privacy, and what level of suspicion—such as probable cause or reasonable suspicion—is required for police action. These issues are directly relevant in practice when attorneys evaluate whether evidence (e.g., drugs, weapons, digital data) was lawfully obtained. You will also study the warrant requirement and its numerous exceptions—such as consent, exigent circumstances, and searches incident to arrest—and apply these doctrines to fact patterns similar to those encountered in suppression hearings and pretrial motions.

The course also examines the Exclusionary Rule, which determines whether evidence obtained in violation of the Constitution can be used in court. Beyond understanding its doctrinal foundations, you will analyze how attorneys strategically litigate suppression motions, including identifying who has standing to challenge a search and whether any exceptions (such as the good faith exception) apply. In practice, these determinations often decide whether a case proceeds or collapses, making this doctrine a critical tool for both prosecutors and defense counsel.

A portion of the course focuses on the Fifth Amendment and police interrogation practices, including the privilege against self-incrimination. You will study the development and application of *Miranda v. Arizona*, learning to recognize when a suspect is in “custody” and subject to “interrogation,” thereby triggering constitutional safeguards. The course emphasizes evaluating whether statements are admissible, whether rights were properly waived, and what happens when violations occur. These issues frequently arise in criminal practice when attorneys assess the validity of confessions and seek to admit or suppress statements.

Throughout the course, there is a consistent emphasis on application-based learning. You will work with hypotheticals modeled on real cases to:

- Identify constitutional issues embedded in complex fact patterns
- Analyze police conduct under governing legal standards
- Determine the admissibility of evidence
- Develop arguments for both prosecution and defense perspectives

Professor Braley practiced criminal law as a State and Federal Prosecutor for 24 years and now manages a global investigations program for a large corporation. The course integrates practical insights into investigative

strategies, including the use of grand juries, wiretaps, and other sophisticated techniques. This allows you to see not only how the law is written, but how it is used, challenged, and enforced in actual criminal litigation.

By the end of the course, you will not only understand the governing doctrines but also be able to think and operate like a practicing attorney, applying constitutional principles to real investigative and courtroom problems.

GRADE: The grade in this class will be based on a close-book exam given at the end of the semester. The exam will consist of approximately 150 multiple choice style questions.

Learning Outcomes: During this course, you will develop the ability to:

1. Understand Key Constitutional Law

- Gain knowledge of the Fourth Amendment (search and seizure) and Fifth Amendment (custodial interrogation).
- The Fourth Amendment protects people from unreasonable searches and seizures and generally requires warrants supported by probable cause.
- The Fifth Amendment protects against self-incrimination and requires Miranda warnings during custodial interrogation.

2. Recognize Privacy Interests (4th Amendment)

- Identify when a person has a reasonable expectation of privacy.
- Determine when police actions trigger constitutional protections.
- Analyze whether police behavior is legally justified once privacy rights are involved.

3. Identify Custodial Situations (5th Amendment)

- Recognize when someone is considered “in custody” for legal purposes.
- Understand when police must provide Miranda warnings before questioning.
- Learn the difference between casual questioning and custodial interrogation.

4. Apply the Law to Real-World Situations

- Analyze hypothetical scenarios based on real police encounters.
- Decide whether a search or interrogation was lawful.
- Use legal principles to justify conclusions.

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. I 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.

CONTACT INFORMATION:

Tim S. Braley, tim12braley@gmail.com, Cell (832) 388-1117, Office/University visits by appointment consistent.

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) 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.

PRONOUN PREFERENCES:

I go by Professor Braley and generally use she/they and hers/theirs pronouns while referring to students as you or y'all. Please feel free to reach out in person, by email, or by phone if you have preferred pronouns or a specific prefix—such as “Dr.” that you would like me to use instead of “Mr.” or “Ms.” I will do my best to honor your preferences, and if I make a mistake, please know it is unintentional—don't hesitate to correct me.

Hybrid Distance Learning/In-Person

This course will be primarily delivered through synchronous distance learning via Zoom, meaning students are expected to attend live, scheduled online sessions; however, two weeks of the course will be conducted in person, with specific dates and locations to be announced at a later time, and the final examination will also be required to be completed in person.

Diversity, Inclusion, and Wellness

This is an inclusive learning space. At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you'll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran's status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713-743-2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion committee. The D&I committee's charge includes “[building] on the Law Center's strengths as a diverse and inclusive environment.” You can contact the committee directly at UHLCD&I@uh.edu.

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

Discrimination and Sexual Misconduct Policy: The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available at: <http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>; http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination); http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct).

Title IX/Sexual Misconduct: Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

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*

Our first class

We will begin by taking care of a few administrative matters and then proceed with introduction and discussion of the Fourth Amendment. Please read pages 31-56 in advance to prepare.