

Criminal Procedure
Law 5326 Section 15452
Professor David Kwok
Spring 2026
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Overview

Criminal procedure addresses the rules governing state and federal actors in the enforcement of criminal law. We will study police procedure in the investigatory and accusatory process, and we will consider the defendant's rights to counsel and more broadly in the adjudication process.

Class will meet on Mondays and Wednesdays from 1:00 to 2:30pm.

Textbook

There is one assigned textbook: Marc L. Miller, et. al., Criminal Procedures: Cases, Statutes, and Executive Materials (7th ed.), ISBN 9798886144581.

Caution: Miller, et. al. have other books with similar titles that only cover a portion of the above assigned book. Such *incomplete* materials include ISBN numbers 9781454897958, 9781543812459, 9781454897965, and 9781543812626.

Attendance Policy

You should attend class sessions and arrive on time. The Law Center attendance policy requires attendance of 80% of all scheduled (or makeup) classes or a student risks being dropped from the class. I will take attendance through an electronic attendance sheet.

Please note that you are responsible for managing your absences from class and ensuring that your total number of absences does not exceed the threshold for the class. Even if you have notified me that you will be absent, that absence still uses one of your available absences. An absence is an absence, regardless of the reason, except for absences covered by the University and Law Center religious holiday policy.

Students who exceed six (6) absences will be reported to the Associate Dean. In addition, if a student exceeds the threshold by one absence, the student will take a grade reduction of 1/3 of a letter grade. Each additional absence will result in an additional report to the Associate Dean and an additional 1/3 of a letter grade drop.

Participation

I will call on students both to discuss cases and to comment on the issues we are discussing. Participation in the class discussion helps all of us in the learning process. Professional conduct is expected during class. Such professionalism includes respect for your fellow students in timeliness, preparation, and addressing different points of view. As we are all in the process of learning, the classroom discussion involves some risk-taking in considering new ideas and different arguments. Such possibilities can be combined with respect for the rest of the class.

If you are not prepared for a particular class, be sure to email me at least 10 minutes before the start of class, and I will refrain from calling on you. You may pass twice without any negative effect to your final grade. If you are unprepared for class when I call on you, you will be marked absent for the day.

Students with poor class participation will have their final grade dropped by 1/3 of a letter grade. The decision to drop a grade for participation is at my discretion and is non-negotiable. A drop for class participation can result from a combination of unpreparedness, not paying attention in class, and absences (even if you are within the six-absence limit).

In exceptional circumstances, a student may go up a 1/3 of a letter grade for making a substantial contribution to the class. Note that volunteering every class does not constitute a substantial contribution—quality, not quantity matters.

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.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please feel free to reach out to me. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713-743-2182.

Learning Outcomes

Upon successful completion of this course, the student will be able to:

1. Understand the US Supreme Court doctrines and state law variations governing topics such as police arrest, search and seizure; confessions; identification; right to counsel; double jeopardy; and guilty pleas.

2. Articulate and evaluate the competing policy arguments regarding proposed criminal procedure reforms.

3. Apply criminal procedure rules and doctrines as they arise in various fact scenarios.

Assessments

Besides the aforementioned attendance and participation policies, your final grade will be primarily determined by your performance on a final examination administered in person.

Preferred Name / Pronoun / Prefix

I will work to honor your request to address you by a particular name, pronoun or prefix (i.e., “Dr.”, “Ms.”). Please advise me of this preference early in the semester so that I may make appropriate notes in my records.

Counseling and Psychological Services

Counseling and Psychological Services (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. http://www.uh.edu/caps/outreach/lets_talk.html.

The Texas Lawyers' Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

Accessibility & Accommodations

UHLIC is committed to ensuring that all students enjoy equal access and full participation.

If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is in room 44A TU-II in the Office of Student Services suite, and she can be reached at sary@central.uh.edu or 713-743-7466. Requests for accommodation that involve graded assignments must be directed to

Ms. Ary and should be made as soon as possible to allow adequate time to document and to process the request.

If you observe religious or cultural holidays that will coincide with class sessions, please let me know as soon as possible, so that we may make arrangements.

Anti-Discrimination and Sexual Misconduct

UHLC and the University of Houston are 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, a confidential reporting process is available to you. 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.

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to this reporting requirement, faculty members and other employees are not a confidential resource. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please refer to the Accessibility & Accommodations section above. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, nor with any other person or on any other platform. Classes may be recorded by the instructor. Students may use the instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Office Hours: Mondays 2:30-3:30pm. Please email me regarding a visit during office hours so that we can agree beforehand on a method of meeting (Zoom, in-person, etc.).

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

Initial Assignment Schedule

Jan 21

Introduction & what is a search?

Read: 3-56 (skim I.B-C., pages 13-39)

Jan 26

What is a seizure?

Read: 56-70

Jan 28

Reasonable suspicion

Read: 70-106

Feb 02

Brief searches & warrants

Read: 106-143

Feb 04

Warrants & probable cause

Read: 143-162

Feb 09

Probable cause & warrantless searches

Read: 162-203

Feb 11

Consensual searches

Read: 203-222

Feb 16

Searches of persons

Read: 223-243

Feb 18

Searches of houses and other places

Read: 243-271

Feb 23

Other searches

Read: 271-296

Feb 25

Arrests

Read: 296-343

Mar 02

Exclusionary rule

Read: 345-361

Mar 04

Limitations to exclusionary rule

Read: 361-383

Mar 09

Challenges and alternatives to exclusionary rule

Read: 383-409

Mar 11

Enhancement of the senses

Read: 411-435

Mar 23

Wiretapping & government access to databases

Read: 435-470

A second assignment schedule will be distributed.