

Criminal Procedure (5326) - Spring 2026

Dr. Jessica Bregant (jbregant@cougarnet.uh.edu) ♦ MW 10:30p-12pm ♦ Room 220



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Introduction

In the criminal justice system, the people are (theoretically) represented by two separate, but equally important groups: the police who investigate crimes, and the district attorneys who prosecute the offenders. This course will cover some of their stories. We will focus on the constitutional constraints placed on criminal investigations, including Fourth, Fifth, and Sixth Amendment rights. Particular topics will include searches and seizures, interrogations, confessions, lineups, and the right to counsel.

This is primarily a course in applied Constitutional law, but we will also discuss some of the social, ethical, and psychological issues inherent in criminal investigation and police procedure. Grading will be based on a final exam, as well as preparation for and participation in class.

I. Instructor Contact Info & Required Text

Instructor

Dr. Jessica Bregant (she/her/hers)
jbregant@cougarnet.uh.edu

Office Hours: TBA (check Canvas)
And by appointment!

Office Location: 343Q

(turn left as soon as you enter the suite, then keep walking until you would run into the wall; 343Q will be to your left)

Required Text

The required text for this course is Criminal Procedure: Investigation, Cases and Material (3rd Edition), by Cynthia Lee and L. Song Richardson (ISBN: 9781647086190). This textbook is half of a larger volume, Criminal Procedure (3rd Edition) (ISBN: 9781647086183). You are welcome to use either version, and *you do not need both*.

Any other required readings will be posted to the course site.

II. Course Site & Zoom

A. Course Site

The course site is on Canvas. I'll post any announcements there, as well as updates to the assignments and on-call panels. You are responsible for staying up to date on the site -- be sure to set up email notifications.

B. Zoom Policies (if needed)

In the event that we need to hold class virtually on Zoom, I will provide a link to everyone before the class session. In addition to the usual expectations about classroom behavior and civility, there are some rules specific to the Zoom environment:

- ❖ Mute your mic when you are not speaking.
- ❖ You should be logged in to Zoom with your UH credentials, and your displayed name should be your first and last name. Failure to follow these instructions may cause you to be marked “absent” when you are not.
- ❖ Your camera should be on during every class session. If this is a problem for you, either in general or for a specific class, please talk with me.
- ❖ Please respect the privacy of your peers. Do not take pictures or other recordings of class without permission, and do not share any images or videos of class.
- ❖ Don't do anything on camera that you wouldn't do in a classroom (eating and drinking are totally fine). Distractions are bound to happen! Pets, children, and housemates will make unexpected appearances, and that's okay. We'll try to minimize the disruption, but please don't get too worried if it happens to you, and if you want to show off your guests occasionally, feel free.
- ❖ I will attempt to record every class, and the recordings will be posted to the course site. If you miss a class, it is your responsibility to view the appropriate lecture and get any notes you may have missed.

III. Course Policies

A. Grading Policy

Your grade will be based primarily on the final exam, but it will also incorporate class participation, and may also include other assignments throughout the semester.

1. Final Exam

The final exam will include short answer, multiple choice, and essay questions. It will include all assigned readings, class discussions, and any other materials covered in class. It will be closed book and graded anonymously. We'll discuss the details later in the semester.

2. Participation, Preparation, and Attendance

I expect you to be present and prepared for every class, having done the assigned readings. I will take volunteers for class discussions, but I will also assign an on-call

panel for each week. Students on the panel will be primarily responsible for answering questions about the readings. I'll assign the panels randomly, and I'll post a document with all of the panels for the semester to Canvas before the first class.

When you are on call, expect to be called on! However, I reserve the right to call on any student at any time, so please try to be prepared for every class. If you are on call and something comes up so that you are not prepared, please let me know as soon as you can, and I'll modify the on-call list accordingly. I will do my best to be flexible. Please do not abuse this flexibility.

Regular participation, including being prepared when you are on panel, will earn you full credit for this part of your grade. Outstanding participation (think quality, not quantity) will earn you an extra "step" in your grade, per UHLC policy (from a B to a B+, for example, or a B+ to an A-). If you do not participate regularly or you miss panel days without making them up, your grade may be lowered by one step.

Important Note on Attendance: Per UHLC policy, you must attend at least 80% of classes. Failure to do so will be reported to the Office of Student Affairs and may result in disciplinary action.

3. Other Assignments

Throughout the semester, I may post a handful of additional assignments to the course site. These assignments will generally be graded for completeness (a good-faith effort) and may include surveys, short quizzes, practice exam questions, videos to watch, or discussion board prompts. These assignments, if any, will constitute no more than 10% of your final grade.

B. Basic Needs Policy

Your safety and wellbeing is more important than anything going on in class. Please feel free to reach out to me if you need to talk. Any student who faces challenges securing their food or housing or personal safety is urged to contact the Dean of Students for support. Furthermore, please notify me if you are comfortable in doing so. This will enable me to provide any resources that I can.

C. Need Support Now?

If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

D. Counseling & Other Campus Resources

- ❖ 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 Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.
- ❖ The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.
- ❖ The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don’t know where to start. Here’s their statement:

CSAC is a “home away from home” and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

E. Accommodations

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). You should also contact the Law Center’s Office of Student Affairs.

If you need other kinds of help or accommodation to be fully engaged with class or with course materials, please come talk with me as soon as possible.

F. Names & Pronouns

Chosen names and pronouns (including non-binary ones such as they/them/their) must be respected in my classroom.

My pronouns are she/her/hers, and I'd prefer that you address me as "Professor Bregant" or "Dr. Bregant." "Bregant" is pronounced similarly to the word "pregnant" (minus the first "n") or to "Beggin'" (as in the dog treat brand "Beggin' Strips"), but I happily answer to most conceivable variants.

I usually address students in class by their first name. If you would prefer to use a name that is different than what appears in the registrar's list for the course, including (but not limited to) a nickname, just let me know. Similarly, please feel free to let me know your pronouns. If I use the wrong name or wrong pronouns in class, please correct me, either immediately or after class in person or by email.

G. Discrimination & 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. For more information, please refer to the University system's [Anti-Discrimination Policy SAM 01.D.07](http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf) and [Sexual Misconduct Policy SAM 01.D.08](http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf): <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)

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.

H. Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

I. AI & Large Language Models, etc.

If used thoughtfully, generative AI and Large Language Models (LLMs), such as ChatGPT, Gemini, NotebookLM, and others, can be useful aids for studying, research, and writing. However, when you submit work to me or present work in class (including answering questions during class discussions), I expect that to be entirely your own analysis. Unless an assignment specifically says otherwise in writing, you may not knowingly use AI or LLMs to generate answers or commentary related to any assessment in this course, nor may you use or rely on answers or commentary generated by someone else. This includes, but is not limited to: submitting AI-generated text; prompting an AI or LLM with course materials to gain assistance; using AI to brief cases for class discussion; and generating outlines or guidelines. Use of AI or LLMs that violates this policy constitutes plagiarism and will be dealt with according to the UHLC Honor Code.

The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless of whether it is graded content or not.

J. 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 contact the Dart Center (see “Accommodations” above).

If you have permission or an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use 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.

IV. Course Guide

A. Learning Objectives

By the end of this course, you will:

- a. Understand and be able to articulate the limitations imposed upon the police by the United States Constitution in their criminal investigations, including their ability to search, detain, and/or arrest suspects, obtain confessions, and conduct physical identification line-ups, as well as explain when such evidence must be excluded. Further, you will be able to describe an individual’s right to counsel in both a custodial and non-custodial settings.
- b. Develop your cultural competency in the context of the analysis of constitutional criminal procedure, particularly with regard to systemic racism in criminal justice and the role that criminal procedure and police practices play in supporting systemic racism.

B. (Tentative) Reading Assignments & Plan

Note: This plan is subject to change at any time; we will probably get slightly ahead or slightly behind schedule as the semester goes on, and I’ll adjust the plan when necessary to let us get back on track. I’ll do so in class, but be sure to also check the course page regularly so that you will see any announcements or changes to the schedule!

All readings are in the textbook (Lee et al., 3d Edition). Each row below corresponds roughly to one class period, and each block of white or gray corresponds roughly to a week of class.

Topic(s)	Reading
Introductions What is a search (pt 1)?	Ch. 1 (all), pp. 1-8 Ch. 2, pp. 9-27
What is a search (pt 2)?	Ch. 2, pp. 27-48
What is a search (pt 3)?	Ch. 2, pp. 48-74
What is a search (pt 4)?	Ch 2., pp. 74-88
Probable cause Search warrants	Ch. 3 (all), pp. 89-101 Ch. 4 (all), pp. 103-116
Arrests Searches incident to arrest (pt 1)	Ch. 5 (all), pp. 117-128 Ch. 6, pp. 133-145

Searches incident to arrest (pt 2)	Ch. 6, pp. 145-167
Automobiles	Ch. 7 (all), pp. 169-199
<i>Terry</i> stops	Ch. 8, pp. 201-239
Plain view & “plain feel”	Ch. 9 (all), pp. 241-254
Racial profiling	Ch. 10 (all), pp. 255-286
Seizures (of the person)	Ch. 11 (all), pp. 287-327
Police use of force	Ch 12 (all), pp. 329-349
Consent searches	Ch 13 (all), pp. 351-369
Administrative searches Exigent circumstances & emergencies	Ch. 14, pp. 371-388 Ch. 15, pp. 405-415
The Exclusionary Rule	Ch. 16, pp. 421-449
The Exclusionary Rule (pt. 2) & Fruit of the Poisonous Tree Doctrine	Ch. 16, pp. 449-465
(6th Amendment) Right to counsel	Ch. 17 (all), pp. 467-486
Interrogations Due process voluntariness (6th Am.) Right to counsel approach	Ch. 18 (all), pp. 487-498 Ch. 19 (all), pp. 503-529
<i>Miranda</i> (pt. 1): “Custodial”	Ch. 20, pp. 531-559
<i>Miranda</i> (pt. 2): “Interrogation”	Ch. 20, pp. 559-573
<i>Miranda</i> (pt. 3): Asserting the rights	Ch. 20, pp. 574-596
<i>Miranda</i> (pt. 4): Waiving the rights	Ch. 20, pp. 597-615
<i>Miranda</i> (pt. 5): Additional details	Ch. 20, pp. 618-650, skim 651-660
<i>Miranda</i> & the 6th Amendment	Ch. 20, pp. 660-671
Pretrial identification (if time allows)	Ch. 21 (all), pp. 673-702
Wrap-up & Review	