CRIJ 4312 CRN 24267: Criminal Procedure
03/18/2024 – 05/06/2024

Assistant Professor of Practice: Luis A. Arias, BA, JD
Email: larias2@utep.edu

Required Textbook:


Office Hours: Virtually via Zoom – Monday 9 am – 12 noon MST by appointment

Welcome, Course Overview & Objectives:

Welcome to Criminal Procedure. This course offers a concise overview of the rules and procedures governing the United States criminal court system. It focuses on constitutional rules related to criminal investigation, detention, prosecution, and adjudication, emphasizing the Fourth, Fifth, Sixth, and Fourteenth Amendments. The curriculum covers topics such as searches, seizures, interrogations, identification procedures, right to counsel, and remedies for constitutional violations.

Course Objectives (Learning Outcomes): During the class, the students will be able to identify, understand, articulate, apply, and evaluate the following concepts and/or models:

a. The United States court system: sources of constitutional rights and fundamental principles;
b. The Criminal Justice Process: the procedures before, during, and after
c. The differences between reasonable suspicion and probable cause;
d. The exclusionary rule and exceptions to the rule;
e. The concept and legal implications of stop and frisk;
f. The definition and elements of arrest; arrest with/without a warrant; the use of force during an arrest; and other arrest issues;
g. The Rights of the Criminally Accused: The Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution;
h. The substance of sentencing, the death penalty, and other forms of punishment;
i. The legal liabilities of law enforcement officers;
j. The war on terror and electronic surveillance, and
k. Specific topics.

Class Format: This course follows a structured schedule with weekly modules opening every Monday at 1:00 am and closing the following Saturday at 11:59 pm (MST). It is not self-paced. Failure to submit required work by the module deadline results in a grade of zero (0) for that assignment without exceptions.

Weekly modules, detailed in the syllabus, cover three to four chapters from the textbook. Chapter Power Point (PPT) presentations or outlines are provided to guide students in their reading. It is recommended to review these materials before reading the chapters, paying attention to chapter conclusions and key terms.

All assessments (exams, discussions, and written assignments) are open book and open notes. However, collaboration is not allowed unless explicitly instructed by the professor. Any form of collaboration constitutes cheating, subject to the academic dishonesty policy outlined in the syllabus.

Requirements: Activating and utilizing your Blackboard accounts is mandatory. Regularly check your Blackboard course for announcements, assignment details, and discussion updates throughout the semester. Note that I am not equipped to provide technical support. For inquiries or issues related to Blackboard or other technological concerns, please reach out to tech support. Additionally, ensure access to a desktop or laptop computer for the course requirements.

Exams: Your grade in this class is determined by four exams and two written assignments, each worth 100 points for a total of 600 points. Exams are scheduled per the syllabus week, and all assessments are mandatory. Make-up exams may be considered only under "extreme" circumstances, requiring proper documentation, though approval is not guaranteed. Missed exams receive a grade of zero (0), and if a make-up is granted, it must be completed within one week of the original date.

Exams, accessible on Blackboard, open at 1:00 am and close at 11:59 pm on Saturdays (Mountain Standard Time). Respondus Lockdown Browser must be downloaded and installed.
for all examinations. Each exam question allows one minute for completion, ensuring a timely submission. Late submissions result in a grade of zero (0).

**Written Assignments:** Students will complete two written assignments on designated weeks, focusing on the transcripts of "The Trial of Dmitri Karamazov" and Albert Camus' essay "Reflections on the Guillotine."

For "The Trial of Dmitri Karamazov," respond concisely within 500 words to questions regarding probable cause for Dmitri's arrest, the accused crime, and the direct/indirect evidence against him. Analyze the criminal procedure/law concepts of motive, opportunity, and means based on the case facts.

In "Reflections on the Guillotine," state your stance on the death penalty and provide reasons in a 500-word response. Emphasize clarity, active voice, and concise writing. Each written assignment carries 100 points, and full credit requires comprehensive responses.

Make-up assignments, allowed under extreme circumstances with proper documentation, must be completed within one week of the original assignment date. It is essential to proofread and edit before submission.

**Discussions:** Students must contribute one original post on the module's discussion boards, limited to 300 words. Additionally, respond thoughtfully to two peers, emphasizing respectful engagement. Disagreement is acceptable, but maintain a mature and respectful tone—avoiding arguments or disrespectful comments. Merely stating "I agree" is discouraged; instead, provide responses that reflect scholarly thought.

**Final Grade Calculation:**

Your final grade in this class will be determined based on the exams, written assignments, and discussions.

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<th>Points</th>
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<td>Exam 1</td>
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<td>Exam 2</td>
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<td>Exam 3</td>
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<td>Exam 4</td>
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<td>Written Assignment 1</td>
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<td>Written Assignment 2</td>
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<td>(Discussion Board)</td>
<td>To be determined</td>
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<tr>
<td><strong>Total Points</strong></td>
<td><strong>600</strong></td>
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**Final Grade Distribution:**

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<th>Points Range</th>
<th>Grade</th>
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<tr>
<td>550-600</td>
<td>A</td>
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<td>500-549</td>
<td>B</td>
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<tr>
<td>400-450</td>
<td>C</td>
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<tr>
<td>300-349</td>
<td>D</td>
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Please note: I reserve the right to make changes to the course or syllabus, with advance notice through announcements and/or email. There will be no grading curve, dropped grades, or guaranteed extra credit. Any extra credit is at my discretion. Please refrain from requesting additional points for a specific letter grade at the end of the semester. Your grade reflects your achievement, not a discretionary gift.

Important Reminders: Exams are timed, automatically closing and submitting at the end of the allotted time once begun. Avoid last-minute starts to address potential submission issues promptly before the module closes.

Technology Requirements: Course content is delivered via the Internet through the BB learning management system. Ensure your UTEP e-mail account is working and that you have access to the Web and a stable web browser. Google Chrome and Mozilla Firefox are the best browsers for BB; other browsers may cause complications. When having technical difficulties, update your browser, clear your cache, or try switching to another browser.

You will need to have access to a computer/laptop, scanner, a webcam, and a microphone. You will need to download or update the following software: Respondus Lockdown Browser, Microsoft Office, Adobe Acrobat Reader, Windows Media Player, QuickTime, and Java. Check that your computer hardware and software are up-to-date and able to access all parts of the course.

If you do not have word-processing software, you can download Word and other Microsoft Office programs (including Excel, PowerPoint, Outlook and more) for free via UTEP’s Microsoft Office Portal. Click the following link for more information about Microsoft Office 365 and follow the instructions.

IMPORTANT: If you encounter technical difficulties beyond your scope of troubleshooting, please contact the UTEP Help Desk at 747-4357 as they are trained specifically in assisting with technological needs of learners. Please do not contact me for this type of assistance. The Help Desk is much better equipped than I am to assist you! Note: In the Center for Instructional Design (CID) website, learners can find the BB Student Orientation. The purpose of this orientation is to help learners navigate a course in BB.

Netiquette: the correct or acceptable way of communicating on the Internet

- Always consider the audience. Remember that members of the class and the instructor will be reading any postings.
- Respect and courtesy must be provided to classmates and to the instructor. No harassment or inappropriate postings will be tolerated.
- When reacting to someone else’s message, address the ideas, not the person. Post only what anyone would comfortably state in a face-to face (F2F) situation.
- BB is not a public internet venue; all postings to it should be considered private and confidential. Whatever is posted on in these online spaces is intended for
Attendance and Participation: Attendance in the course is gauged through active engagement in learning activities, examinations, discussion board participation, and written essays. Your involvement is vital for both personal learning and overall success, fostering a community of learners. Participation is assessed based on the completion of the following activities:

- Reading/Viewing all course materials to ensure understanding of assignment requirements.
- Participating in engaging discussion with your peers on the discussion boards.
- Participating in scheduled Blackboard Collaborate sessions if any.
- Completing both written assignments.
- Other activities, implied or inferred, as directed and/or indicated in the weekly modules and/or professor.

Because these activities are designed to contribute to your learning each week, they cannot be made up after their due date has passed.

Drop Policy: The course drop policy for this course is the same as the official policy for the University of Texas at El Paso. The policy is set out in the University catalog. The instructor also has discretion in this matter and has the right to drop a student from the course if the student has excessive unexcused absences or is continuously late to class, see infra. A student will not be allowed more than three (3) unexcused absences during the semester. If a student accumulates more than three (3) unexcused absences, the instructor has the right to drop the student from the course. Please refer to UTEP Drop Policy: http://engineering.utep.edu/plaza/AcademicForms/Course_Drop_Form_aftercensusday.pdf; and http://utepconnect.utep.edu/images/docs/accepted_students/learning_online/Know_University_Policy.pdf.

If unforeseen circumstances happen where a drop is necessary, students are responsible for initiating any course drop. It is the student’s responsibility to determine how dropping courses may affect financial aid. Students are limited to dropping no more than six courses over their entire academic career of all courses taken at any public college or University in Texas.

a) Students who drop a course within the first 2 weeks before the “official census date,” the course will not appear on the transcript, and does not count toward the 6-course drop limit. Note: The Census date is July 13, 2023.

b) Dropping a course after the official census date, but before the “course drop date” will generate a “W” in the course—although the drop shows on your transcript, a “W” does not lower your GPA. However, this type of drop counts against your 6-drop limit. Note: The course drop deadline is July 27, 2023.
c) If the course is dropped after the “course drop date” or if the student just stops coming/taking tests, etc., UTEP requires the instructor to issue an “F” in the course that permanently remains on the transcript. This type of drop counts against the 6-drop limit.

d) UTEP also allows instructors to administratively drop any student because of excessive absences, lack of effort, or disciplinary reasons. In this case, the student will be notified of the course drop through their UTEP email account. A “W” will be issued if the drop occurs before the course drop date, and an “F” will be issued if a student is administratively dropped for disciplinary reasons or after the course drop date. This type of drop counts against the 6-drop limit.

e) If circumstances occur where a student must miss an excessive number of classes and/or is unable to submit multiple assignments (e.g., student medical reasons, medical conditions of a family member, death of a family member, active military service), they should first discuss the possibility of withdrawal from all classes with their academic advisor. If a student withdraws completely from all classes, kindly notify Professor Arias at larias2@utep.edu. Complete withdrawals from all classes in the same semester do not count against the 6-drop limit.

Academic/Scholastic Integrity: Academic dishonesty is prohibited and is considered a violation of the UTEP Handbook of Operating Procedures. It includes, but is not limited to, cheating, plagiarism, and collusion. Cheating may involve copying from or providing information to other learners, possessing unauthorized materials during a test, or falsifying research data on laboratory reports. Plagiarism occurs when someone intentionally or knowingly represents the words or ideas of another as one’s own. Collusion involves collaborating with another person to commit any academically dishonest act. Any act of academic dishonesty attempted by a UTEP learner is unacceptable and will not be tolerated. All suspected violations of academic integrity at The University of Texas at El Paso must be reported to the Office of Student Conduct and Conflict Resolution (OSCCR) for possible disciplinary action. To learn more HOOP: Student Conduct and Discipline.

The Professor takes cases of alleged academic dishonesty seriously. For learners who are found to have engaged in any form of academic dishonesty, sanctions may include a failing grade on the assignment or exam in question, a failing grade in the course, suspension, or dismissal from the University. See http://www.utep.edu/dos

Violations will be referred to the Dean of Students Office for possible disciplinary action. For learners who are found to have engaged in any form of academic dishonesty, sanctions may include a failing grade on the assignment or examination in question, a failing grade in the course, suspension, or dismissal from the University.

Civility Statement: The Professor will endeavor to provide a classroom environment appropriate for academic knowledge, discourse, and debate. For this to occur, each learner must be prepared with all the reading assignments and participate actively on Black Board assignment. We will
respect what others should say and avoid insults, interruptions, and disrespect. We will avoid becoming politically charged when discussing sensitive topics.

Diversity Statement: We all come to the table with differing experiences and viewpoints, which means that we have so much to learn from each other! To get the most out of this opportunity, it is important that we do not shy away from differences. Rather, we should show respect for differences by seeking to understand, asking questions, clarifying our understanding, and/or respectfully explaining our own perspective. This way, everybody comes away with new perspectives on the issue and respects others with different values or beliefs. If someone says something that bothers you for any reason, assume that your peer did not mean to be offensive and ask your peer to clarify what he or she meant. Then explain the impact it had on you. If your classmates tell you that something you said or wrote bothered them, assume that they are not attacking you, but that they are sharing something that might be important for you to know.

Student Resources: UTEP provides a variety of learner services and support:

- **UTEP Library**: Access a wide range of resources including online full-text access to thousands of journals and eBooks plus reference service and librarian assistance for enrolled learners.
- **Help Desk**: Learners experiencing technological challenges (email, BB, software, etc.) can submit a ticket to the UTEP Helpdesk for assistance. Contact the Helpdesk via phone, email, chat, website, or in person if on campus.
- **University Writing Center (UWC)**: Submit papers here for assistance with writing style and formatting, ask a tutor for help and explore other writing resources.
- **Math Tutoring Center (MaRCS)**: Ask a tutor for help and explore other available math resources.
- **History Tutoring Center (HTC)**: Receive assistance with writing history papers, get help from a tutor and explore other history resources.
- **Military Student Success Center**: UTEP welcomes military-affiliated learners to its degree programs, and the Military Student Success Center and its resolute staff (many who are veterans and learners themselves) are here to help personnel in any branch of service to reach their educational goals.
- **RefWorks**: A bibliographic citation tool; check out the RefWorks tutorial and Fact Sheet and Quick-Start Guide.

Disability Statement: If a learner has or suspects he/she has a disability and needs an accommodation, he/she should contact the Center for Accommodations and Support Services (CASS) at 747-5148 or at cass@utep.edu or go to Room 106 Union East Building. The learners are responsible for presenting to the instructor any DSS accommodation letters and instructions.

Accommodations Policy: The University is committed to providing reasonable accommodations and auxiliary services to learners, staff, faculty, job applicants, applicants for admissions, and other beneficiaries of University programs, services and activities with documented disabilities.
in order to provide them with equal opportunities to participate in programs, services, and activities in compliance with sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. Reasonable accommodation will be made unless it is determined that doing so would cause undue hardship for the University. Learners requesting an accommodation based on a disability must register with the UTEP Center for Accommodations and Support Services (CASS). Contact the Center for Accommodations and Support Services at 915-747-5148, or email them at cass@utep.edu, or apply for accommodations online via the CASS portal.

A Final Note:

1. I will provide you with clear instructions on class expectations.
2. I will check my email and will answer you as soon as possible.
3. I will provide graded feedback on your performance in a timely manner.
4. I will keep you informed about your graded progress in the class and will be available to discuss your concerns when needed.
5. I am open to suggestions about improvement of the class and class related activities.
6. I will do all I can to ensure your learning and success in this class
7. If any changes to the course are implemented, I will ensure that the class is notified in a timely manner.
8. Read all postings on the bulletin board and all emails from me.
9. I strongly recommend that you check the course at least three times a week at minimum to keep up. Email messages will be sent to your UTEP email address, so you will want to check your UTEP email several times a week, preferably each business day.
10. Online learning is not a spectator sport. It is everyone’s responsibility to participate as fully as they can so everyone can get the most from the experience.

Course Calendar/Assignments/Spring 2024. Please Note: The Professor reserves the right to make any necessary and appropriate changes to the course and/or syllabus. Learners should attend class to stay informed of any changes.
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<tr>
<th>Week</th>
<th>Dates</th>
<th>Topic</th>
<th>Readings and Notes</th>
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<tr>
<td>1</td>
<td>March 18 - 29</td>
<td>Introduction; video: The Night Of: BBC series “Criminal Justice,” HBO production; Conscientizacao;</td>
<td>Chapter 1&lt;br&gt;Chapter 2&lt;br&gt;Chapter 3&lt;br&gt;<strong>Discussion Board 1:</strong> due on or before March 22, 2024, at 11:59 pm (MST): The Night Of</td>
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<td>• Chapter 1: The Court System, Sources of Rights, Fundamental Principles;</td>
<td><strong>Discussion Board 2:</strong> due on or before March 29, 2024, at 11:59 pm (MST): The Runaway Trolley</td>
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<td>• Chapter 2 Overview of the Criminal Justice Process</td>
<td><strong>Exam 1:</strong> Chapters 1-3 due on March 30, 2024; exam opens at 1:00 am and closes at 11:30 pm on BB</td>
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<td>• Chapter 3: Probable Cause and Reasonable Suspicion</td>
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<td>April 1 - 12</td>
<td>• Chapter 4: The Exclusionary Rule</td>
<td>Chapter 4&lt;br&gt;Chapter 5&lt;br&gt;Chapter 6&lt;br&gt;<strong>Written Assignment 1:</strong> due on or before April 5, 2024, at 11:59 pm (MST): The Trial of Dmitri Karamazov</td>
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<td>• Chapter 5: Stop and Frisk</td>
<td><strong>Exam 2:</strong> Chapters 4-6 due on July 22, 2023; exam opens at 1:00 am and closes at 11:30 pm on BB</td>
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<td>• Chapter 6: Arrests and Use of Force</td>
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<td>April 15 - 26</td>
<td>• Chapter 7: Searches and Seizures of Things</td>
<td>Chapter 7&lt;br&gt;Chapter 8&lt;br&gt;Chapter 9&lt;br&gt;<strong>Discussion Board 3:</strong> due on or before April 19, 2024, at 11:59 pm (MST): The Trial: A Murder in the Family, see supra.</td>
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<td>• Chapter 8: Motor Vehicle Stops, Searches and Inventories</td>
<td><strong>Exam 3:</strong> Chapters 7-9 due on April 27, 2024; exam opens at</td>
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<td>• Chapter 9: Plain View, Open Fields, Abandonment, and Border searches</td>
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### Part IV: Chapters 10-13

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<tr>
<th>4</th>
<th>April 29 – May 6</th>
<th>1:00 am and closes at 11:30 pm on BB</th>
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<tr>
<td></td>
<td>Chapter 10: Lineups and Other Means of Pretrial Identification;</td>
<td>Chapter 10</td>
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<td>Chapter 11 Confessions and Admissions: Miranda v. Arizona</td>
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<td>Chapter 12: Basic Constitutional Rights of the Accused;</td>
<td>Chapter 12</td>
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<td>Chapter 13 Sentencing, the Death Penalty, and Other Forms of Punishment; Punishment and Sentencing: Review for Final Exam;</td>
<td>Chapter 13</td>
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<td></td>
<td>Final Exam on Chapters 10, 11, 12, and 13 on May 6, 2024; exam opens at 1:00 am and closes at 11:30 pm on BB</td>
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