

**THE UNIVERSITY OF TEXAS AT  
EL PASO**  
**COLLEGE OF LIBERAL ARTS**

**DEPARTMENT OF CRIMINAL JUSTICE**

**Course #:** **CJ 4312:** Criminal Procedure (3-0) This course presents an overview of the constitutional rules governing the criminal investigation, detention, prosecution, and adjudication of persons in the United States with focus on the Fourth, Fifth, and Sixth Amendments to the United States Constitution and the Supreme Court decisions that have interpreted the meaning of these amendments. *Prerequisite:* 1301.

**Course Description:** Criminal Procedure: This course provides an overview of the rules and procedures that govern the United States criminal court system and its participants. This course provides an overview of the constitutional rules governing the criminal investigation, detention, prosecution, and adjudication of persons in the United States. It focuses on the Fourth, Fifth, and Sixth Amendments to the United States Constitution and the Supreme Court decisions that have interpreted the meaning of these amendments. Topics to be discussed include searches, seizures, interrogations, identification procedures, right to counsel, and remedies for constitutional violations.

**Course Title:** **Criminal Procedure**

**Course CRN:** 25840

**Term:** SPRING 2024

**Course Meeting Time:** Monday and Wednesday 1:30 pm – 2:50 pm

**Location:** LART 107

**Instructor:** Luis A. Arias, BA, JD

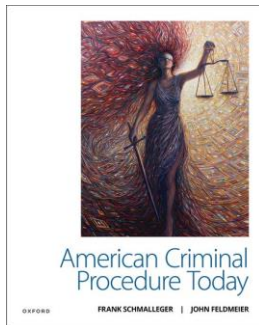
**Office Location:** PROSPECT Hall 222 A (alternate office EDUC 111)

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**Office Hrs.:** 10:00 – 11:00 am 3:00 pm – 5:00 pm Monday and Wednesday, by appointment



**Textbook(s), Materials:** Required: American Criminal Procedure Today 1st Edition; by Frank Schmallegger (Author), John Feldmeier (Author); ISBN-10; 0197576826. **Available at UTEP Bookstore.**



**Suggested:** Internet and current news articles

### **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 power of Criminal Procedure in the United States;
- b. The many layers and Constitutional foundations of Criminal Procedure;
- c. Sources and semantics of criminal procedure;
- d. The administrative beginnings of criminal procedure;
- e. The constitutional and legal standards for obtaining discovery and other evidence prior to trial;
- f. Pretrial motions, Exclusionary Rule, and Plea Bargaining;
- g. The Fourth Amendment: Arrests and Seizures of Persons;
- h. The Fourth Amendment: Evidentiary Searches and Seizures;
- i. The Fifth Amendment: Right Against Self-Incrimination;
- j. The Sixth Amendment; Right to Counsel and Pre-Trial Identifications;
- k. The Right to a Fair Trial;
  - i. Sentencing and Other Post-Verdict Trial Court Procedures;
  - j. Criminal Appeals, Habeas Corpus, and other Post-Conviction

Proceedings;  
k. Selected topics and/or readings.

**Course Activities/Assignments:** Textbook chapter readings and lectures, outside readings, group discussions, and analytical papers as required by the Professor. \*

**Assessment of Course Objectives:** Students will be required to read course materials assigned by the Professor and complete all individual and group activities as assigned. The course will be divided into a number a clusters or units together with sub-topics, which collectively comprise the subjects. Upon completion of the clusters or units, the student will be able to complete the objectives with a thorough comprehension, explanation, discussion, and application thereof. The students will be administered objective and/or subjective examinations during the class to assess the students' understanding of the subject matter/course material.

1. Students will be administered four to five written tests to measure their understanding of the course content. The examinations will be administered and proportionally spaced out throughout the semester. Examinations will be graded based on class lectures, group discussions, assigned readings from the textbook(s), and/or outside readings. Written objective and/or subjective (essay) tests are valued at 100 points each. All objective examinations may be administered on Blackboard (BB). Learners are required to download and install Respondus Lockdown Browser for examinations. (Blue Books are required for essay tests, and a scantron is required for each objective test. It is the learners' responsibility to purchase both items; optional by instructor). Any extra credit assignments are at the instructor's discretion.
2. Any student who has an "A" average going into the final examination will not be required to sit for the final examination and will receive an "A" for the course. (Optional by professor).
3. At the instructor's discretion, students may be required to submit a Power Point presentation or research and/or analysis paper(s). The instructor will provide report requirements during the class. Deductions will be made for each error: not following directions, proofreading, formatting, typographical problems including incorrect text, etc. A numeric grade will be assigned.
4. Any extra credit assignments are at the instructor's discretion.

**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: 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 always 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 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 classmates and professor only. Please do not copy documents and paste them to a publicly accessible website, blog, or other space. If learners wish to do so, they have the ethical obligation to first request the permission of the writer(s).

**Writing Center:** The University Writing Center (UWC) is in the Library, Room 227. It is a suitable place to receive help with editing your written papers and with APA style assistance. The UWC is open Monday – Thursday 9:00 am – 5:00 pm, Friday 9:00 am 2:00 pm, and Sundays 12:00 – 5:00 pm. Appointments are recommended before the deadline, but the UWC will take walk-ins. The UWC telephone number and email address are 747-5112 and [uwc@utep.edu](mailto:uwc@utep.edu).

**Grading Policy:** All grading is at the professor's discretion and based on traditional academic guidelines:

90- Above - A  
80- 89 - B  
70-79 - C  
60 - 69 - D  
59 – Below- F

- All class assignments are due when scheduled
- Late submissions will result in grade reduction.
- All written assignments must be submitted in APA format and/or as directed by the Professor without exception.
- Any approved rewrites must be accompanied by the original document.
- There will be four to five class examinations, see supra and infra.
- Students will be evaluated over all assigned textbook (s) reading assignments, outside reading assignments, class lectures, and/or group assignments.
- All examinations must be taken on the date and beginning/end times scheduled. There are no make-up examinations, and the student will receive a score of "0" for any missed examinations. There will be no leaving the room when test begins (optional by instructor).

**Attendance and Participation Policy:** Class and examination attendance is mandatory. Students are expected to be in class and be on time. Students who miss class are responsible for contacting fellow classmates to obtain notes. Students are allowed no more than three excused absences during the class semester (see infra). I will not allow learners to borrow my notes, and I do not give repeat performances of my lectures. This also goes for learners arriving late to class or leaving early. **Note:** I may or may not post my PowerPoints on BB.

Students are expected to attend class and actively participate in all aspects of the learning process. This includes class discussions, written work, and in-class activities. National and local studies have shown a direct correlation between attendance and grade performance. Therefore, attendance is considered mandatory.

Students who miss more than 10% of the regularly scheduled class meetings due to unexcused absences are subject to failing the course, being penalized, and/or being dropped from the course, see infra. Students enrolled in MW or TR sections (Fall and Spring semesters and/or Summer sessions Monday – Friday) may not exceed three unexcused absences for the semester.

For the purposes of this course, "excused absences" include verifiable medical or family emergencies, University approved activities (accompanied by a university excuse), illness (yours or a family member's), and other absences as outlined in the University's

Academic Catalog “Attendance and Grading” policies and regulations. Students should be prepared to document the reasons for their absence. Students whose absences are not excused will not normally be allowed to make up tests, quizzes, and/or assignments. Students who anticipate having a high number of excused absences should contact their instructor as soon as the situation arises so that they can decide how to manage missed class time.

**Attendance using Class Quick Response Codes (QR Codes):** Attendance will be taken at each class meeting using class QR codes scanned with a smartphone or any electronic device. When you enter class, simply hold your smartphone, laptop, or electronic device against the QR code.

**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](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](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 6 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 **January 31, 2024**.
- 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 **March 28, 2024**.
- 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](mailto: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 another 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>

The Professor expects you to produce your own work in class. When you submit any type of work (including projects, exams, quizzes, or discussions), you declare you have generated and written the text unless you indicate otherwise using quotation marks and proper attribution for the source. Submitting content that was generated by someone other than you or was created or assisted by a computer application or tool, including artificial intelligence (AI) tools such as ChatGPT is cheating and constitutes a violation of the UTEP Handbook of Operating Procedures. You may use simple word processing tools to update spelling and grammar in your assignments, but you may not use AI tools to draft your work, even if you edit, revise, or paraphrase it. There may be opportunities for you to use AI tools in this class. Where these opportunities exist, the Professor will clearly specify when and in what capacity it is permissible for you to use these tools.

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 in class. We will respect what others should say and avoid insults, interruptions, and disrespect. We will avoid becoming politically charged when discussing sensitive topics.

Cell Phones will be turned off or set to vibrate during class. As a matter of courtesy and classroom policy, learners must leave the classroom when accepting incoming calls.

Laptop and recording devices are permitted in the classroom to facilitate note taking. No other computer use is approved during class time, to include emailing and game playing. Using a laptop in the classroom is a privilege, which can be revoked by the instructor.

**The use of smart and cell phones, smart watches, and laptops is NOT permitted during examinations.** Learners are not permitted to use headphones during class and examinations. Learners will not be allowed to leave the classroom during F2F or BB examinations.

**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 rather 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 dedicated staff (many of whom 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](mailto: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](mailto:cass@utep.edu), or apply for accommodations online via the [CASS portal](#).

**COVID-19 Accommodations:** Learners are not permitted on campus when they have a positive COVID-19 test, exposure, or symptoms. If you are not permitted on campus, you should contact me as soon as possible so we can arrange the necessary and appropriate accommodation. Learners who are considered high risk according to CDC guidelines and/or those who live with individuals who are considered high risk may contact [Center for Accommodations and Support Services](#) (CASS) to discuss temporary accommodations for on-campus courses and activities. Learners are advised to minimize the number of encounters with others to avoid infection.

**COVID-19 Precautions:** Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, so that we can work on appropriate accommodation. If you have tested positive for COVID-19, you are encouraged to report your results to [covidaction@utep.edu](mailto:covidaction@utep.edu), so that the Dean of Students Office can provide you with support and help with communication with your professors. The Student Health Center is equipped to provide COVID 19 testing.

You must STAY AT HOME and REPORT if you (1) have been diagnosed with COVID-19, (2) are experiencing COVID-19 symptoms, or (3) have had recent contact with a person who has received a positive coronavirus test. Reports should be made at [screening.utep.edu](http://screening.utep.edu). If you know of anyone who should report any of these three criteria, you should encourage them to report. If the individual cannot report, you can report on their behalf by sending an email to [COVIDaction@utep.edu](mailto:COVIDaction@utep.edu). For each day that you attend campus—for any reason—you must complete the questions on the UTEP screening website ([screening.utep.edu](http://screening.utep.edu)) prior to arriving on campus. The website will verify if you are permitted to come to campus. Under no circumstances should anyone come to class when feeling ill or exhibiting any of the known COVID-19 symptoms.

“The CDC is recommending that people wear masks when inside public spaces where the spread of the virus is “substantial” or “high.”

If you still need the vaccine, it is widely available in the El Paso area, and will be available at no charge on campus during the first week of classes. For more information about the current rates, testing, and vaccinations, please visit [epstrong.org](http://epstrong.org)

**Military Statement:** If you are a military learner with the potential of being called to military service and/or training during the semester, you are encouraged to contact Professor Arias immediately.

**BB Requirement\*:** We will be using BB during the semester. Make certain you become familiar with the program. Outside textbook reading assignments and/or examinations may or may not be placed on BB. You can access BB from any campus computer or from your home. Please consult the UTEP system or see me if you need instructions on how to use BB. Each learner is required to have a working email address.

**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.

Week One:	Jan 15	Martin Luther King Day- University Closed; Course Introduction; <i>The Night Of</i> ; BBC series “Criminal Justice,” HBO production; Conscientizacao;
	Jan 17	Chapter 1: The power of Criminal Procedure in the United States; Chapter 1; Moral Dilemma: <i>The Runaway Trolley</i>
Week Two:	Jan 22	Chapter 2: The many layers and Constitutional foundations of Criminal Procedure;
	Jan 24	Chapter 2; <i>Crime and Punishment by Fyodor Dostoevsky Case Study and Discourse</i>

Week Three:	Jan 29	Chapter 3: Sources and semantics of criminal procedure;
	Jan 31	Chapter 3
Week Four:	Feb 5	Unit I Test (Chapters 1, 2, 3) Review.
	Feb 7	<b>Unit I Test</b> (Chapters 1, 2, 3); <b>NOTE: Unit tests may or may not be administered on BB on Fridays</b> (Optional by professor).
Week Five:	Feb 12	Chapter 4: The administrative beginnings of criminal procedure;
	Feb 14	Chapter 4; <i>Criminal: UK</i>
Week Six:	Feb 19	Chapter 5: The constitutional and legal standards for obtaining discovery and other evidence prior to trial;
	Feb 21	Chapter 5;
Week Seven:	Feb 26	Chapter 6: Pretrial motions, Exclusionary Rule, and Plea Bargaining;
	Feb 28	Chapter 6; film excerpt <i>Training Day</i>
Week Eight	Mar 4	Unit II Test (Chapters 4, 5, and 6) Review
	March 6	<b>Unit II Test (Chapters 4, 5, and 6)</b>
<b>SPRING BREAK</b>	<b>March 11 - 15, 2024</b>	
Week Nine:	Mar 18	Chapter 7: The Fourth Amendment: Arrest and Searches of Persons
	Mar 20	Chapter 7; class activity: <i>Nora Nosey Neighbor</i>
Week Ten:	Mar 25	Chapter 8: The Fourth Amendment: Evidentiary Searches and Seizures;
	Mar 27	Chapter 8
Week Eleven:	Apr 1	Chapter 9: The Fifth Amendment: Right Against Self-Incrimination;

	Apr 3	Chapter 9
Week Twelve:	Apr 8	Unit III Test (Chapters 7, 8, 9) Review
	Apr 10	<b>Unit III Test</b> (Chapters 7, 8, & 9); <b>Blue Books</b> required for essay examination (optional test format by professor);
Week Thirteen:	Apr 15	Chapter 10: The Sixth Amendment; Right to Counsel and Pre-Trial Identifications; Chapter 11 The Right to a Fair Trial; graded individual and/or small group class activities: <i>The Trial: A Murder in the Family</i> and <i>The Trial of Dmitri Karamazov</i>
	Apr 17	Chapter 10 11; <b>Unit IV Test</b> (Chapters 10, 11);
Week Fourteen:	Apr 22	Chapter 12; Sentencing and Other Post-Verdict Trial Court Procedures and the Death Penalty, and Other Forms of Punishment; Outside reading assignment: <i>Reflections on the Guillotine</i>
	Apr 24	Chapter 12; small group class activity: quotes in the hat, a roundtable discussion of Albert Camus' <i>Reflections on the Guillotine</i>
Week Fifteen:	Apr 29	Chapter 13; Criminal Appeals, Habeas Corpus, and other post-Conviction;
	May 1	Review for Final Exam
Week Sixteen:	May 8, 2024 <b>4:00 pm – 6:45 pm</b>	Final Examination Wednesday, May 8, 2024