

**CRIJ 4312
CRIMINAL PROCEDURE
FALL 2024**

TUESDAY AND THURSDAY, 1:30 PM TO 2:50 PM, EDUCATION BUILDING 114

Professor: Dr. Mario Cano
Office: Education Building 111
Office Hours: Tuesday and Thursday, 12:00 PM to 1:00 PM; or by appointment
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COVID-19 PRECAUTION STATEMENT

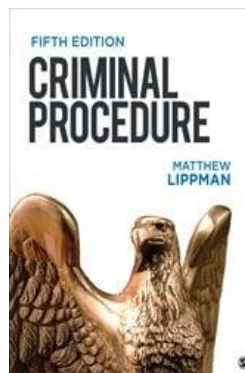
Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, so that we can work on appropriate accommodations. If you have tested positive for COVID-19, you are encouraged to report your results to 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. The Center for Disease Control and Prevention recommends that people in areas of substantial or high COVID-19 transmission wear facemasks when indoors in groups of people. The best way that Miners can take care of Miners is to get the vaccine and/or booster. If you still need the vaccine and/or booster, it is widely available in the El Paso area and on campus. For more information about the current rates, testing, and vaccinations, please visit epstrong.org.

COURSE OVERVIEW

The course examines the delicate balance of legal procedural safeguards against public safety in the detection, investigation, prosecution, and punishment of crime. The course specifically focuses on the structure of the judicial process, sources of constitutional protections, criminal investigation, remedies for violations of constitutional rights, the pretrial and trial process, sentencing, and post-conviction relief.

REQUIRED TEXTBOOK

Lippman, Matthew. 2023. *Criminal Procedure*. (5th Edition). Thousand Oaks, CA: Sage.



COURSE STRUCTURE AND GRADING

Participation: Two unexcused absences are allowed throughout the semester. The professor does not need to be notified of any unexcused absences. Excused absences, however, require proper medical or official university documentation the week of the absence, and are accepted at the discretion of the professor. The attendance record will be administered by the smart phone-based *Arkaive* app. The attendance app is free. Please use code **WZ2Q** to register at <https://arkaive.com/> before the second lecture, and make sure that the location setting on your smart phone is enabled. The professor will instruct students when, during the class, to sign in to the attendance app. **All documentation for requesting an excused absence should be uploaded on Arkaive the week of the absence, not emailed to the professor.** A one percent grade deduction will be made for each absence beyond the two unexcused absences. Participation is worth 10 percent of the overall course grade.

Supreme Court Case Briefs: In an effort to familiarize students with legal precedent and philosophy that guides courts' decision-making, students will be expected to brief two recent U.S. Supreme Court decision. Each student will be assigned two cases (i.e., majority opinion). In-depth information on briefing a High Court decision (including an example case brief) will be provided in the *Supreme Court Case Brief* folder in Blackboard by the second week of class. With respect to mechanics, papers should be single-spaced, use Times New Roman twelve-inch font with one-inch margins, and be exactly one page in length (not including the title page). Please contact the professor if you have questions on the paper. To receive full credit, the first case brief assignment should be submitted electronically on the Blackboard assignment link by Sunday, September 29 and the second case brief assignment should be submitted by Sunday December 1. Late papers are not accepted. Each case brief assignment is worth 15 percent. Thus, the case brief assignments comprise 30 percent of the overall course grade.

Exams: There will be three exams in the course (see the course schedule below). Exams consist of multiple choice and short answer questions. Exams cover all assigned readings from the textbook. Please bring a green scantron and pencil to the in-class exams. The third exam will be administered online in Blackboard. No makeup exams are offered unless the student can provide documentation for a medical emergency or a university-sponsored activity. With the exception of documented last-minute medical emergencies, arrangements for a makeup exam must be made at least 24 hours before the regularly scheduled exam. Makeup exams may be administered in a different format from the original exam, and are provided at the discretion of the professor. The exam review for the first two exams is conducted in the class scheduled prior to the exam date. The professor will not post or email exam study notes from the exam review. Students should make arrangements with a classmate if they are unable to attend the exam review session. Students are not permitted to leave the classroom during the exam, or the exam will become invalid. Each exam is worth 20 percent of the course grade. Thus, exams comprise 60 percent of the course grade.

Point Values and Percentages for Course Requirements:

Participation	10 points	10 percent
Case Brief 1	15 points	15 percent
Case Brief 2	15 points	15 percent
Exam 1 (in person)	20 points	20 percent
Exam 2 (in person)	20 points	20 percent
Exam 3 (online)	<u>20 points</u>	<u>20 percent</u>
	100 points	100 percent

Points and Grade Distribution:

A = 89.5 or more points	B = 79.5 to 89.4 points	C = 69.5 to 79 points
D = 59.5 to 69.4 points	F = 59.4 or less points	

A grade of D or higher (59.5 points or more) is required to pass the course. The professor will not drop students from the course. If you are unable to complete the course, please let the professor know and contact the Registrar's Office within the deadline to initiate the drop process.

INCOMPLETE GRADE POLICY

Incomplete grades may be requested only in exceptional circumstances after you have completed at least half of the course requirements. Talk to the professor immediately if you believe an incomplete is warranted. If granted, the professor and student will establish a contract of work and deadlines.

EXTRA CREDIT OPPORTUNITY

Course Evaluation Response Rate of at Least 70 Percent: if at least 70 percent of the students in the class complete the course evaluation, which becomes available near the end of the semester, then all students will receive a three percent grade increase. Students will receive email reminders about evaluating the course at least twice from UTEP in your miners.utep.edu email account. If you do not receive these emails, then contact UTEP's HelpDesk. After the course evaluation period is over, the professor will receive an email from UTEP stating what percentage of students in the class completed the course evaluation. If this figure is at or above 70 percent then all students in the class will receive three extra credit points. Please make sure to complete the course evaluation when it becomes available and urge your classmates to do the same.

IMPORTANT NOTES

The class works best when students are present and engaged. Do not be afraid to talk or to share ideas—you are just as likely (if not more likely) to gain insights and learn from each other as you are from the professor. The professor does not share lecture notes, or discuss missed lectures through email. Arrangements for obtaining missed class notes should be made with classmates. Please make sure that you have immediate access to the personal email linked to your Blackboard account, as all course emails and notifications will be sent through Blackboard. Professor Cano reserves the right to make any changes to the course requirements and deadlines.

UTEP EDGE

This course is designed with the UTEP Edge in mind. In This class, you will engage in creative activities during each class that involve critical thinking, applying knowledge to new situations,

and solving complex problems. You will leave this course confident in your knowledge of criminology, with enhanced communication skills, leadership and teamwork experience, and a greater global awareness regarding the problem of criminal behavior and how it is responded to by individuals, groups, and the larger society.

ACADEMIC INTEGRITY AND HONESTY

The University of Texas at El Paso has a system of Academic Integrity and Scholastic Integrity based on personal integrity of all scholastic work undertaken at the University. Academic dishonesty comprises, but is not limited to, cheating, plagiarism, collusion, or submitting work for credit that is fully or partially completed by someone else. In addition to other guidelines of academic integrity, submitting work (i.e., case brief or pending court case paper) that is identical or relatively similar to work submitted in a different course is considered plagiarism. At a minimum, students who engage in academic misconduct will receive a failing grade on the assignment or in the course. Please become familiar with the University policy on academic integrity and honesty outlined in Student Conduct and Discipline, Section II, Chapter I of the UTEP Handbook of Operating Procedures in the UTEP Handbook of Operating Procedures. Information can be found on the website of the Office of Student Conduct and Conflict Resolution: <http://sa.utep.edu/osccr/student-conduct/>. Your course work and assessments will be submitted to SafeAssign, a plagiarism detecting software. SafeAssign is used review assignment submissions for originality and will help you learn how to properly attribute sources rather than paraphrase.

ARTIFICIAL INTELLIGENCE (AI)

The use of generative AI tools such as Chat GPT is not permitted in course assignments. Students must cite any borrowed content sources to comply with all applicable citation guidelines, copyright law, and avoid plagiarism. Instances that violate these guidelines will be referred to the Office of Student Conduct and Conflict Resolution.

EXPECTATIONS FOR STUDENT CONDUCT

No texting is permitted, as it is a great distraction to other students and the professor. Use of a cellular phone in case of an emergency should be discussed with the professor before class. Electronic devices are only permitted for taking notes. Students who engage in behavior that disrupts the learning environment will be asked to leave the class. Students who consistently text during lectures will be asked to leave the class. All student activities in the University, including this course, are governed by the provisions of the policy on Student Conduct and Discipline, Section II, Chapter I of the UTEP Handbook of Operating Procedures. Copyright 2024 (Mario Cano) as to this syllabus and all lectures. During this course, students are prohibited from selling notes, lectures, and presentations or being paid for taking notes by any person or commercial firm without the express written permission of the course professor.

TECHNOLOGY REQUIREMENTS

Some course content—presentation slides and Exam 3—is delivered via the Internet through the Blackboard learning management system. Ensure your UTEP e-mail account is working and that you have access to the Internet and a stable web browser. Google Chrome and Mozilla Firefox are the best browsers for Blackboard, as 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. 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.

IMPORTANT: If you encounter technical difficulties beyond your scope of troubleshooting, please contact the UTEP Help Desk (915-747-4357) as they are trained specifically in assisting with technological needs of students. Please do not contact the professor for this type of assistance (unless the student is locked out of Exam 3). The Help Desk is much better equipped to assist than is the professor.

EMAIL POLICY

The professor will answer emails in a timely manner. As most of you are currently or will be professionals (criminal justice or otherwise), a certain amount of professionalism is expected in your communications. As such, all emails will be expected to contain proper grammar. They must be formatted in a professional manner as well (salutation and closing, etc.). If your emails are not well-articulated and professional, there is a high likelihood that there will be no response. In particular, this means no “text speak” or “Internet lingo,” use of all caps, and no swearing. The email should indicate the course in which the student is enrolled.

ACCOMMODATIONS POLICY

The University is committed to providing reasonable accommodations and auxiliary services to students, 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 accommodations will be made unless it is determined that doing so would cause undue hardship on the University. Students 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, email them at cass@utep.edu, or apply for accommodations online via the CASS portal.

COURSE SCHEDULE

Week	Date	Topics	Required Readings	Coursework and Exam Due Dates
Week 1	08/27 08/29	Course Introduction An Introduction to Criminal Procedure	Chapter 1	
Week 2	09/03 09/05	Sources of Criminal Procedure Sources of Criminal Procedure	Chapter 2 Chapter 2	
Week 3	09/10 09/12	Searches and Seizures Searches and Seizures	Chapter 3 Chapter 3	
Week 4	09/17 09/19	Stop and Frisk Stop and Frisk	Chapter 4 Chapter 4	
Week 5	09/24 09/26	Probable Cause and Arrests Searches and Seizures of Property	Chapter 5 Chapter 6	Supreme Court Case Brief 1 Due Sunday, September 29
Week 6	10/01 10/03	Exam Review Exam 1	Chapters 1, 2, 3, 4, 5, and 6	Exam 1 (in person)
Week 7	10/08 10/10	Inspections, Regulatory Searches Inspections, Regulatory Searches	Chapter 7 Chapter 7	
Week 8	10/15 10/17	Interrogations and Confessions Interrogations and Confessions	Chapter 8 Chapter 8	
Week 9	10/22 10/24	Eyewitness, Scientific Identifications Eyewitness, Scientific Identifications	Chapter 9 Chapter 9	
Week 10	10/29 10/31	Exclusionary and Rule Entrapment Exclusionary and Rule Entrapment	Chapter 10 Chapter 10	
Week 11	11/05 11/07	Civil and Criminal Remedies for Constitutional Violations	Chapter 11 Chapter 11	
Week 12	11/12 11/14	Exam Review Exam 2	Chapters 7, 8, 9, 10, and 11	Exam 2 (in person)
Week 13	11/19 11/21	Initiation of Legal Process, Bail, and Right to Counsel Initiation of Legal Process, Bail, and Right to Counsel	Chapter 12 Chapter 12	
Week 14	11/26 11/28	The Courtroom: The Pretrial and Trial Process No Class: Thanksgiving Day	Chapter 13	Supreme Court Case Brief 2 Due Sunday, December 1
Week 15	12/03 12/05	Sentencing and Appeals Sentencing and Appeals	Chapter 14 Chapter 14	
Final	12/12- 12/13	Exam 3	Chapters 12, 13, 14, and 15	Exam 3 (online)