CRIJ 4312: Criminal Procedure

Instructor: Patricia Cortes, MCJ, MPA
Email: pcortes@utep.edu

Required Textbook:

Office Hours: Virtually via Zoom – By Appointment

Please note that I will respond to emails within 24-48 hours, but most of the time more quickly. In addition, on the weekends and holidays, response time may take up to 72 hours. If you would like an appointment, email me so that I can make arrangements.

Course Overview & Objectives:

Welcome to Criminal Procedure! In this class, you will begin to develop 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 Amendment 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.

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
l. Sentencing and Other Post-Verdict Trial Court Procedures
m. Criminal Appeals, Habeas Corpus, and other Post-Conviction Proceedings

Class Format:

This course is NOT self-paced. Instead, this course is based on weekly modules that open each Monday morning at 12:30am and close the following Saturday at 11:59PM (Mountain Standard Time). If students fail to submit any required work before the module closes they will receive a grade of zero (0) for that assignment—no exceptions!

As outlined in the syllabus below, each weekly module will focus on one to two chapters from our textbook. For each of these chapters, I will prepare a chapter outline that is intended to provide guidance and structure to students as they read the chapter. Students should read this outline before reading the chapter. Students are also encouraged to read the conclusions at the end of each chapter and to pay close attention to the “key terms” that are found in the textbook for each chapter.

All exams, discussions, and written assignments are “open book” and “open notes,” meaning that students can use any class materials they wish when completing these assignments. However, they cannot “collaborate” in any way with any person (whether they are a fellow student or not) when completing the assignments. Doing so constitutes cheating and will be dealt with per the policy on academic dishonesty specified later in the syllabus.

REQUIREMENTS:

Exams:

Your grade in this class will be based on 4 exams. Exams are to be taken on the week stated in the syllabus. Make-up exams may only be acceptable under extreme circumstances, such as a medical or personal emergency. I must warn you, however, that I base these decisions on a very narrow definition of extreme. The student must provide me with proper documentation to qualify for a make-up (documentation
does not, unfortunately, guarantee that a make-up will be given). Missed exams will be assigned a grade of zero (0). All makeup exams, if granted, must be completed within one week of the original exam date. Each exam is worth 100 points for a total of 400 points. Again, a grade of zero (0) will be assigned to each exam not submitted by the time the respective weekly module closes. Students will have 60 minutes (1 hour) to complete the exam once they begin. Exams will be available on Monday and will close at 11:59PM on Saturday (Mountain Standard Time).

Written Assignments:

Students will be given a written assignment on the week assigned in the syllabus. These assignments consist of answering a specific question(s) regarding the chapter(s) for that week. Each written assignment should be submitted as an attachment in the link provided and is graded on a 0-50 point scale (200 points total). All written assignments are scanned by third-party software for plagiarism (cheating). Keeping the papers limited in length, and focused in scope, requires students to improve their critical thinking skills and enhance the clarity of their writing. Using your textbook, students will be able to locate and identify the question(s) provided. Although you are using your textbook, remember to cite!

This is an opportunity for students to reflect on their reading and what they have learned from a specific set of materials.

Students are to write in essay format and answer the question(s) in its entirety to receive full credit. Make-up assignments may only be acceptable under extreme circumstances and all makeup assignments, if granted, must be completed within one week of the original assignment date. If you do not follow the format below, you will automatically receive a 0. Participation points are not given!

Use the following format:
Discussions: Students are required to make one post on the module’s discussion board and respond to two students. The original post should more than 250 words, and consists of the question(s) given for the assigned week. Responses should be more than 150 words. When responding to other students, please remember to be respectful. You do not have to agree with someone else’s opinion, however, we are all adults and arguments/disrespectful comments will not be tolerated.

Also, when responding, do not simply reply, “I agree.” Put some thought into your response. Each original post is worth up to 10 points and each response it worth up to 5 points for a total of 20 points per weekly module. I will give you feedback, it is up to you to make corrections in future posts. If your responses are too vague, you will not receive credit. Do not use the same response in separate posts. Do not use the same posts in different weeks.

Make-up discussions may only be acceptable under extreme circumstances and all discussions, if granted, must be completed within one week of the original assignment date.
If you do not follow the format, you will automatically receive a 0. Participation points are not given!

**FINAL GRADE CALCULATION:**

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

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<tr>
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<th>Points</th>
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<tbody>
<tr>
<td>Exam 1</td>
<td>100</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>
<td>100</td>
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<tr>
<td>Written Assignment 1</td>
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<td>Written Assignment 2</td>
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<td>Written Assignment 3</td>
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<td>Written Assignment 4</td>
<td>50</td>
</tr>
<tr>
<td>Discussion Board</td>
<td>160</td>
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</tbody>
</table>

**Total Points** 760 Points

**Final Grade Distribution:**

- 760-684 Points=A
- 683-608 Points=B
- 607-532 Points=C
- 531-456 Points=D
- 455-0 Points=F

**Please note:**

I have the right to make any changes to the course or syllabus and any changes will be announced ahead of time in an announcement and/or email. There will be no curve used in grading, no grades will be dropped, and there will be no extra credit. Do not contact me at the end of the semester regarding extra points for a particular letter grade. Your grade is an accomplishment, not a gift!

**Important Reminders:**

The exams are timed, meaning that once you begin the exam you will have a limited amount of time to complete and submit your work. The exams will automatically close and submit at the end of the time limit if you haven’t already submitted it yourself. Do not wait until the last minute to begin exams. This way, if you do experience any difficulties with submissions, they can be corrected before the module closes.
Technology Issues

Course content 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 Web and a stable web browser. Google Chrome and Mozilla Firefox are the best browsers for Blackboard; 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 a 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 as they are trained specifically in assisting with technological needs of students. Please do not contact me for this type of assistance. The Help Desk is much better equipped than I am to assist you!

NETIQUETTE

As we know, sometimes communication online can be challenging. It’s possible to miscommunicate what we mean or to misunderstand what our classmates mean given the lack of body language and immediate feedback. Therefore, please keep these netiquette (network etiquette) guidelines in mind. Failure to observe them may result in disciplinary action.

- Always consider audience. This is a college-level course; therefore, all communication should reflect polite consideration of other’s ideas.
- Respect and courtesy must be provided to classmates and to the instructor at all times. 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 situation.
Blackboard 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.

**ATTENDANCE AND PARTICIPATION**

Attendance in the course is determined by participation in the learning activities of the course. Your participation in the course is important not only for your learning and success but also to create a community of learners. Participation is determined by 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 (grading rubric provided in the “grading information” area of each forum)
- Participating in scheduled Blackboard Collaborate sessions
- Other activities as indicated in the weekly modules

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

**Academic Dishonesty:**

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 student, 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 ones' own. Collusion involves collaborating with another person to commit any academically dishonest act. Any act of academic dishonesty attempted by a UTEP student 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, please visit HOOP: Student Conduct and Discipline.

**Accommodations and Support Services:**

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. Students who become pregnant or have parenting responsibilities may also request reasonable accommodations. Reasonable accommodations will be made unless it is determined that doing so would cause undue hardship on the University. The UTEP Center for Accommodations and Support Services (CASS) will process requests for accommodations based on disability, pregnancy, or parenting. 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.

COPYRIGHT STATEMENT FOR COURSE MATERIALS

All materials used in this course are protected by copyright law. The course materials are only for the use of students currently enrolled in this course and only for the purpose of this course. They may not be further disseminated.

RESOURCES:

UTEP provides a variety of student services and support:

Technology Resources

- **Help Desk**: Students experiencing technological challenges (email, Blackboard, 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.

Academic Resources

- **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 students.
- **University Writing Center (UWC)**: Submit papers here for assistance with writing style and formatting, ask a tutor for help and explore other writing resources.

Individual Resources

- **Military Student Success Center**: Assists personnel in any branch of service to reach their educational goals.
• **Center for Accommodations and Support Services:** Assists students with ADA-related accommodations for coursework, housing, and internships.

• **Counseling and Psychological Services:** Provides a variety of counseling services including individual, couples, and group sessions as well as career and disability assessments.

**A Final Note:**

1. I will provide you clear instructions on class expectations through weekly announcements.

2. I will check my email and will answer back to 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 at all times and will make time 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 in the course are to be 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 are 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.
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<thead>
<tr>
<th>Week</th>
<th>Dates</th>
<th>Topic</th>
<th>Readings and Notes</th>
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<tbody>
<tr>
<td>1</td>
<td>January 16-20</td>
<td>Self Introductions</td>
<td>Discussion Board 1</td>
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<td>2</td>
<td>January 22-27</td>
<td>An Introduction to Criminal Procedure</td>
<td>Chapter 1</td>
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<td>Discussion Board 2</td>
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<td>3</td>
<td>January 29-Feb 3</td>
<td>The Sources of Criminal Procedure</td>
<td>Chapter 2</td>
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<td>Feb 5-10</td>
<td>Searches and Seizures</td>
<td>Chapter 3</td>
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<td>5</td>
<td>Feb 12-17</td>
<td>Chapters 1, 2, and 3</td>
<td>Exam 1</td>
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<td>Feb 19-24</td>
<td>Stop and Frisk</td>
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<td>Probable Cause and Arrests</td>
<td>Chapter 5</td>
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<td>Searches and Seizures of Property</td>
<td>Chapter 6</td>
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<td>March 4-9</td>
<td>Chapters 4, 5, 6</td>
<td>Exam 2</td>
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<td>March 11-16</td>
<td>SPRING BREAK</td>
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<td>March 18-23</td>
<td>Inspections and Regulatory Searches</td>
<td>Chapter 7</td>
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<td>March 25-30</td>
<td>Interrogations and Confessions</td>
<td>Chapter 8</td>
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<td>12</td>
<td>April 1-6</td>
<td>Eyewitness and Scientific Identifications</td>
<td>Chapter 9</td>
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<td>Discussion Board 6</td>
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<td>13</td>
<td>April 8-13</td>
<td>Chapters 7, 8, and 9</td>
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<td>14</td>
<td>April 15-20</td>
<td>The Exclusionary Rule and Entrapment</td>
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<td>15</td>
<td>April 22-27</td>
<td>Civil and Criminal Remedies for Constitutional Violations</td>
<td>Chapter 11</td>
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<td>April 29-May 4</td>
<td>The Initiation of the Legal Process, Bail, and the Right to Counsel</td>
<td>Chapter 12</td>
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May 6-10
Chapters 10, 11, and 12

Exam 4