CRIJ 3306_500 Criminal Procedure II
Fall 2021
Dr. George J. Day,
Assistant Professor of Criminal Justice; Department of Government

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Office Hours:
- Mondays & Wednesdays 9:00 am – 11:00 am
  https://sfasu.zoom.us/j/93933895890?pwd=L1h6Z2NlZySTJiUTVVOGN5aWY3UT09
- Tuesdays & Thursdays 1:00 pm – 3:00 pm
  https://sfasu.zoom.us/j/97516863649?pwd=d0NRM2R4UmlqYmZsNXJjR00vdVVPUT09

Students may meet with me either face-to-face (f2f) or by Zoom for office hours. If meeting with me by Zoom, make sure you use the correct link for morning or afternoon office hours. During office hours, I will have a Zoom meeting open for students to meet with me. When logging into the Zoom meeting, you will be in a virtual waiting room. If I am meeting with another student, I will be notified that you are waiting and will admit you to the Zoom meeting as soon as I finish with the student meeting with me.

Required textbook:

Course Protection and Intellectual Property
My personal work contained in this syllabus, the course calendar, and all handouts and assignments created by me are my intellectual property and are protected by law. You do not have authorization to duplicate any part of the work without my permission.

Course Description:
Examination of the rules of procedure governing due process in the enforcement of the criminal law. The focus of this course is on post-arrest procedure.

Course Objectives
- The student should be able to analyze Fourth Amendment, Fifth Amendment and Sixth Amendment issues as they arise.
- The student should understand the underlying constitutional principles and mandates in all encounters between private citizens and the government.
- The student should understand the balancing tests between the interests of the government and those of the private citizen.
- The student should be able to apply all of the above to fact situations.

Program Learning Outcomes
- The student will demonstrate an understanding of the court system of the United States in terms of structure, constitutional issues and historical precedents.

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The student will demonstrate an awareness of ethical issues in criminal justice, and how to use ethical reasoning to formulate decisions and promote organizational and professional trust.

“Attendance” Policy:
There is no required attendance in this course since it is an online course. Professors are required by university policy to report any student who has not attended class during the first twelve class days. Students must do more than merely access the course to avoid being reported as not having attended for financial aid purposes. Students are strongly encouraged to begin work on each module as it becomes available and make steady progress throughout the week rather than attempting to complete all their work at one time. While I will be available as much as possible to help you through this course, I am not available on weekends once I leave my office on Friday afternoons.

Grading Policy
Final course grades will be assessed on the following scale:

- **“A” 90-100%** Quizzes 25% of overall grade
- **“B” 80-89%** Case Briefs 25% of overall grade
- **“C” 70-79%** midterm exam 20% of overall grade
- **“D” 60-69%** final exam 30% of overall grade
- **“F” 0-59%**

Required Course Work:
- **Quizzes:** Each unit contains a single 20-question quiz comprised of multiple choice and true/false questions. You are expected to take quizzes without using your notes or textbook. Quizzes are timed with an enforced 30 minute time limit. You are allowed three attempts on each quiz provided that you score at least 25% on the first attempt and 50% on the second attempt. The quizzes comprise 25% of your overall grade.
- **Case Briefs:** Each unit requires you to read and brief a court case (most are SCOTUS cases, but not all). Detailed instructions on how to complete a case brief are contained in a video and document within the “Getting Started” section of the course in Brightspace. Case briefs comprise 25% of your overall grade.
- **Midterm & final exams:** Students will take a midterm exam between units eight and nine as well as a final exam after unit 13. The midterm exam includes 50 multiple choice or true/false questions and is worth 20% of your overall grade. The comprehensive final exam includes 100 multiple choice or true/false questions and is worth 30% of your overall grade.

Incomplete course work: Late assignments will not be accepted will not be permitted without approval obtained from the instructor based on extenuating circumstances. Extenuating circumstances include, but are not limited to: military deployment, religious holidays/observances, court appearances, jury duty, family emergencies, personal or immediate family illness, or participation in student athletics or other university-approved activity.

Please note the following course policies regarding course work missed as a result of absences:
- Students who miss exams because of participation in student athletics or other university-approved activities will be permitted to take a make-up exam at the professor’s convenience. Such students will also be allowed to make up assignments given or completed in class on the day of the approved absence.
- Students who miss assignments for reasons other than student athletics or other university-approved activities will need to provide acceptable documentation of the absence. Acceptable documentation includes, but is not limited to: notices from doctors/medical providers on official stationery that include the date(s) of illness; published

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Requests for late submission of assignments must be made in person (or via Zoom) during regular office hours. The professor will ignore such requests made by email.

Conduct: Classroom behavior should not interfere with the instructor’s ability to conduct the class or the ability of other students to learn from the instructional program (see the Student Conduct Code, policy D-34.1). Unacceptable or disruptive behavior will not be tolerated. Students who disrupt the learning environment may be asked to leave class and may be subject to judicial, academic, or other penalties. This prohibition applies to all instructional forums, including electronic, classroom, labs, discussion groups, field trips, etc. The instructor shall have full discretion over what behavior is appropriate/inappropriate in the classroom. Students who do not attend class regularly or who perform poorly on class projects/exams may be referred to the Early Alert Program. This program provides students with recommendations for resources or other assistance that is available to help SFA students succeed.

Rules of the Classroom

While the 1st Amendment to the U.S. Constitution protects each individual’s freedom of expression, freedom of speech is NOT an absolute right. Students who express themselves in a way that belittles, insults, bullies, or otherwise attempts to make another person feel like they are less human than another will be held accountable for their inappropriate conduct. There will be consequences for being a bully, insulting or belittling another, or being mean and hateful. Students violating this policy will be given one opportunity to apologize publically. Those that refuse to apologize or continue to disrespect, bully, or harass others in the class will be removed from the course with a grade of F.

I do not “give” grades; I merely report them. You are in complete control of your final grade. Everyone starts with a C; where you go from there depends entirely upon you. Do NOT come to me at the end of the semester asking me to “give” you anything—and a 79 is NOT an 80....

The tentative class schedule is a general guide. Coverage of the material may be accelerated, decelerated, rearranged, augmented, diminished, or otherwise modified when the professor believes such change would be to the benefit of the class.

This syllabus will act as the final word in the event of a discrepancy, error, or misunderstanding. Make sure you read and understand it completely—and make sure you keep a copy for reference during the semester.

Academic Integrity

Academic integrity is the responsibility of all university faculty and students. Faculty members promote academic integrity in multiple ways, including instruction on the components of academic honesty, as well as abiding by university policy on penalties for cheating and plagiarism.

Definition of Academic Dishonesty

Academic dishonesty includes both cheating and plagiarism. Cheating includes but is not limited to (1) using or attempting to use unauthorized materials to aid in achieving a better grade on a component of a class; (2) the falsification or invention of any information, including citations, on an assigned exercise; and/or (3) helping or attempting to help another in the act of cheating or plagiarism. Plagiarism is presenting the words or ideas of another person as if they were your own. Examples of plagiarism include (1) submitting an assignment as if it were one's own work when, in fact, it is at least partly the work of another; (2) submitting a work that has been purchased or otherwise obtained from an Internet source or another source; and (3) incorporating the words or ideas of an author into one's paper without giving the author due credit.

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Consequences: Students who, by a preponderance of the evidence as judged by the professor, engage in academic dishonesty or plagiarism may face the any or all of the following at the discretion of the professor: (1) receive a grade of zero on the relevant assignment or exam or (2) receive a grade of zero for the course.

Disabled Student Policy:

To obtain disability-related accommodations, alternate formats and/or auxiliary aids, students with disabilities must contact the Office of Disability Services (ODS), Human Services Building, and Room 325, 468-3004 / 468-1004 (TDD) as early as possible in the semester. Once verified, ODS will notify the course instructor and outline the accommodation and/or auxiliary aids to be provided. Failure to request services promptly may delay your accommodations. For additional information, go to http://www.sfasu.edu/disabilityservices/.

SFA Mental Health Resources:

SFASU values students’ mental health and the role it plays in academic and overall student success. SFA provides a variety of resources to support students' mental health and wellness. Many of these resources are free, and all of them are confidential.

On-campus Resources:
SFASU Counseling Services www.sfasu.edu/counselingservices 3rd Floor Rusk Building 936-468-2401

SFASU Human Services Counseling Clinic www.sfasu.edu/humanservices/139.asp Human Services Room 202 936-468-1041

Crisis Resources:
Burke 24-hour crisis line 1(800) 392-8343
Suicide Prevention Lifeline 1(800) 273-TALK (8255)
Crisis Text Line: Text HELLO to 741-741

Course Withdrawal and Withheld Grades:
Ordinarily, at the discretion of the instructor of record and with the approval of the academic chair/director, a grade of WH will be assigned only if the student cannot complete the course work because of unavoidable circumstances. Students must complete the work within one calendar year from the end of the semester in which they receive a WH, or the grade automatically becomes an F. If students register for the same course in future terms the WH will automatically become an F and will be counted as a repeated course for the purpose of computing the grade point average. The last day to drop the course with a grade of W is 20 October 2021.

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**Class Schedule** — subject to change at instructor’s discretion; All assignments are due by 11:59 pm on the last day of the unit week (all times CST)

<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Required Reading</th>
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<tbody>
<tr>
<td>Aug 23-28</td>
<td>Stop and Frisk I</td>
<td>Ch. 8, pgs. 307-335</td>
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<tr>
<td>Aug 30-Sept. 4</td>
<td>Stop and Frisk II</td>
<td>Chapter 8, pp. 335-365</td>
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<td>Sept. 6-11</td>
<td>Consent Searches I</td>
<td>Chapter 9, pp. 367-389</td>
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<tr>
<td>Sept. 13-18</td>
<td>Consent Searches II</td>
<td>Chapter 9, pp. 389-407</td>
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<td>Sept. 20-25</td>
<td>Plain View Doctrine I</td>
<td>Chapter 10, pp. 409-431</td>
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<tr>
<td>Sept. 27-Oct. 2</td>
<td>Plain View Doctrine II</td>
<td>Chapter 10, pp. 432-445</td>
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<tr>
<td>Oct. 4-9</td>
<td>The Carroll Doctrine</td>
<td>Chapter 11, pp. 448-463</td>
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<td>Oct. 11-16</td>
<td>Impoundment &amp; Vehicle Inventory</td>
<td>Chapter 11, pp. 464-481</td>
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<td>Oct. 18-23</td>
<td>Mid-term exam</td>
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<td>Oct. 25-30</td>
<td>Open Fields &amp; Abandoned Property</td>
<td>Chapter 12, all</td>
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<td>Nov. 1-6</td>
<td>Interrogations, Admissions, &amp; Confessions I</td>
<td>Chapter 13, pp. 515-544</td>
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<td>Nov. 8-13</td>
<td>Interrogations, Admissions, &amp; Confessions II</td>
<td>Chapter 13, 544-569</td>
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<td>Nov. 15-20</td>
<td>Pretrial Indentification Procedures</td>
<td>Chapter 14, all</td>
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<td>Nov. 22-27</td>
<td>Thanksgiving Break</td>
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<tr>
<td>Nov. 29-Dec. 3</td>
<td>Trials &amp; Appeals</td>
<td>Chapter 15, all</td>
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<td>Dec. 6-10</td>
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All assignments/quizzes etc. are due by 11:59 CST on the Saturday of the unit’s week unless otherwise noted on Brightspace.

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