

CJ 42410: Criminal Procedure

Instructor: Lehua Fernandes Salling, Esq.

Location: Schofield

Office Hours: Arranged as needed

Day/Time/Dates: Wednesday 5:30pm - 9:40pm

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April 3, 2000 - June 12, 2000

BIOGRAPHY

Ms. Fernandes Salling has been licensed to practice law in the State of Hawaii since 1976 and has been in private practice of law on Kaua'i (1976-1992) and in Honolulu (1998 to the present.) She received her J.D. from Cleveland-Marshall College of Law and her B.S. from Colorado State University. Ms. Fernandes Salling was elected as a Delegate to the 1978 Hawaii State Constitutional Convention, and in 1982 she was elected to the State Senate (7th Senatorial District- **Kaua`i/Ni`ihau**). She served 16 years in the Senate, retiring in 1998. She and her husband were married in 1971 and have an 11 year old son.

COURSE DESCRIPTION: Examine and weigh the principles of criminal procedure that govern the balance between government power and individual life, liberty, privacy, and property.

COURSE OBJECTIVES: Study and discussion of: the Constitution and Criminal Procedure; Searches and Seizures, and the Fourth Amendment; Stop and Frisk; Seizures of **Persons: Arrest**; Searches for Evidence; Special Needs Searches; Interrogation and Confessions; Identification Procedures; The Exclusionary Rule.

TEXTBOOKS REQUIRED: Samaha, Criminal Procedure, 4th ed., West/Wadsworth Publishing Company, 1999.

ATTENDANCE & PARTICIPATION Class attendance and participation are expected and necessary requirements of this course. It is recognized that at times the student may not be able to attend each class for reasons beyond her/his control; however absence from or late arrivals to class will impact the student's grade. In the event that a student has advance knowledge of an absence IT IS THE RESPONSIBILITY OF THE STUDENT to notify the instructor prior to the class by phone or Email (or as soon as possible thereafter.) Missing class is not an excuse for being unprepared for the next class: example- completing reading assignments or other projects that were assigned during the missed class. Given the nature of this class there are some assignments which cannot be made up: video presentations, group exercises. Participation/attendance/ "pop quiz" points (up to 10 points) may be awarded by the instructor as a bonus to a student's grade as appropriate.

In general, **THERE IS NO MAKE-UP PROCEDURE FOR MISSED EXAMINATIONS.** However, students who have advance knowledge that they will miss an examination should contact the instructor to make arrangements to take the examination at another time. These arrangements may be made on a case-by-case basis depending upon the circumstances. Alternative arrangements may be denied if the absence is due to frivolous reasons. If a student did not have advance notice of the fact that he/she would miss the examination, the instructor must be contacted within 24 hours. Messages can be left at any time (see **Phone/Voice Mail/Fax/Email** information above.) The student should be prepared to make up the examination immediately (usually within 48 hours). **MAKE-UP EXAMINATIONS MAY BE DENIED AT THE DISCRETION OF THE INSTRUCTOR, AS APPROPRIATE.**

READING ASSIGNMENTS: Reading assignments must be completed prior to class or the student will not be prepared to participate meaningfully in discussions. Lectures/presentations are prepared based on the assumption and expectation that the student has read the assigned material and completed all assigned readings/ exercises.

The instructor reserves the right to administer "pop quizzes" to test this assumption. Any "pop quiz" exam scores will be added as optional bonus points.

COURSE GRADING/ EVALUATIONS: There will be 2 scheduled examinations as set forth below. The examinations will be comprised of several multiple choice, true or false, and possibly 1-2 "short answer" essay questions. Final course grades will be based upon the following

EXAMINATIONS:

Examination 1	(Chapters 2 through 5)	50 points
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Examination 2	(Chapters 6 through 9, and The Exclusionary Rule in Chapter 10)	50 points
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Total Exam Points achievable:	100
Bonus quiz/participation/attendance points (optional)	10

NOTE: A grade may be reduced to the next lower grade in the event of excessive absences or excessive tardiness.

Quotable Quotes:

"You cannot teach a person anything ; you can only show him how to find it within himself." - Galileo

" There is too much education altogether, especially in American schools." - A. Einstein

" I am always ready to learn, but I do not always like being taught." - W. Churchill

" I never let schooling interfere with my education." - M. Twain

" Some people will never learn anything for this reason: they understand everything too soon. - A. Pope

OUTLINE OF COURSE

- April 5 Introductions/ Review Syllabus/ Course Overview/ Q & A
 Chapter 2: The Constitution and Criminal Procedure
- April 12 Chapter 3 : Searches, Seizures, and the Fourth Amendment
 Videotape Presentation & discussion: Search & Seizure
- April 19 Chapter 4 : Stop and Frisk
- April 26 Chapter 5: Seizures of Persons: Arrest
- May 3 Examination #1 (Chapters 2 - 5)
 Chapter 6: Searches for Evidence
- May 10 Chapter 7 : Special Needs Searches
 Review Exam #1 Answers
- May 17 Chapter 8 : Interrogation and Confessions
- May 24 Chapter 9: Identification Procedures
- May 31 Chapter 10: The Exclusionary Rule
 Videotape Presentation & discussion: The Exclusionary Rule
- Jun 7 Final Examination #2 (Chapters 6 - 9 & The Exclusionary Rule
 In Chapter 10)

END OF SYLLABUS