



Landmark Supreme Court Decisions CJ 4337 – Spring 2016

Class Time & Location: Wednesdays, 7:00 p.m. – 9:45 p.m.
Founders Building (FO) 1.202

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No office hours. Meetings by Appointment.

I. Course Description

In this class, we will discuss some of the U.S. Supreme Court's key decisions and their influence on the country's criminal justice system. Although Supreme Court decisions on a wide range of constitutional topics can have ramifications for criminal justice practice, the class will focus on decisions directly applying the Bill of Rights and holding particular relevance to practitioners in law enforcement, courts systems, correctional administration, and crime-control policy.

II. Course Goals

- Identify and understand key Supreme Court decisions that have shaped the American criminal justice system.
- Identify and understand certain rights bestowed by the U.S. Constitution and their function in a free society.
- Think critically about decisions made by the Supreme Court and how they fit into the broader context of the American legal system and society.
- Communicate an understanding of Supreme Court decisions and their balance between orderly government functioning and personal freedoms.

III. Required Texts

There is no assigned textbook for this class. The primary texts for the class are Supreme Court decisions, which can be found in the University library or online at:

<http://www.supremecourt.gov/opinions/boundvolumes.aspx> (Vol. 502-557)

or

<http://www.findlaw.com/casecode/supreme.html>

Additional articles or other readings may be required as assigned during the semester.

IV. Policies

A. Class Attendance & Preparation

Successful achievement of the course goals requires both faithful attendance at class meetings and preparation outside class. Attendance at every class is especially important in this class because it meets only once per week. University-approved absences are observed. Absences for other, non-approved reasons will be detrimental to achievement of the course goals and may directly impact your class participation score. It is your responsibility to get any notes or other information disseminated during a missed class from a classmate.

Class participants are expected to be diligent and respectful. Using abusive language, sleeping, or creating distractions are examples of behavior that do not contribute to the learning environment and will prompt an invitation to leave the class.

You are expected to structure your out-of-class time in order to be prepared for each class and meet each assigned deadline. Preparation for class will include reading each of the Supreme Court cases assigned for the particular class meeting and may also require additional assignments as given in class. I reserve the right to accept papers after their due date and to reflect their tardiness in the grade assigned.

B. Computer Use

Computers provide many opportunities for distraction in class. However, for efficiency and environmental reasons, I will allow students to use a computer in class solely as a repository for class material. That is, instead of printing out or copying cases and bringing them to class, students may save them on a computer, tablet, etc. and refer to them in class. However, class notes must be made by hand. Students who have a recognized disability that would prevent compliance with this policy should talk with me as soon as possible.

C. Recording

Video or audio recording any lecture, class exercise, meeting, or other class-related activity is strictly prohibited. I may grant an exception to this policy for compelling reasons, but any recording that is permitted must include an express waiver of the policy by me (or another person who is leading the class, activity, etc.). Any such waiver applies only to that particular class, activity, etc.

D. Honor Code

Students are expected to adhere to the University's honor code at all times. (See the URL mentioned below for the policy.) Cheating and plagiarism will be referred to judicial affairs.

E. No Government Endorsement

Although I am an Assistant United States Attorney, I am serving as the professor for this class solely in my personal capacity. Nothing I say or do should be treated as communicating an official position or view of the United States Department of Justice or any other government agency.

F. University Policies

Students should read these policies carefully. They are incorporated into this syllabus.

<http://provost.utdallas.edu/syllabus-policies>

<http://www.utdallas.edu/deanofstudents/dishonesty>

V. Grading

The grade for this class will be based on your performance on two exams, one paper, and participation in the class.

Exams: Exams may have multiple formats, including multiple choice, fill-in-the-blank, and true/false, but you should expect that open-ended responses (i.e., “short answer” and essay) will comprise at least a very significant part (or even a majority) of the test score.

Paper: You will prepare one paper, the details of which you will be given in class. The paper will focus on a Supreme Court decision that you select from an assigned list.

Class Participation: Participation in class will be a small, albeit potentially significant, portion of your final grade. Your participation will be graded on a scale of 1 to 5. Unexcused absences, lack of preparation for or lack of engagement in class, and other conduct that does not advance the course goals are examples of behavior that will negatively impact the participation grade. Likewise, consistent preparation, engagement, high-quality comments, and other participation in class will improve the participation grade.

Component grades will be weighted as follows:

Exam 1	35 percent
Exam 2 (comprehensive final)	40 percent
Paper 1	20 percent
<u>Participation</u>	<u>5 percent</u>
TOTAL	100 percent

TENTATIVE CLASS SCHEDULE

Class No.	Date	Topic(s)	Assigned Reading
1	Jan. 13	Class Introduction Structure of the American Court System and the U.S. Constitution	None
2	Jan. 20	Fourth Amendment: Basics of Searches and Seizures	<ul style="list-style-type: none"> • <i>Katz v. United States</i>, 389 U.S. 347, 88 S. Ct. 507 (1967). • <i>California v. Greenwood</i>, 486 U.S. 35, 108 S. Ct. 1625 (1988). • <i>United States v. Jacobsen</i>, 466 U.S. 109, 104 S. Ct. 1652 (1984). • <i>Oliver v. United States</i>, 466 U.S. 170, 104 S. Ct. 1735 (1984). • <i>United States v. Jones</i>, 565 U.S. ___, 132 S. Ct. 945 (2012). • <i>California v. Hodari D.</i>, 499 U.S. 621, 111 S. Ct. 1547 (1991). • <i>City of Sacramento v. Lewis</i>, 523 U.S. 833, 118 S. Ct. 1708 (1998). • <i>Tennessee v. Garner</i>, 471 U.S. 1, 105 S. Ct. 1694 (1985).
3	Jan. 27	Fourth Amendment: Warrant Requirement Fourth Amendment: Probable Cause	<ul style="list-style-type: none"> • <i>United States v. Sharpe</i>, 470 U.S. 675, 105 S. Ct. 1568 (1985). • <i>Atwater v. Lago Vista</i>, 532 U.S. 318, 121 S. Ct. 1536 (2001). <i>Payton v. New York</i>, 445 U.S. 573, 100 S. Ct. 1371 (1980). • <i>Ybarra v. Illinois</i>, 444 U.S. 85, 100 S. Ct. 338 (1979). • <i>Lo-Ji Sales, Inc. v. New York</i>, 442 U.S. 319, 99 S. Ct. 2319 (1979). • <i>Illinois v. Gates</i>, 462 U.S. 213, 103 S. Ct. 2317 (1983). • <i>Franks v. Delaware</i>, 438 U.S. 154, 98 S. Ct. 2674 (1978). • <i>Wilson v. Arkansas</i>, 514 U.S. 927, 115 S. Ct. 1914 (1995).
4	Feb. 3	NO CLASS	
5	Feb. 10	Fourth Amendment: Warrantless Searches and Seizures—Exigent Circumstances, <i>Terry</i> Stops, and Vehicle Searches	<ul style="list-style-type: none"> • <i>Kentucky v. King</i>, 563 U.S. ___, 131 S. Ct. 1849 (2011). • <i>Illinois v. McArthur</i>, 531 U.S. 326, 121 S. Ct. 946 (2001). • <i>Terry v. Ohio</i>, 392 U.S. 1, 88 S. Ct. 1868 (1968). • <i>Minnesota v. Dickerson</i>, 508 U.S. 366, 113 S. Ct. 2130 (1993). • <i>Chambers v. Maroney</i>, 399 U.S. 42, 90 S. Ct. 1975 (1970).

			<ul style="list-style-type: none"> • <i>Knowles v. Iowa</i>, 525 U.S. 113, 119 S. Ct. 484 (1998). • <i>California v. Acevedo</i>, 500 U.S. 565, 111 S. Ct. 1982 (1991).
6	Feb. 17	Fourth Amendment: Warrantless Searches and Seizures—Plain View, Protective Sweeps, Administrative Searches	<ul style="list-style-type: none"> • <i>Arizona v. Hicks</i>, 480 U.S. 321, 107 S. Ct. 1149 (1987). • <i>Horton v. California</i>, 496 U.S. 128, 110 S. Ct. 2301 (1990). • <i>Arizona v. Gant</i>, 556 U.S. 332, 129 S. Ct. 1710 (2009). • <i>Maryland v. Buie</i>, 494 U.S. 325, 110 S. Ct. 1093 (1990). • <i>South Dakota v. Opperman</i>, 428 U.S. 364, 99 S. Ct. 3092 (1976). • <i>Illinois v. Lafayette</i>, 462 U.S. 640, 103 S. Ct. 2605 (1983). • <i>Indianapolis v. Edmond</i>, 531 U.S. 32, 121 S. Ct. 447 (2000). • <i>Florence v. Bd. of Chosen Freeholders of Burlington</i>, 566 U.S. ___, 132 S. Ct. 1510 (2012). • <i>United States v. Knights</i>, 534 U.S. 112, 122 S. Ct. 587 (2001). • <i>Hayes v. Florida</i>, 470 U.S. 811, 105 S. Ct. 1643 (1985). • <i>Maryland v. King</i>, 569 U.S. ___, 133 S. Ct. 1958 (2013). • <i>New Jersey v. T.L.O.</i>, 469 U.S. 325, 105 S. Ct. 733 (1985).
7	Feb. 24	Fourth Amendment: Warrantless Searches and Seizures—Consent Fourth Amendment: Probable Cause Fourth Amendment: The Exclusionary Rule	<ul style="list-style-type: none"> • <i>Whren v. United States</i>, 517 U.S. 806, 116 S. Ct. 1769 (1996). • <i>Alabama v. White</i>, 496 U.S. 325 (1990). • <i>Florida v. J.L.</i>, 529 U.S. 266, 120 S. Ct. 1375 (2000). • <i>Illinois v. Wardlow</i>, 528 U.S. 119, 120 S. Ct. 673 (2000). • <i>Weeks v. United States</i>, 232 U.S. 383, 34 S. Ct. 341 (1914). • <i>Mapp v. Ohio</i>, 367 U.S. 643, 81 S. Ct. 1684 (1961). • <i>Herring v. United States</i>, 555 U.S. 135, 129 S. Ct. 695 (2009). • <i>Wong Sun v. United States</i>, 371 U.S. 471, 83 S. Ct. 407 (1963).
8	Mar. 2	Fourth Amendment: The Exclusionary Rule (cont.) Fourth Amendment: Investigative Techniques <i>Test Review</i>	<ul style="list-style-type: none"> • <i>Rakas v. Illinois</i>, 439 U.S. 128, 99 S. Ct. 421 (1978). • <i>Minnesota v. Olson</i>, 495 U.S. 91, 110 S. Ct. 1684 (1990). • <i>Minnesota v. Carter</i>, 525 U.S. 83, 119 S. Ct. 469 (1998). • <i>Nix v. Williams</i>, 467 U.S. 431, 104 S. Ct. 2501 (1984).

			<ul style="list-style-type: none"> • <i>Lewis v. United States</i>, 385 U.S. 206, 87 S. Ct. 424 (1966). • <i>United States v. White</i>, 401 U.S. 745, 91 S. Ct. 1122 (1971). • <i>Kyllo v. United States</i>, 533 U.S. 27, 121 S. Ct. 2038 (2001). • <i>United States v. Jones</i>, 565 U.S. ____, 132 S. Ct. 945 (2012). • <i>Florida v. Jardines</i>, 569 U.S. ____, 133 S. Ct. 1409 (2013).
9	Mar. 9	EXAM 1	
	Mar. 16	SPRING BREAK (No Class)	
10	Mar. 23	Fifth Amendment: Right to Protection Against Compelled Self-Incrimination	<ul style="list-style-type: none"> • <i>Spano v. New York</i>, 360 U.S. 315, 79 S. Ct. 1202 (1959). • <i>Massiah v. United States</i>, 377 U.S. 201, 84 S. Ct. 1199 (1964). • <i>Miranda v. Arizona</i>, 384 U.S. 436, 86 S. Ct. 1602 (1966). • <i>Missouri v. Seibert</i>, 542 U.S. 600, 124 S. Ct. 2601 (2004). • <i>Berghuis v. Thompkins</i>, 560 U.S. 370, 130 S. Ct. 2250 (2010). • <i>Harris v. New York</i>, 401 U.S. 222, 91 S. Ct. 643 (1971). • <i>Doyle v. Ohio</i>, 426 U.S. 610, 96 S. Ct. 2240 (1976). • <i>Pennsylvania v. Muniz</i>, 496 U.S. 582, 110 S. Ct. 2638 (1990). • <i>Kastigar v. United States</i>, 406 U.S. 441, 92 S. Ct. 1653 (1972).
11	Mar. 30	(Paper due at beginning of class) Fifth Amendment: Right of Protection Against Compelled Self-Incrimination (cont.) Fifth & Sixth Amendment: Right to Counsel Sixth Amendment: Right to Speedy Trial	<ul style="list-style-type: none"> • <i>Powell v. Alabama</i>, 287 U.S. 45, 53 S. Ct. 55 (1932). • <i>Gideon v. Wainwright</i>, 372 U.S. 335, 83 S. Ct. 792 (1963). • <i>United States v. Cronin</i>, 466 U.S. 648, 104 S. Ct. 2039 (1984). • <i>Strickland v. Washington</i>, 466 U.S. 668, 104 S. Ct. 2052 (1984). • <i>Faretta v. California</i>, 422 U.S. 806, 95 S. Ct. 2525 (1975). • <i>Barker v. Wingo</i>, 407 U.S. 514, 92 S. Ct. 2182 (1972).
12	Apr. 6	Fair Trial Rights	<ul style="list-style-type: none"> • <i>Boykin v. Alabama</i>, 395 U.S. 238, 89 S. Ct. 1709 (1969). • <i>Bordenkircher v. Hayes</i>, 434 U.S. 357, 98 S. Ct. 663 (1978). • <i>Napue v. Illinois</i>, 360 U.S. 264, 79 S. Ct. 1173 (1959). • <i>Simmons v. United States</i>, 390 U.S. 377, 88 S. Ct. 967 (1968).

			<ul style="list-style-type: none"> • <i>Neil v. Biggers</i>, 409 U.S. 188, 93 S. Ct. 375 (1972). • <i>Brady v. Maryland</i>, 373 U.S. 83, 83 S. Ct. 1194 (1963). • <i>Giglio v. United States</i>, 405 U.S. 150, 92 S. Ct. 763 (1972).
13	Apr. 13	Fair Trial Rights (cont.)	<ul style="list-style-type: none"> • <i>Bruton v. United States</i>, 391 U.S. 123, 88 S. Ct. 1620 (1968). • <i>Crawford v. Washington</i>, 541 U.S. 36, 124 S. Ct. 1354 (2004). • <i>Chambers v. Mississippi</i>, 410 U.S. 284, 93 S. Ct. 1038 (1973). • <i>Batson v. Kentucky</i>, 476 U.S. 79, 106 S. Ct. 1712 (1986). • <i>Georgia v. McCollum</i>, 505 U.S. 42, 112 S. Ct. 2348 (1992). • <i>Victor v. Nebraska</i>, 511 U.S. 1, 114 S. Ct. 1239 (1994).
14	Apr. 20	Sixth Amendment: Sentencing Eighth Amendment: Excessive Bail	<ul style="list-style-type: none"> • <i>Apprendi v. New Jersey</i>, 530 U.S. 466, 120 S. Ct. 2348 (2000). • <i>Alleyne v. United States</i>, ___ U.S. ___, 133 S. Ct. 2151 (2013). • <i>United States v. Booker</i>, 543 U.S. 220, 125 S. Ct. 738 (2005). • <i>Stack v. Boyle</i>, 342 U.S. 1, 72 S. Ct. 1 (1951). • <i>United States v. Salerno</i>, 481 U.S. 739, 107 S. Ct. 2095 (1987).
15	Apr. 27	Eighth Amendment: Cruel & Unusual Punishment Double Jeopardy <i>Test Review</i>	<ul style="list-style-type: none"> • <i>Ewing v. California</i>, 538 U.S. 11, 123 S. Ct. 1179 (2003). • <i>Gregg v. Georgia</i>, 428 U.S. 153, 96 S. Ct. 2909 (1976). • <i>Roper v. Simmons</i>, 543 U.S. 551, 125 S. Ct. 1183 (2005). <i>Ashe v. Swenson</i>, 397 U.S. 436, 90 S. Ct. 1189 (1970).
16	TBD	FINAL EXAM	