

**CONSTITUTIONAL CRIMINAL PROCEDURE**  
**PROFESSOR HEERY, FALL 2024**

**TENTATIVE READING LIST**

*\*PLEASE NOTE: These readings are tentative and may change throughout the semester. You must check our CANVAS site regularly to stay current on the assignments for each week.*

*\*Discussion of readings will frequently continue to subsequent classes, but you will never be responsible for readings before the day indicated in the reading schedule below unless this is amended in writing.*

\*All “CB” page numbers refer to our casebook: Lee and Richardson, [Criminal Procedure, Cases and Materials](#), 3rd Edition (West Academic).

**\*\*\*MAJOR DATES: \*\*\***

- 1. Midterm Exam: October 30<sup>th</sup> in-class, examsoft, 1 hour.**
- 2. Final Exam: TBD, in class, examsoft, 3 hours.**

**WEEK 1:**

**INTRODUCTION TO CONSTITUTIONAL CRIMINAL PROCEDURE:  
THE FOURTH AMENDMENT, THE EXCLUSIONARY RULE (ER), ER EXCEPTIONS, AND FRUIT OF  
THE POISONOUS TREE**

**DUE SUNDAY AUGUST 25, 2024 AT 6 P.M.:**

**Introduction Assignment, About You, (Available on Canvas)**

**Monday, August 26:**

- Syllabus (Canvas)
- Chapter 1, Sections A-M, CB 1-8
- The Fourth Amendment, CB 1051
- Watch: Natapoff, Introduction to Criminal Procedure, Constitutional Rights in Black and White (Available on Canvas Site, Running time: 16:41)
- Devon W. Carbado excerpt, CB 256-261
- Introduction to Chapter 16, CB 421
- Mapp v. Ohio*, CB 425-431
- Stewart excerpt, CB 432-433
- Armstrong article, Dollree Mapp, CB 433-436

**Wednesday, August 28:**

- United States v. Leon* + Note, CB 436-443
- Herring v. United States* + Note, CB 443-449
- Wong Sun v. United States* + CB 449-453

## **WEEK 2:**

### **FRUIT OF THE POISONOUS TREE EXCEPTIONS AND WHAT CONSTITUTES A SEARCH?**

**Monday, September 2: LABOR DAY – NO CLASS!**

**Wednesday, September 4:**

- Nix v. Williams*, CB 453-457
- Utah v. Strieff*, CB 457-465
- Chapter 2 Introduction and *Katz v. United States*, CB 9-14
- Winn Article, 15-17

## **WEEK 3:**

### **WHAT CONSTITUTES A SEARCH? (CONT.)**

**Monday, September 9:**

- Section A. “The Open Fields Doctrine” and *Florida v. Riley*+ Note, CB 17-24
- Leonetti excerpt, CB 24-26
- Section B. “The Third Party Doctrine” and *Smith v. Maryland*, CB 26-32
- Sherry Colb excerpt, CB 38-40

**Wednesday, September 11:**

- Section C. “Electronic Surveillance,” CB 43-44
- Kyllo v. United States* + Note, CB 48-54
- United States v. Jones* + Note, CB 54-63
- Carpenter v. United States*, CB, 63-70 (omit dissent)
- William Stuntz excerpt, CB 85-88

## **WEEK 4:**

### **FINISH SEARCHES, PROBABLE CAUSE, AND SEARCH WARRANTS**

**Monday, September 16:**

- Section D. “Dog Sniffs” and *Florida v. Jardines*, CB 74–82
- Introduction to Chapter 3, CB 89-90
- Spinelli v. United States*, CB 90-92
- Illinois v. Gates* + Note, CB 92-99

**Wednesday, September 18:**

- Maryland v. Pringle*, CB 99-101
- Introduction to Chapter 4 + *Maryland v. Garrison* + Note, CB 103-112
- Richards v. Wisconsin* + Note, CB 112-116

**WEEK 5:**  
**ARRESTS & SEARCHES INCIDENT TO ARREST**

**Monday, September 23:**

- United States v. Watson*, CB 117-120
- Payton v. New York*, CB 120-123
- Steagald v. United States*, CB 123-128
- Chimel v. California*, CB 133-136

**Wednesday, September 25:**

- United States v. Robinson* + Note, CB 136-141
- Arizona v. Gant*, CB 153-160
- Riley v. California*, CB 161 -167

**WEEK 6:**  
**TERRY STOPS AND FRISKS (CONT.) AND THE AUTOMOBILE EXCEPTION**

**Monday, September 30:**

- Terry v. Ohio* + Note, CB 201-211
- Song Richardson excerpt, CB 220-222
- Florida v. J.L.*, CB 222-225
- Illinois v. Wardlow* + Note, CB 225-231
- Tracey L. Meares and Bernard E. Harcourt excerpt + Note, CB 232-235

**Wednesday, October 2:**

- California v. Carney*, CB 169-174
- California v. Acevedo*, CB 175-183
- Wyoming v. Houghton*, CB 183-189
- Michigan v. Long*, CB 235-239

**WEEK 7:**  
**THE PLAIN VIEW DOCTRINE, CONSENT SEARCHES, AND ADMINISTRATIVE SEARCHES**

**Monday, October 7:**

- Chapter 9 Introduction, CB 241
- Arizona v. Hicks*, CB 241 – 248
- Minnesota v. Dickerson*, CB 249-254
- Chapter 13 Introduction + *Schneckloth v. Bustamonte* + Note, CB 351-358

**Wednesday, October 9: (reading assignment continues on next page)**

- Fourteenth Amendment, CB 1051-1052
- Inventory Searches Intro and *Colorado v. Bertine*, CB 372-377
- Vehicle Checkpoint Searches Intro, CB 377

- City of Indianapolis v. Edmond*, CB 383 – 388
- Maryland v. King*, 569 U.S. 435 (2013) (Canvas)

**WEEK 8:**  
**EXIGENT CIRCUMSTANCES AND RACIAL PROFILING**

**Monday, October 14: INDIGENOUS PEOPLES' DAY and FALL BREAK! NO CLASS!**

**Wednesday, October 16:**

- Introduction to Chapter 15, *Welsh v. Wisconsin* + Note, CB 405-412
- Brigham City, Utah v. Stuart*, CB 412-415
- Kentucky v. King*, CB 415-420
- Chapter 10 Introduction + Revisiting Devon W. Carbado excerpt, CB 256-261 (read in Week 1)
- Paul Butler excerpt, CB 278-284
- Throughline: Policing in America (available on canvas)
- California sheriff's office stops Black drivers five times more often than white people, data shows (available on canvas)

**WEEK 9:**  
**RACIAL PROFILING CONTINUED AND SEIZURES**

**Monday, October 21:**

- United States v. Brignoni-Ponce*, CB 261-265
- César Cuauhtémoc Garcia Hernández excerpt, CB 265-267
- Kevin R. Johnson excerpt + Note, CB 267-269
- Whren v. United States*, CB 270-274
- Introduction to Chapter 11 + *INS v. Delgado* + Note, CB 288-294

**Wednesday, October 23:**

- Florida v. Bostick*, CB 294-299
- Note (*United States v. Drayton*), 303
- Tracey Maclin excerpt + Note, CB 308-313
- Florida v. Royer* + Note, CB 313-320
- Torres v. Madrid*, CB 320-327

**WEEK 10:**  
**4<sup>TH</sup> AMENDMENT IS FINISHED! REVIEW AND MIDTERM**

**Monday, October 28:**

- 4<sup>th</sup> Amendment Wrap-up, Review and Catch-up

**Wednesday, October 30: MIDTERM EXAM**

**WEEK 11:**  
**INTERROGATIONS: THE DUE PROCESS VOLUNTARINESS TEST AND THE SIXTH AMENDMENT RIGHT TO COUNSEL**

**Monday, November 4:**

- Fourteenth Amendment, CB 1051-1052 (read over again)
- Intro to Interrogations – Due Process Voluntariness Test + *Ashcraft v. TN*, CB 487-492
- Spano v. NY* + Note, CB 493-498
- Lisenba v. California*, CB 498-502

**Wednesday, November 6:**

- Sixth Amendment, CB 1051
- Gideon v. Wainwright*, CB 473-478
- Massiah v. United States*, CB 503-507
- United States v. Henry*, CB 521-525
- Kuhlmann v. Wilson*, CB 525-529

**WEEK 12:**  
**INTERROGATIONS: THE *MIRANDA* RULE**

**Monday, November 11:**

- Fifth Amendment*, CB 1051
- Miranda v. Arizona* + Note, CB 531-547
- Berkemer v. McCarty*, CB 548-554
- J.D.B. v. North Carolina* + Note, CB 554-559
- Rhode Island v. Innis* + Note, CB 559-568

**Wednesday, November 13:**

- Illinois v. Perkins*, CB 568-573
- Michigan v. Mosley*, CB 574-579
- Edwards v. Arizona* + Note, CB 579-583
- Davis v. United States*, CB 583-597

**WEEK 13:**  
**INTERROGATIONS: THE *MIRANDA* RULE CONTINUED**

**Monday, November 18:**

- Maryland v. Shatzer*, CB 590-596
- North Carolina v. Butler*, CB 596-600
- Moran v. Burbine*, CB 601-609
- Berghuis v. Thompkins*, CB 609-615

**Monday, November 20: (reading assignment continues on next page)**

- Section D. + *New York v. Quarles*, CB 618-626

-*Dickerson v. United States* + Note, CB 626-632  
-*United States v. Patane*, CB 632-635

**WEEK 14:**  
**INTERROGATIONS: FINISH THE MIRANDA RULE**

**Monday, November 22:**  
-*Oregon v. Elstad*, CB 636-642  
-*Missouri v. Siebert*, CB 642-650  
-Andrew E. Taslitz excerpt, CB 658-660

**Wednesday, November 27: TBD (tentative, depending on timing!)**

**WEEK 15:**  
**LINEUPS AND OTHER PRETRIAL IDENTIFICATION PROCEDURES, CATCH-UP AND REVIEW!**

**Monday, December 2:**  
-Intro Lineups and Other Pretrial Identification Procedures + *US v. Wade*, CB 673-679  
-*Manson v. Brathwaite* + Note, CB 683-691  
-Sandra Guerra Thompson excerpt, CB 692-693  
-*Perry v. New Hampshire*, CB 696-702

**Wednesday, December 4:**  
-Catch-up and REVIEW!

**FINAL EXAM: TBD**  
**3 hours**