

CONSTITUTIONAL CRIMINAL PROCEDURE

VERMONT LAW AND GRADUATE SCHOOL, FALL 2025

Professor: Terry Campos (she/her)

Office: Waterman 204

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Class Meetings: Monday/Wednesday 9:55 AM – 11:10 AM, Oakes 110

TA: Camille King, CamilleKing@vermontlaw.edu

OFFICE HOURS:

Scheduled Open Hours: Monday and Wednesday from 11:30 AM - 12:30 PM.

Drop-In: I have an open-door policy, meaning that if I am in my office and the door is open, you are more than welcome to drop in. I am most likely to be found on campus Monday through Thursday in the early afternoon.

Email: Email is always welcome for questions or to request a specific time to meet in person or virtually.

REQUIRED TEXTS:

1. Lee and Richardson, [Criminal Procedure, Cases and Materials](#), 3rd Edition (West Academic).
2. **Additional Materials as assigned in Canvas:** It is your responsibility to keep track of assignments posted in Canvas. Please follow the postings closely so you have completed all assignments prior to class.

COURSE DESCRIPTION:

Constitutional Criminal Procedure focuses on the investigatory phase of a criminal case; the phase commonly depicted in television shows like *Law and Order*. Because of the popularity of these shows, most individuals know about Miranda warnings and search warrants. In this course, we will delve into the constitutional bases for these practices. The course will cover how the Fourth, Fifth, and Sixth Amendments regulate searches, seizures, and interrogations by law enforcement officers. We will learn the “rules” and “standards” developed by courts to analyze government action, and what remedies are available when there is a violation of those rules/standards. In addition to constitutional doctrines, we will discuss the significance of class, gender, and race in criminal litigation and the extent to which constitutional criminal procedure either takes those matters into account or fails to do so (and why). The course will also broadly cover crime victims’ rights when they are implicated in criminal investigations.

LEARNING OBJECTIVES:

My goal is that at the end of this course, students will be able to:

1. analyze and evaluate Supreme Court law interpreting applicable portions of the Fourth, Fifth, and Sixth Amendments to the United States Constitution as it applies to a criminal case;
2. competently identify and analyze constitutional issues that arise during criminal investigations;
3. apply the “rules” and “standards” to the particular facts of a case and determine whether any violation(s) occurred and, if so, the appropriate remedy;
4. recognize when crime victims’ rights are implicated during investigation;
5. understand the criminal legal process in practice as it relates to investigation; and
6. appreciate how the courts’ criminal procedure decisions have a significant societal impact and to develop a sense of intellectual questioning of these decisions.

CLASSROOM ENVIRONMENT, EXPECTATIONS, AND VALUES:

- (1) Criminal cases frequently involve facts and scenarios that can be disturbing. Often court opinions will recite facts that are unnecessary for analyzing the legal issue(s) in the case. We will discuss why this may be when such a case is presented. When graphic or disturbing facts are included in the opinion that are not relevant to the issue, we will refrain from reciting them in class to avoid causing any unnecessary discomfort/harm to fellow classmate(s). *Please keep in mind that everyone has lived experiences that are different than our own and we cannot know what they have experienced or what they are going through.*
- (2) The topic of criminal procedure is intertwined with matters of social justice, race/gender/class (in)equity, rational punishment, and more. While a primary goal is to cover the legal doctrine and reasoning, the context surrounding such doctrine and reasoning is important as well. I hope that we will have honest discussions of points and counterpoints regarding context. Please note that while grappling with contrary perspectives may at times be intellectually uncomfortable, at no point should anyone feel personally attacked or uncomfortable on a personal level.
- (3) All members of the VLGS community, including professors, are expected to treat each other with respect. And as future lawyers, it is important to know that a skilled attorney acts with civility and respect. Learning to debate and/or disagree without being disrespectful or making it personal is a skill that should be honed by everyone in the legal profession. I expect everyone to treat each other with courtesy and professional integrity. If you have any concerns about anything said or done in class, by me or by one of your colleagues, please talk to me about your concerns.
- (4) Consult and abide by the Vermont Law and Graduate School’s Better Community Statement that can be found in the [student handbook](#).
- (5) I will be challenging each student to be open to opinions and ideas that are not their own. The classroom is an environment for fostering growth and learning. Showing up with a closed mind only hinders your development as a lawyer. You never have to change your mind, but not being open to the idea that you could change your mind is counter to growth.
- (6) Being vulnerable is an uncomfortable state of being, and law school often makes an individual less willing to be vulnerable. But it is when we allow ourselves to be vulnerable that we develop confidence and overcome fears. I hope everyone will feel comfortable admitting when they do not understand a concept or that they don’t know

something. Participating in class when you are uncertain, but feel you may have something to add to the conversation, is not only welcomed, but encouraged. Be willing to express your thoughts, opinions, or any concerns.

- (7) Come to class prepared and engaged! Preparation and active contribution are very important in this class.

CLASS ATTENDANCE:

Class attendance is mandatory. Vermont Law and Graduate School Academic Regulation II.A provides that a student will receive a grade of F-Wd if they are absent from 20% of regularly scheduled classes. Pursuant to Vermont Law and Graduate School's attendance policy, I am required to record class attendance. **I have no authority to excuse any absence or to allow more absences than the Attendance Policy allows.** Students are responsible for monitoring their own compliance with the attendance policy. I tally attendance at the *end of the semester*; therefore, I cannot update you with your number of missed classes. To alleviate any concern that an issue will arise with your ability to attend classes, be diligent about recording your own attendance and be prepared to have a little wiggle room in case you are unable to attend later in the semester.

I take attendance by QR code that is presented on the first slide of the day. Because we need to begin class, this is typically removed within a minute of the class beginning (at 9:55 a.m.).

If you are present in class and were on time, but you have difficulty with the QR code or link: you **must** email me immediately when this occurs so I can note your timely attendance.

If you are present for class but missed the QR code due to arriving late: you **must** email me *upon arrival* to let me know that you were late and missed the QR code, but you are now currently in class. I will then be able to give you credit for attending class. Otherwise, I cannot.

For more information, please speak directly with the Registrar's Office. If additional absences are due to a health issue or another extraordinary circumstance beyond your control, contact Vice Dean for Students, as a withdrawal or medical leave may be appropriate.

On occasion, we may need to have class virtually on Teams due to inclement weather or other unforeseen circumstances.

CLASS PARTICIPATION, DISCUSSION AND PREPARATION:

PREPARING FOR CLASS DISCUSSIONS:

Almost every case we cover in this course is an opinion of the United States Supreme Court. It is critical that you focus on how the case arrived in front of the Court. What were the steps that happened at the trial level, then where did the case go next? At its inception, was it a federal or a state level case? How does this impact the individual? What facts do you think shifted the Courts' focus? What facts, if changed slightly, might have led to a different outcome? These are all questions you should come to class prepared to answer in addition to briefing the case. While evaluating each case's procedural history, seek out definitions for unfamiliar motions or other terms of art that you have not heard before. Also, consider facts that would best support the

argument by the prosecutor or the defense attorney. Read the cases carefully, taking time to understand majority opinions, concurrences, and dissents and the legal theories and underpinnings of their rationale.

PARTICIPATING IN CLASS:

For some individuals cold calling fosters anxiety that can distract their attention from what is occurring in class. For this reason, I will not use cold calling in this course, instead I will ask for volunteers. If you prefer to plan when you will volunteer (so you can feel extra prepared), you may let me know before class (either via email or in person) that you would like to participate that day, and I will be sure to call on you. Please note that if I notice only a few students are consistently participating in class discussion, I will start putting “silent” students on notice that I will call on them in a future class. Remember, you and your classmates are colleagues, as such, you have a responsibility to each other to be prepared and to participate in class. I expect every student to complete the assigned readings and be willing to volunteer – whether to respond to questions I pose or to points made by your classmates.

SELF-CARE:

If, due to a personal life experience or another sensitive personal reason, a certain class will be difficult for you, please let me know in advance of class via email. You do not need to provide the specific reason why in this circumstance. In addition to being extra sensitive in how I handle the topic/case, I will understand if you need to leave the classroom to take care of yourself.

IN-CLASS EXERCISES/GROUP WORK AND OUT OF CLASS WORK:

We may do various exercises throughout the semester, including advocacy roles where individually or as a group you are assigned a role (prosecutor, defense attorney, etc.) and argue facts. Similarly, we will use groups at various times to discuss assigned readings or other topics in this course. Please do not underestimate the value of group work. As an attorney, you are often required to collaborate with a team. This will also give you valuable experience speaking in front of others as an attorney.

ASSIGNMENTS TO ASSESS PROGRESS:

I may periodically give short quizzes during the semester. These will not be graded. The goal for these exercises is to give you practice engaging with the concepts we cover in this course before the exam. They will be an opportunity to see how much you have learned at various points in the semester and to identify any areas where you may need assistance.

ASSIGNED READINGS AND COURSE MATERIAL:

There is a separate document with your reading assignments. These readings are tentative and may change throughout the semester as current events, time, and interest necessitate. **You must check our Canvas site regularly to stay current on the assignments for each week. I may update individual weekly modules with any additional materials required for classes. The casebook reading assignments are unlikely to change unless reduced.**

In class I will discuss updates to a case or body of law from time to time. These updates may not be assigned reading (though, at times, short updates are contained in the *notes* after a case or in articles you are assigned to read); however, you are responsible for knowing the information and how it may shift the analysis of the Constitutional issue. The information will be accessible to you in my PowerPoint slides.

GRADING:

100% - Final Exam

EXAM:

You will have one final exam. The exam may include multiple choice questions, true/false questions, short answer questions, and essay questions. I will discuss the exam more as we progress through the course. For now, please know that you are responsible for all material covered in class and assigned in Canvas unless I tell you otherwise.

The final exam will be an in-class examination available through Examsoft on a date later determined by the registrar. The final exam will be closed book; however, you will be allowed to use a course outline created by you during the exam.

- **Case Names:** Because we are dealing with Supreme Court opinions, I do expect you to know case names, especially of major cases in the course.
- **Exam Review:** There will be a two-week deadline from the publication of your grade in the course to reach out to me to schedule a review of your final exam. This is so that the exam is fresh in both of our minds, enabling a productive and helpful conversation.

COMPUTERS AND TECHNOLOGY:

If you choose to use a laptop or other electronic device during class, use it *only* for class related purposes. Do not use the internet unless I ask you to do so or if you need to send me an email related to your class attendance, as noted above. I have zero tolerance for using any screen during class other than for class-related purposes.

RECORDING CLASS:

Do not independently record the class without checking with me beforehand and/or obtaining permission to do so. Links to class recordings will be available on our Canvas site in a module entitled “All Recordings.”

Please affirm that you have read the syllabus for our course in its entirety:

Signature (virtual signature is fine)

Print Name

When you have affirmed above, please save only the signed last page of this document (p. 5) as a pdf and upload it to canvas under the “Syllabus Affirmation” assignment.