

**CALIFORNIA STATE UNIVERSITY, SACRAMENTO**

**Criminal Justice Division  
CRJ 174A  
ARREST, SEARCH & SEIZURE  
Spring 2009**

**Professor Julie Mumma**

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Office Phone: (916) 443-9120

Office Hours: MWF from 8:30-9 a.m. and Noon-12:30 p.m. (or by appointment)

Office Location: Alpine 107

Class: MWF 11-11:50 a.m.

**REQUIRED TEXTS**

1. Leading Constitutional Cases on Criminal Justice, 2007 ed., Lloyd Weinreb
2. Clicker (eInstruction)

Course Description:

This course is the study of current and recent developments relating to arrest, searches and seizures; study of constitutional rights predominately associated with the Fourth, Fifth, Sixth and Fourteenth Amendments as related to criminal justice and its administration – warrants, warrantless seizures, exclusionary rule, confessions, eye-witness identification, electronic surveillance, entrapment, state variance with federal rules. Case study method law course.

Prerequisite:

CRJ 002. Restricted to declared majors and minors or instructor's permission. 3 units.

Course Objectives:

By the end of the course, the student will be able to do the following:

1. Demonstrate and understanding of criminal procedure.
2. Express an in-depth knowledge of the Fourth Amendment including the reasonableness clause, warrant clause, probable cause, procuring, issuance and execution of warrants, arrest and incidental searches, stop and frisk, warrantless searches, consent searches, plain view, emergency circumstances, open fields, abandoned property, motor vehicles and administrative searches.
3. Demonstrate knowledge of the remedies for unlawful investigative practices including the exclusion of evidence, standing concepts, collateral use of illegally obtained evidence, civil remedies and the good faith exception.
4. Develop appreciation and knowledge of the Fifth, Sixth and Fourteenth Amendments related to interrogation practices including voluntariness, legal standards for interrogation

techniques and practices, Miranda requirements, represented subjects and post arrest formal proceedings.

5. Express understanding of eye-witness identification procedures including the pre and post indictment, presence of counsel and suggestiveness.

Grades:

A- to A.....90-100% of accumulated class points  
B- to B+.....80- 89%  
C- to C+.....70- 79%  
D- to D+..... 60- 69%  
F..... Below 60%

**Your course grade will be determined by your performance in the following activities:**

1. **CASE BRIEFS AND RULE SUMMARY (10 points)**  
**This assignment is due in class on Monday, March 2nd.** This assignment requires the submission of all case briefs assigned from Week 1 through Week 5 AND a separate cover page summarizing the rule from each assigned case brief. This assignment may be handwritten notes or typed or any combination thereof.
2. **MID-TERM EXAM (30 points)**  
**This examination is in class on Friday, March 6th.** The mid-term exam will cover the material to date and will be a combination of essay, multiple choice and true or false.
3. **CASE BRIEFS AND RULE SUMMARY (10 points)**  
**This assignment is due in class on Friday, May 8th.** This assignment requires the submission of all case briefs assigned from Week 7 through Week 15 AND a separate cover page summarizing the rule from each assigned case brief. This assignment may be handwritten notes or typed or any combination thereof.
4. **FINAL EXAM (50 points)**  
**This examination is in class per the final examination schedule.** The final exam will cover the material after the mid-term and will be a combination of essay, multiple choice and true or false.

**Recommendations**

In order to achieve success in this class, class preparation, attendance and participation are essential. Learning the legal concepts presented and developing the skills necessary to accurately apply these concepts requires the discussion and illustration of concepts only available in the classroom. Students will learn about the law of arrest, search and seizure by reading and analyzing judicial decisions. You should always have the next two cases briefed for each class session. The case method approach of teaching will be used along with classroom lectures. The **clickers** will be used to monitor attendance and assess class participation and comprehension. Students should definitely utilize the self assessments on **WebCT (SacCT)**. There will be

review sessions at the middle and end of the semester. **It is critical for success on the mid-term and final examinations that students brief the assigned cases *before* each class, take the practice assessments and complete any study material handouts *in advance* of each review.**

### **WebCT (SacCT)**

You must have a Saalink account in order to utilize WebCT (SacCT). There will be practice quizzes posted in the assessment section after each section is completed. These quizzes will provide valuable personal feedback on your comprehension of the material and prepare you for the objective portion of the mid-term and final examinations. These quizzes are NOT graded. If you miss class, access the calendar section to view what case briefs were covered and whether there were any handouts. All materials and handouts are accessible within the course materials icon. The power point lecture slides will not be posted. However, feel free to post a request for any missed notes in the student chat section. You are encouraged to form discussion groups to help each other analyze the course material and assigned cases.

### **Writing Assistance**

The College of Health and Human Services Writing Center, located in Solano Hall 5000, is a program designed to assist students with all stages of writing from pre-writing through editing a text utilizing a peer-tutoring environment. The Center is staffed by graduate students from the English Department. You may contact the Center at (916) 278-7255.

### **Accommodations for students with disabilities**

If you have a disability and require accommodations, you need to provide disability documentation to SSWD, Lassen Hall 1008, (916) 278-6955. Please discuss your accommodation needs with me after class or schedule an office appointment early in the semester.

### **Academic Dishonesty and matters of makeup exams and late assignments**

One would hope that the following admonitions would be unnecessary for any students enrolled in a course in the Division of Criminal Justice. Any student who engages in any form of **cheating, plagiarism, or other acts of dishonesty SHALL receive ZERO points** for the assignment or test and **be referred to the Office of Student Affairs** for the appropriate discipline. A student tutorial on how not to plagiarize may be found at <http://library.csus.edu/content2.asp?pageID=353>.

### **Missed Examinations or Assignment Deadlines**

The general rule is there will be no makeup exams provided OR late assignments accepted.

## Weekly Class Topics and Assignments

### WEEK TOPIC & ASSIGNMENT

Weeks 1-2	The history and function of the 4 <sup>th</sup> Amendment <i>Minnesota v. Carter</i> <i>Calif. v. Greenwood; Katz v. U.S.</i>
	The Exclusionary Rule “Fruit of the Poisonous Tree” Expectation of Privacy; The concept of Standing <i>Mapp v. Ohio; Wong Sun v. U.S; Nix v. Williams; Rakas v. Ill.</i>
Week 3	Search Warrants: Statutory Framework Warrant Requirements; The Affidavit <i>Ill. v. Gates</i>
Week 4	The Execution of a Search Warrant <i>Ill. v. MacArthur; Wilson v. Ark; Hudson v. Mich.</i>
Week 5	The “Good Faith Exception” What is a Temporary Detention “Stop and Frisk” <i>U.S. v. Leon; Brown v. Texas; Hiibel v. Nevada; Fla. v. Bostick;</i> <i>Florida v. J.L.; Terry v. Ohio; Minn. v. Dickerson</i>
<b>Week 6</b>	<b>REVIEW</b> <b>MID-TERM EXAMINATION</b>
Week 7	Temporary Detentions & Crime Investigations Vehicle stops <i>Calif. v. Hodari D; Ill.v. Wardlow; Hayes v. Florida; Whren v. U.S.</i>
Weeks 8-9	Searches Incident to Temporary Detentions <i>U.S. v. Sharpe; Mich. V. Sitz; Indianapolis v. Edmond</i>
	The Laws of Arrest “Probable Cause” <i>Atwater v. City of Lago Vista; Knowles v. Iowa</i>
<b>Week 10</b>	<b>SPRING BREAK</b>

Weeks 11-12	<p>Arrest Warrants <i>Payton v. N.Y.; U.S. v. Watson</i></p> <p>Searches Incident to an Arrest <i>Ill. v. Lafayette; U.S. v. Edwards; Cupp v. Murphy; Schmerber v. Calif;</i> <i>Chimel v. Calif; Md. v. Buie</i></p>
Weeks 12-13	<p>Plain View Searches <i>Oliver v. U.S.; Ariz. v. Hick; Horton v. Calif; Kyllo v. U.S</i></p> <p>Vehicle Searches Exigent Circumstances <i>So. Dak. v. Opperman; Calif. v. Acevedo</i></p>
Week 14	<p>Consent Searches Probation &amp; Parole Searches School Authority Searches <i>Stoner v. Calif ; Bumper v. N.C; Ill. v Rodriguez; Georgia v. Randolph</i></p>
<b>Week 15</b>	<p>Miranda Issues <b>BRIEF ASSIGNMENT</b></p>
<b>Week 16</b>	<p><b>REVIEW</b> <b>FINAL EXAMINATION</b></p>