

## **SYLLABUS**

CONSTITUTIONAL LAW: CRIMINAL PROCESS AND RIGHTS  
(CRIM 424 SECTION C01)  
GEORGE MASON UNIVERSITY  
CRIMINOLOGY, LAW & SOCIETY  
SUMMER 2017

Instructor: Randy I. Bellows, Adjunct Professor  
Judge, Fairfax Circuit Court

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Class Schedule: Tuesday and Thursday from 7 PM TO 10 PM  
Saturday from 1:20 PM to 4:20 PM

Classroom: Innovation Hall 222

### **COURSE GOALS AND OBJECTIVES**

Constitutional law governs virtually every aspect of the criminal justice system. It determines when an individual can legally be stopped, frisked or arrested. It determines when property can lawfully be entered, searched and seized. It determines the manner and means by which law enforcement obtains confessions and it controls the admissibility of those confessions. Similarly, it determines when relevant evidence is excluded from trial because of the manner in which it was obtained. It also controls when an individual is entitled to court-appointed counsel, when an accused is entitled to release on bail and, as to those individuals convicted of crimes, it protects them from cruel and unusual punishment.

This course covers the application of Constitutional law to each phase of the criminal justice system, ranging from first contact with law enforcement all the way through indictment, trial, sentencing and post-conviction proceedings. Our focus will be primarily on the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution.

By the completion of the course, you should have a clear understanding of the application of the Constitution, in general, and the Bill of Rights, in particular, to the criminal justice system. This course is intended both for students contemplating a career in the criminal justice system (for example, as a police officer, a probation officer, a prosecutor, or a public defender), and for those simply seeking a solid grounding in the role of our Constitution in the criminal justice system.

## **COURSE MATERIALS**

### REQUIRED TEXTBOOK:

CRIMINAL PROCEDURE: LAW AND PRACTICE, 10<sup>TH</sup> Edition

Authors: Rolando V. del Carmen and Craig Hemmens

Publisher: Cengage Learning

ISBN-10: 1-305-57736-1

ISBN-13: 978-1-305-57736-7

You can obtain a hard copy or digital e-book version of the textbook, whichever works best for you.

In addition, you will be assigned to read a number of opinions by the United States Supreme Court. They can be found online in various locations, including this site: <http://caselaw.findlaw.com/court/us-supreme-court>.

**PLEASE COMPLETE THE READINGS FOR THE FIRST CLASS – WHICH TAKES PLACE ON JUNE 27, 2017 – PRIOR TO THE FIRST CLASS.**

## **ATTENDANCE**

As is stated in George Mason University's Attendance Policy, "Students are expected to attend the class periods of the courses for which they register. In-class participation is important not only to the individual student, but also to the class as a whole. Because class participation may be a factor in grading, instructors may use absence, tardiness, or early departure as de facto evidence of nonparticipation."

Here are some specifics:

- Class attendance is essential and I expect you to attend every class.
- This class will meet nine hours a week, with the first class on June 27, 2017 and the last class on July 27, 2017. You should not sign up for the class unless you are able and prepared to make this significant time commitment.
- Arriving late or leaving early is very disruptive. Please arrive on time and stay until the class is concluded.
- 10% of your final grade will be based on class participation. What determines excellence in class participation? (1) regular on-time class attendance; (2) volunteering answers to questions posed; (3) asking questions pertinent to the readings, lectures and discussions; and (4) demonstrating that you have read the assigned readings if called upon.
- The assignment of a grade for class participation is solely in the instructor's discretion.

- I expect you to keep up with the assigned readings and will not use class lectures to simply repeat what is in the textbook. Rather, class lectures will use the textbook as a starting point to explore various topics in greater depth.
- In sum, class attendance and participation is vitally important in order for you to understand the course and be prepared for the examinations.

## GRADING

The possible grades and associated points are as follows:

A+	97-100
A	94-96
A-	90-93
B+	87-89
B	84-86
B-	80-83
C+	77-79
C	74-76
C-	70-73
D	65-69
F	Below 64

Your grade will have four components:

1. Class Participation: 10%
2. Mid-Term Exam: 40%
3. Final Exam: 40%
4. Paper (3 pages): 10%

Additional notes on the examinations and the paper:

## THE EXAMS

- Mid-Term Exam: **JULY 13, 2017** (Covering first six classes and Chapters 1-7 and assigned cases)
- Final Exam: **JULY 28, 2017 or JULY 29, 2017 TBD** (Covering last six classes and Chapters 8-15 and remaining assigned cases)
- The mid-term will be given in class during the last hour of class on July 13, 2017. Once you have turned in your Scantron testing card, you can leave.
- Both the mid-term and the final exam will consist of multiple choice questions.

- Both of the exams are closed book. In other words, you must not use textbooks, other reference material, or your notes. You must rely solely on your own memory and reasoning ability.
- You will need to bring Scantron testing cards to each exam. The Scantron testing card is 882-E and they are available for purchase at the GMU Bookstore (dark green, 6-pack for \$1.98).
- Makeup exams will be allowed only when the student provides written verification of personal or family illness or an emergency that prevents you from taking the exam as scheduled.

### **THE PAPER**

- The paper is to be approximately three pages, double-spaced and typed in 12-point type. The deadline for the paper is **JULY 20, 2017**.
- You are to choose two of the cases that I have assigned for you to read.
- You are to answer the following questions with respect to these two cases:
  - Provide the names of the cases and their citations.
  - Briefly summarize the holding of the cases.
  - Briefly summarize the position of the concurring and dissenting opinion or opinions.
  - What specific constitutional right(s) were at issue in these cases?
  - Do you agree or disagree with the majority opinion? Explain.
  - What do you believe is the positive or negative impact that these opinions have had or will have on law enforcement and on the criminal justice system? Explain.
  - What do you believe is the impact that these opinions have had or will have on individual rights and liberties? Explain.

### **OFFICE HOURS**

I am available to meet with you by appointment, and will try to schedule the appointments before or after class. The best way to schedule an appointment is by emailing me. I will do my best to get back to you the same day.

### **TECHNOLOGY**

Students may use computers, ipads, tablets, etc., in the classroom, but only for the purpose of taking notes or accessing course material. No audio or video recording. Please insure that your cell phones do not ring during class.

## **CLASS AGENDA**

Note: I reserve the right, if it becomes necessary, to alter the agenda. For example, class assignments or subject matters to be discussed may need to be adjusted if inclement weather requires a class to be cancelled.

### **Class Date: June 27, 2017**

Subject: The Court System, Sources of Rights, and Fundamental Principles

Textbook Reading: Chapter 1

Subject: Overview of the Criminal Justice Process

Textbook Reading: Chapter 2

Case Reading: NONE

### **Class Date: June 29, 2017**

Subject: Probable Cause and Reasonable Suspicion

Textbook Reading: Chapter 3

Case Reading: *Illinois v. Gates*, 462 U.S. 213 (1983)

### **Class Date: July 1, 2017**

Subject: The Exclusionary Rule

Textbook Reading: Chapter 4

Case Reading: *Mapp v. Ohio*, 367 U.S. 643 (1961)

### **Class Date: July 6, 2017**

Subject: Stop and Frisk and Stationhouse Detention

Textbook Reading: Chapter 5

Case Reading: *Terry v. Ohio*, 392 U.S. 1 (1968)

### **Class Date: July 8, 2017**

Subject: Arrests and Use of Force

Textbook Reading: Chapter 6

Case Reading: *Tennessee v. Garner*, 471 U.S. 1 (1985)

### **Class Date: July 11, 2017**

Subject: Searches and Seizures of Things

Textbook Reading: Chapter 7

Case Reading: *Katz v. United States*, 389 U.S. 347 (1967)

### **Class Date: July 13, 2017**

#### **MID-TERM EXAM**

Subject: Motor Vehicle Stops, Searches, and Inventories

Textbook Reading: Chapter 8

Case Reading: *Illinois v. Caballes*, 543 U.S. 405 (2005)

**Class Date: July 15, 2017**

Subject: Plain View, Open Fields, Abandonment, and Border Searches

Textbook Reading: Chapters 9

Case Reading: *Kyllo v. United States*, 533 U.S. 27 (2001)

Subject: Lineups and Other Means of Pretrial Identification

Textbook Reading: Chapter 10

Case Reading: *Birchfield v. North Dakota*, 579 U.S. \_\_\_\_, 136 S.Ct. 2160 (2016)

**Class Date: July 18, 2017**

Subject: Confessions and Admissions

Textbook Reading: Chapter 11

Case Reading: *Miranda v. Arizona*, 384 U.S. 436 (1966)

**Class Date: July 20, 2017**

**PAPER DUE TODAY!**

Subject: Basic Constitutional Rights of the Accused During Trial

Textbook Reading: Chapter 12

Case Reading: *Gideon v. Wainwright*, 372 U.S. 335 (1963)

**Class Date: July 25, 2017**

Subject: Sentencing, the Death Penalty and Other Forms of Punishment

Textbook Reading: Chapter 13

Case Reading: *Gregg v. Georgia*, 428 U.S. 153 (1976)

Subject: Legal Liabilities of Law Enforcement Officers

Textbook Reading: Chapter 14

Case Reading: *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971)

**Class Date: July 27, 2017**

Subject: Electronic Surveillance and the War on Terror

Textbook Reading: Chapter 15

Case Reading: *Rasul v. Bush*, 542 U.S. 466 (2004)

**FINAL EXAM**

DATE: JULY 28, 2017 OR JULY 29, 2017 TBD

## **UNIVERSITY POLICIES**

### Campus On-Line Resources

Student Support: <http://ctfe.gmu.edu/teaching/student-support-resources-on-campus/>

General University Information/Weather: [www.gmu.edu](http://www.gmu.edu)

Writing Center: <http://writingcenter.gmu.edu>

Counseling and Psychological Services: <http://caps.gmu.edu>

University Catalog: <http://catalog.gmu.edu>

University Policies: <http://universitypolicy.gmu.edu>

### Mason Diversity Statement

George Mason University promotes a living and learning environment for outstanding growth and productivity among its students, faculty and staff. Through its curriculum, programs, policies, procedures, services and resources, Mason strives to maintain a quality environment for work, study and personal growth.

An emphasis upon diversity and inclusion throughout the campus community is essential to achieve these goals. Diversity is broadly defined to include such characteristics as, but not limited to, race, ethnicity, gender, religion, age, disability, and sexual orientation. Diversity also entails different viewpoints, philosophies and perspectives. Attention to these aspects of diversity will help promote a culture of inclusion and belonging, and an environment where diverse opinions, backgrounds and practices have the opportunity to be voiced, heard and respected.

The reflection of Mason's commitment to diversity and inclusion goes beyond policies and procedures to focus on behavior at the individual, group and organizational level. The implementation of this commitment to diversity and inclusion is found in all settings, including individual work units and groups, student organizations and groups, and classroom settings; it is also found with the delivery of services and activities, including, but not limited to, curriculum, teaching, events, advising, research, service and community outreach.

Acknowledging that the attainment of diversity and inclusion are dynamic and continuous processes, and that the larger societal setting has an evolving socio-cultural understanding of diversity and inclusion, Mason seeks to continuously improve its environment. To this end, the University promotes continuous

monitoring and self-assessment regarding diversity. The aim is to incorporate diversity and inclusion within the philosophies and actions of the individual, group and organization, and to make improvements as needed.

### Students with Disabilities

If you are a student with a disability and you need academic accommodations, please see me and also contact the Office of Disability Resources at 703-993-2474. All academic accommodations must be arranged through this office.

### Honor Code Policy

George Mason University has an Honor Code, which requires all members of this community to maintain the highest standards of academic honesty and integrity. Cheating, plagiarism, lying, and stealing are all prohibited. All violations of the Honor Code will be reported to the Office of Academic Integrity (oai.gmu.edu). See this excerpt from oai.gmu.edu:

“The Honor Code at George Mason University shall be specifically concerned with cheating or attempted cheating, plagiarism, lying, and stealing in the academic setting. Examples of these infractions include but are not limited to the following:

1. Use of unauthorized material.
2. Use of unauthorized assistance.
3. Duplicate use of student’s prior work.
4. Violation of syllabus requirements regarding integrity.
5. Self-plagiarism.
6. Inadequate citation.
7. False citation.
8. Failure to adhere to citation forms set by the professor.
9. Failure to quote sources/material.
10. Submission of another individual’s work.
11. Removing an exam from a classroom.
12. Posting or enabling of posting of homework assignments and/or exams or solutions on websites.
13. Taking photos of exams/academic work without authorization.
14. Taking someone else’s work without knowledge.
15. Falsifying sources, data, or information.
16. Providing a false excuse for missing a test or class.
17. Providing false information, including identifying information.



18. Falsifying official correspondence.”

More detailed information is available at [oai.gmu.edu](http://oai.gmu.edu).

### Enrollment Statement

- Students are responsible for verifying their enrollment in this class.
- Schedule adjustments should be made by the deadlines published in the Schedule of Classes. (Deadlines each semester are published in the Schedule of Classes available from the Registrar’s Website at [registrar.gmu.edu](http://registrar.gmu.edu).)
- Last Day to Add Classes: **June 28, 2017**
- Last Day to Drop Classes with no tuition penalty: **June 28, 2017**
- Last Day to Drop Classes with 50% tuition penalty: **July 5, 2017**
- Selective Withdrawal Period with 100% tuition penalty (for undergraduates): **July 6, 2017 to July 10, 2017.**