

## **SYLLABUS**

CONSTITUTIONAL LAW: CRIMINAL PROCESS AND RIGHTS  
(CRIM 424 SECTION 002)  
GEORGE MASON UNIVERSITY  
CRIMINOLOGY, LAW & SOCIETY  
SPRING 2023  
*(Updated 1-20-23)*

Instructor: Randy I. Bellows, Adjunct Faculty  
Email: rbellow@gmu.edu  
Class Schedule: Thursdays, 7:20 p.m. to 10 p.m.  
Classroom: Exploratory Hall L003

### **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.

## **POWER POINT**

I have prepared Power Point slides, and embedded questions, for use in each class. The slides are to be read in conjunction with the required textbook. I will make the Power Point available to you on Blackboard for review and study outside of class. You may access the Power Point for your personal use only in connection with this course and you may not duplicate or share the Power Point with other individuals. Should you wish to do so, you may print out a copy of the Power Point for your personal use in connection with this course. You may not post or otherwise disseminate the Power Point slides.

## **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	64 or Below

*Please note that in calculating your final grade, any grade that is .50 or above will be rounded up and any grade that is below .50 will be rounded down. For example, if your final grade calculation is 83.60, your final grade will be an 84 (or a B). If your final grade is 83.45, your final grade will be an 83 (or a B-).*

## **COMPONENTS OF YOUR FINAL GRADE**

Your grade will have four components:

1. Weekly Homework Assignments: 20%
2. Class Attendance and Participation: 20%
3. Mid-Term: 30%
4. Final Exam: 30%

### **WEEKLY HOMEWORK ASSIGNMENTS** **(20% of Final Grade)**

Each week, students are required to answer ten questions concerning the assigned reading material, which consists of the Power Point slides and the textbook. Here is additional information about the weekly assignments:

- The questions are posted on Blackboard.
- The answers are to be submitted to me by email.
- The answers must be sent to me by email by the deadline set out in the Syllabus.
- The answers may be submitted as a PDF attachment, or a Word document attachment, or in the email itself.
- The homework assignments are not graded but students will receive credit for each homework assignment submitted on time so long as the student's work reflects a good faith effort to answer all ten questions based on a review of the reading material.
- All homework assignments are due by 6 pm on the date due. Homework assignments emailed after 6 pm, even on the date due, are considered late.
- I will accept late submissions of homework assignments up to one week late, with a 25% reduction in credit for the specific assignment turned in late. Homework assignments received after one week late will not be given any credit.
- I will go over the answers to the questions during class.

### **CLASS ATTENDANCE AND PARTICIPATION** **(20% of Final Grade)**

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:

- I take attendance by using a sign-in sheet. In order to receive credit for attending a class, you need to put your initials next to your name. If you do not do so, you will likely not receive credit for having attended the class because I review the sign-in sheets to determine who was (and who was not) in class.
- You may only sign in for yourself, not for any other student.

- Arriving late or leaving early is very disruptive. I realize that there may be times when this is unavoidable but chronic tardiness or repeatedly leaving early will affect your participation grade.
- I expect students to actively participate in class discussion and I do call upon students. What determines excellence in class participation: (1) regular on-time class attendance and not leaving early; (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.

**MID-TERM EXAMINATION**  
**(30% of Final Grade)**

The mid-term examination will cover the reading material and lectures for the first seven classes (Class 1-7). Here are additional details regarding the mid-term examination:

- The mid-term exam will be posted on Blackboard, on the date and time specified in the Syllabus.
- The exam will be open book, meaning you can use your textbook, the Power Point slides, the weekly homework questions, and your own notes in answering the questions. You may not use Google or other search engines or the internet to search for answers to exam questions. The mid-term exam consists of 100 multiple choice questions.
- Your answers must be solely the product of your own work and you cannot have the assistance of anyone else in answering the questions on the exam. You may not share your answers with anyone else.
- ***How do you submit your answers?*** You should create a Word or PDF document, with your answers numbered 1-100, and attach that to an email sent to me by the deadline set out in the Syllabus. **Exam answers must be submitted by email.**
- Your answers should only list the letter that corresponds with the answer. For example, if – hypothetically – the answer to Question 12 is “B”, your answer should appear as follows: “12. B”. You should not reprint either the question or the full answer. Just give me the A,B,C, or D that corresponds with the correct answer.
- Please include your name on each page of your answer sheets.
- Once you submit your answers by email to me, you cannot revise or change your answers.
- **I will accept exam answers up to one day late, but there will be a 10 point reduction in grade.**

**MID-TERM EXAM POSTED: MARCH 20, 2023, AT 6 PM**

**MID-TERM EXAM DUE: APRIL 3, 2023, AT 6 PM**

**FINAL EXAMINATION**  
**(30% of Final Grade)**

The final examination will cover the reading material and lectures for the last seven classes (Class 8-14). Here are additional details regarding the final examination:

- The final exam will be posted on Blackboard, on the date and time specified in the Syllabus.
- The exam will be open book, meaning you can use your textbook, the Power Point slides, the weekly homework questions, and your own notes in answering the questions. You may not use Google or other search engines or the internet to search for answers to exam questions. The final exam consists of 100 multiple choice questions.
- Your answers must be solely the product of your own work and you cannot have the assistance of anyone else in answering the questions on the exam. You may not share your answers with anyone else.
- ***How do you submit your answers?*** You should create a Word or PDF document, with your answers numbered 1-100, and attach that to an email sent to me by the deadline set out in the Syllabus. **Exam answers must be submitted by email.**
- Your answers should only list the letter that corresponds with the answer. For example, if – hypothetically – the answer to Question 12 is “B”, your answer should appear as follows: “12. B”. You should not reprint either the question or the full answer. Just give me the A,B,C, or D that corresponds with the correct answer.
- Please include your name on each page of your answer sheets.
- Once you submit your answers by email to me, you cannot revise or change your answers.
- **I will accept exam answers up to one day late, but there will be a 10 point reduction in grade.**

**FINAL EXAM POSTED: April 27, 2023, AT 6 PM**

**FINAL EXAM ANSWERS DUE: May 11, 2023, AT 6 PM**

## APPOINTMENTS

I am available to speak with you by appointment. The best way to schedule an appointment is by emailing me. Appointments can take place either by telephone or in person on campus. The best way to communicate with me is by email, which I check multiple times during the day. If you email me in the evening, I will do my best to get back to you the next morning.

## NOTE ABOUT THE USE OF POSTED CLASS MATERIALS

The materials I have posted on Blackboard are for your exclusive use in this course. These materials – including the Power Point Slides, the homework assignments, and the examinations – may not be shared with others or posted or circulated in any manner. All course materials posted to Blackboard is private to this class.

## USE OF TECHNOLOGY

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

**A new emerging technology is Artificial Intelligence software, such as ChatGPT. You may not use ChatGPT, or similar software, to assist you in any way on the take-home exams or homework assignments.**

## SPECIAL CIRCUMSTANCES

I recognize that during the course you may experience an extraordinary circumstance – such as an illness, personal or family emergency or other extenuating circumstance – that prevents you from meeting a course deadline or from attending a class. Please let me know immediately if such circumstances require you to request an extension of a deadline. Your circumstances will be considered on a case-by-case basis. Also, please let me know if you will need to miss a class for religious observances, so that I can record your absence as an excused absence.

## NAME AND PRONOUN USE

If you wish, please share your name and gender pronouns with me and indicate how best to address you in class and via email. I use he/him/his and ask that you address me as Professor Bellows in email and verbally.

## UNIVERSITY EMAIL

Students must use their Mason email account to receive important University information, including communications related to this class. I will not respond to messages sent from or send messages to a non-Mason email address.

## AGENDA

**Class One: January 26, 2023**

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

Textbook Reading: Chapter 1

*Homework Assignment Due: January 25, 2023, at 6 pm.*

**Class Two: February 2, 2023**

Subject: Overview of the Criminal Justice Process

Textbook Reading: Chapter 2

*Homework Assignment Due: February 1, 2023, at 6 pm.*

**Class Three: February 9, 2023**

Probable Cause and Reasonable Suspicion

Textbook Reading: Chapter 3

*Homework Assignment Due: February 8, 2023, at 6 pm.*

**Class Four: February 16, 2023**

Subject: The Exclusionary Rule

Textbook Reading: Chapter 4

*Homework Assignment Due: February 15, 2023, at 6 pm.*

**Class Five: February 23, 2023**

Subject: Stop and Frisk

Textbook Reading: Chapter 5

*Homework Assignment Due: February 22, 2023, at 6 pm.*

**Class Six: March 2, 2023**

Subject: Arrests and Use of Force

Textbook Reading: Chapter 6

*Homework Assignment Due: March 1, 2023, at 6 pm.*

**Class Seven: March 9, 2023**

Subject: Searches and Seizures of Things

Textbook Reading: Chapter 7

*Homework Assignment Due: March 8, 2023, at 6 pm.*

**SPRING BREAK (MARCH 13, 2023 TO MARCH 19, 2023)**

**Class Eight: March 23, 2023**

Subject: Motor Vehicle Stops, Searches, and Inventories

Textbook Reading: Chapter 8

*Homework Assignment Due: March 22, 2023, at 6 pm.*

**MID-TERM EXAM POSTED: MARCH 20, 2023, AT 6 PM**  
**MID-TERM EXAM DUE: APRIL 3, 2023, AT 6 PM**

**Class Nine: March 30, 2023**

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

Textbook Reading: Chapter 9

*Homework Assignment Due: March 29, 2023, at 6 pm.*

**Class Ten: April 6, 2023**

Lineups and Other Means of Pretrial Identification

Textbook Reading: Chapter 10

*Homework Assignment Due: April 5, 2023, at 6 pm.*

**Class Eleven: April 13, 2023**

Subject: Confessions and Admissions

Textbook Reading: Chapter 11

*Homework Assignment Due: April 12, 2023, at 6 pm.*

**Class Twelve: April 20, 2023**

Subject: Basic Constitutional Rights of the Accused During Trial

Textbook Reading: Chapter 12

*Homework Assignment Due: April 19, 2023, at 6 pm.*

**Class Thirteen: April 27, 2023**

Subject: Recent Significant Developments in Criminal Procedure

Readings: Review Power Point Slides. There is no textbook reading.

*Homework Assignment Due: April 26, 2023, at 6 pm.*

**FINAL EXAM POSTED: April 27, 2023, AT 6 PM**

**FINAL EXAM ANSWERS DUE: May 11, 2023, AT 6 PM**

**Class Fourteen: May 4, 2023**

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

Textbook Reading: Chapter 13

*Homework Assignment Due: May 3, 2023, at 6 pm.*

**SUMMARY OF DEADLINES**  
**CRIM 424 – SECTION 002 (SPRING 2023)**

Class 1 Homework Assignment Due: January 25, 2023, at 6 pm.

Class 2 Homework Assignment Due: February 1, 2023, at 6 pm.

Class 3 Homework Assignment Due: February 8, 2023, at 6 pm.

Class 4 Homework Assignment Due: February 15, 2023, at 6 pm.

Class 5 Homework Assignment Due: February 22, 2023, at 6 pm.

Class 6 Homework Assignment Due: March 1, 2023, at 6 pm.

Class 7 Homework Assignment Due: March 8, 2023, at 6 pm.

Class 8 Homework Assignment Due: March 22, 2023, at 6 pm.

**MID-TERM EXAM POSTED: MARCH 20, 2023, AT 6 PM**

**MID-TERM EXAM DUE: APRIL 3, 2023, AT 6 PM**

Class 9 Homework Assignment Due: March 29, 2023, at 6 pm.

Class 10 Homework Assignment Due: April 5, 2023, at 6 pm.

Class 11 Homework Assignment Due: April 12, 2023, at 6 pm.

Class 12 Homework Assignment Due: April 19, 2023, at 6 pm.

Class 13 Homework Assignment Due: April 26, 2023, at 6 pm.

**FINAL EXAM POSTED: April 27, 2023, AT 6 PM**

**FINAL EXAM ANSWERS DUE: May 11, 2023, AT 6 PM**

Class 14 Homework Assignment Due: May 3, 2023, at 6 pm.

## **UNIVERSITY POLICIES**

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>

Safe Return to Campus: <https://www.gmu.edu/safe-return-campus>

Disability Services: <http://dsgmu.wpengine.com/>

### **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.

## **Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking**

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If you wish to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-380-1434 or Counseling and Psychological Services (CAPS) at 703-993-2380. You may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703-993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

## **Students with Disabilities**

Disability Services at George Mason University is committed to upholding the letter and spirit of the laws that ensure equal treatment of people with disabilities. Under the administration of University Life, Disability Services implements and coordinates reasonable accommodations and disability-related services that afford equal access to university programs and activities. Students can begin the registration process with Disability Services at any time during their enrollment at George Mason University. If you are seeking accommodations, please visit <http://ds.gmu.edu> or detailed information about the Disability Services registration process. Disability Services is located in Student Union Building I (SUB I), Suite 2500. Email: [ods@gmu.edu](mailto:ods@gmu.edu) | Phone: (703) 993-2474.

## **Covid Protocols**

Please refer to GMU’s *Safe Return to Campus* web site for information regarding GMU’s safety protocols. The site can be accessed at: [www.gmu.edu/safe-return-campus](http://www.gmu.edu/safe-return-campus).

## **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](http://oai.gmu.edu)). See this excerpt from [oai.gmu.edu](http://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: **January 30, 2023**
- Last Day to Drop Classes (with 100% tuition refund): **February 6, 2023**
- Last Day to Drop Classes (with 50% tuition refund): **February 13, 2023**
- Unrestricted Withdrawal Period (100% tuition liability): **February 14, 2023 to February 27, 2023**
- Selective Withdrawal Period (100% tuition liability): **February 28, 2023 to April 3, 2023**