

## Defendants' Rights (POL 3441)

Professor James F. Spriggs II  
Spring 2013  
Seigle Room 304, Tues/Thurs 2:30-4:00

Office Hours: Monday 10:00-12:00  
or by appointment (Seigle 207C)  
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**1. Purpose.** The purpose of this course is to introduce students to the development of U.S. Supreme Court policy regarding the rights of the criminally accused. The course examines the rights contained in the 4th, 5th, 6th, 8th, and 14th Amendments. We will primarily focus on understanding the substance of legal doctrine, but we will also pay attention to explaining the determinants of legal change.

**2. Readings.** Please purchase the following book:

Epstein, Lee, and Thomas G. Walker. 2013. *Constitutional Law for a Changing America: Rights, Liberties, and Justice*. 8th ed. Washington, D.C.: CQ Press. (available at the university bookstore) (ISBN: 978-1-45227-040-1)

I advise you not to purchase a previous edition of this casebook for two reasons. First, and most importantly, we will be closely examining the text of these opinions in class, and we will thus often refer to particular passages by page number. Since the page numbers of earlier editions of this textbook differ from the 8<sup>th</sup> edition, you will have great difficulty following the in-class discussion. Second, the list of cases contained in the textbook changes from edition to edition and you will thus not have a copy of all the cases that you need. It is fine for you to purchase a used copy of the book, **provided** that it is the 8<sup>th</sup> edition. Please be aware that if you buy a used copy of the textbook then you will need to purchase access to the online cases through CQ's website.

Cases are found in two other sources. First, your textbook (**if purchased new**) comes with access to a website that has additional cases not contained in the book. These cases are denoted in the syllabus as "online." Please go to: [http://clca.cqpress.com/rights\\_topic\\_browse.htm](http://clca.cqpress.com/rights_topic_browse.htm) to access these cases. **Be sure to print these cases and bring them to class on the assigned day.** Second, I will provide a scanned copy of several cases, and these readings are noted below as "scanned copy."

**3. Grades.** I base grades on the following components: first examination (35 percent), final examination (40 percent), class participation (5 percent), and a paper (20 percent). See "Section III: Grading Policies" under "Course Requirements and Regulations" for further details.

**4. Teaching Assistant.** The Teaching Assistants for this course is Alicia Uribe, who will hold office hours on Thursday, 9:30-11:30 in Seigle 212.

**5. Important Dates.**

\*First Examination: March 7 (approximate)

\* Paper Due: April 9 (by the beginning of class)

\*Final Examination: May 8, 3:30-5:30

The following course outline lists the topics covered in this class. The speed at which we get through this material will depend on the dynamics of the class, and we may therefore deviate from the outline.

## **COURSE OUTLINE AND READINGS**

### **I. The U.S. Supreme Court and Constitutional Interpretation**

#### A. Understanding Supreme Court Opinions

*Griswold v. Connecticut* (1965) (scanned copy)

#### B. Legal Reasoning and Interpretation

Epstein and Walker, 21-31

#### C. Evolution of Legal Doctrine

Epstein and Walker, 31-41

### **II. Introduction to the Criminal Process**

#### A. Rights of the Criminally Accused

Epstein and Walker, 459-463

### **III. The Fourth Amendment**

#### A. *Search and Seizure*

*Illinois v. Gates* (1983)

*Katz v. U.S.* (1967)

*Kyllo v. United States* (2001) (online)

*U.S. v. Jones* (2012)

*Chimel v. California* (1969) (online)

*Cupp v. Murphy* (1973) (online)

*Ferguson v. City of Charleston* (2001) (scanned copy)

*U.S. v. Matlock* (1974) (scanned copy)

*Illinois v. Rodriguez* (1990) (scanned copy)

*Georgia v. Randolph* (2006) (online)

*Terry v. Ohio* (1968)

*Hibel v. Sixth Judicial District Court of Nevada* (2004) (online)

*Safford Unified School District #1 v. Redding* (2009)

*U.S. v. Ross* (1982) (scanned copy)

*Arizona v. Gant* (2009)

**B. The Exclusionary Rule**

*Mapp v. Ohio* (1961)

*U.S. v. Leon* (1984)

*Hudson v. Michigan* (2006)

*Herring v. U.S.* (2009)

**IV. The Fifth Amendment and Self-Incrimination**

*Escobedo v. Illinois* (1964)

*Miranda v. Arizona* (1966)

*Berkemer v. McCarty* (1984) (online)

*Rhode Island v. Innis* (1980) (online)

*Missouri v. Seibert* (2004)

**V. The Sixth Amendment and the Right to Counsel**

*Powell v. Alabama* (1932)

*Gideon v. Wainwright* (1963)

*Indiana v. Edwards* (2008) (online)

**VI. The Sixth Amendment and Fair Trials**

*Batson v. Kentucky* (1968)

*Sheppard v. Maxwell* (1966)

*Richmond Newspapers v. Virginia* (1980)

**VII. The Eighth Amendment**

*Gregg v. Georgia* (1976)

*Atkins v. VA* (2002)

*Roper v. Simmons* (2005) (online)

*Baze v. Rees* (2008) (online)

*Ewing v. CA* (2003) (online)

## **I. Class Attendance and Participation (5 Percent)**

You should attend class. As apparent, you must do more than simply attend. Participation represents an integral part of this course, and you must read and "brief" cases at least one day prior to the class meeting. You must also be prepared to discuss cases in class.

### *A. Reading Cases*

The reading in this course consists of cases decided by the U.S. Supreme Court. Reading these decisions may seem difficult at first, but, by the end of the semester, you will be seasoned veterans.

I make the following suggestions: (1) Read the cases before you try to "brief" them (see below); (2) Look up any unfamiliar legal terms in the back of the book (pp. 792-796); and (3) Do not fall behind.

### *B. Briefing Cases.*

To assist in your reading and comprehending cases, it is imperative that you brief them immediately after you read them. At first, this will seem a tedious task. But, you will master this skill and find it helpful when studying for exams.

During the first couple of class sessions, we will discuss in detail how to brief cases.

## **II. Examinations (75 Percent)**

You will take two examinations, a midterm that constitutes 35.5% of your grade and a final worth 40%. The examinations will consist of essay questions, some of which will be framed as "hypotheticals" to which you will apply relevant case materials. We will discuss the format prior to the first exam.

**NOTE: Unless you contact me at least one week prior to the exams, you must take them on the scheduled dates. Be forewarned: I will make exceptions under only unusual circumstances. Students who do not take examinations will receive 0 points for that portion of the course.**

## **III. Grading Policies**

- A. Final grades will be based on a "curve" and will thus be a function of a student's individual performance as well as the overall distribution of grades in the class as a whole. I will provide information about the distribution of grades on each assignment, so that students are aware of where they stand in the class as the semester progresses.
- B. I do not allow grades on assignments to be changed once they have been determined

(i.e., there are no “regrades”), unless there has been an addition error in my assigning a grade.

#### **IV. Paper (20 Percent)**

##### *A. Purpose*

The purpose of your research paper is to provide an in-depth analysis of the following case, which is being decided by the U.S. Supreme Court this Term. You will act as a sitting justice on the Court with the task of writing the majority opinion. Thus, you must write an "opinion" of the Court, one that presents a holding and legal reasoning that you think is constitutionally sound. Thus, this paper should not merely be your “opinion” on this issue. Rather, it should offer an analysis of the legal issue that articulates a specific answer based on relevant legal authorities. A major part of your analysis should consist of analogical reasoning, in which you discuss and apply relevant precedents.

##### *B. Paper Requirements.*

1. The paper should be approximately 10 pages in length and be typed and double spaced, with appropriate attention paid to grammar, format, spelling, etc.

##### *D. Regulations.*

1. Late papers will be penalized five points per day (including weekends).
2. **Do not read court materials directly associated with the case.** In other words, do not consult any lower court opinions regarding this case (or the Supreme Court's opinion, should it come down before your paper is written), attorney briefs, amici briefs, and the like. Failure to follow this requirement will be considered cheating. You may, however, peruse law review articles on the topic, as long as they do not discuss this particular case.

#### *Florida v. Jardines*

##### **The Factual Circumstances**

On November 3, 2006, Detective Pedraja of the Miami-Dade Police Department received an unverified "crime stoppers" tip that the home of Joelis Jardines was being used to grow marijuana. One month later, on December 6, 2006, Detective Pedraja and Detective Bartlet and his drug detection dog, Franky, approached the residence at 7 a.m. He watched the home for fifteen minutes. There were no vehicles in the driveway, the blinds were closed, and there was no observable activity. After fifteen minutes, the dog handler arrived with the drug detection dog. The handler placed the dog on a leash and accompanied the dog up to the front door of the home. The dog alerted to the scent of contraband.

The handler told the detective that the dog had a positive alert for the odor of narcotics. The detective went up to the front door for the first time, and he smelled marijuana. The detective

also observed that the air conditioning unit had been running constantly for fifteen minutes or so, without ever switching off. According to the detective, in a hydroponics lab for growing marijuana, high intensity light bulbs are used which create heat. This causes the air conditioning unit to run continuously without cycling off.

The detective prepared an affidavit and applied for a search warrant, which was issued. A search was conducted, which confirmed that marijuana was being grown inside the home. The defendant was arrested.

The defendant moved to suppress the evidence seized at his home. The trial court conducted an evidentiary hearing at which the detective and the dog handler testified. The trial court suppressed the evidence. The State appealed the suppression ruling, and the district court reversed based on the following reasoning:

In sum, we reverse the order suppressing the evidence at issue. We conclude that no illegal search occurred. The officer had the right to go up to defendant's front door.... A warrant was not necessary for the drug dog sniff, and the officer's sniff at the exterior door of defendant's home should not have been viewed as "fruit of the poisonous tree." The trial judge should have concluded substantial evidence supported the magistrate's determination that probable cause existed. Moreover, the evidence at issue should not have been suppressed because its discovery was inevitable.

Jardines sought review in the Supreme Court of Florida Court, who reversed the district, ruling the dog sniff was an "unreasonable government intrusion into the sanctity of the home and violated the Fourth Amendment."

### **Question presented:**

Whether a dog sniff at the front door of a suspected grow house by a trained narcotics detection dog is a Fourth Amendment search requiring probable cause?

### **Partial List of Relevant Precedents**

Arizona v. Hicks, 480 U.S. 321 (1987)  
Bond v. U.S., 529 U.S. 334 (2000)  
Boyd v. U.S., 116 U.S. 616 (1886)  
California v. Ciraolo, 476 U.S. 593 (1986)  
City of Indianapolis v. Edmond, 531 U.S. 32 (2000)  
Dow Chemical Co. v. U.S., 476 U.S. 227 (1986)  
Horton v. CA, 496 U.S. 128 (1990)  
Illinois v. Caballes, 543 U.S. 405 (2005)  
Kentucky v. King, 131 S.Ct. 1849 (2011)  
Kyllo v. U.S., 533 U.S. 27 (2001)  
Mincey v. AZ, 437 U.S. 385 (1978)  
Minnesota v. Dickerson, 508 U.S. 366 (1993)  
Oliver v. U.S., 466 U.S. 170 (1984)  
Payton v. NY, 445 U.S. 573 (1980)  
U.S. v. Dunn, 480 U.S. 294 (1987)

U.S. v. Jacobsen, 466 U.S. 109 (1984)  
U.S. v. Jones, 123 S.Ct. 945 (2012)  
U.S. v. Karo, 468 U.S. 705 (1984)  
U.S. v. Place, 462 U.S. 696 (1983)  
U.S. v. Santana, 427 US. 38 (1976)  
U.S. v. Ventresca, 380 U.S. 102 (1965)  
Wilson v. Lane, 526 U.S. 603 (1999)

**I want to emphasize that, in conjunction with the cases we are reading for this class, the above list of cases is not exhaustive. I provide it as a way to get you started in your research. Not all of these cases will be equally applicable to the question at issue in *Jardines*, and you should also search for additional cases that may be relevant.**