

# **SYLLABUS**

PSC 240  
The Constitution and Criminal Procedure

Prof. Edward L. Fiandach  
Spring, 2016

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PSC 240

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book, *LaFare, Israel and King, Criminal Procedure*, published by West Group. There are multiple editions of this text and any version is acceptable. Reading section numbers should be consistent through all available revisions.

Over the years, I have received some critical comment along the lines that since the material is well covered in class, the textbook represented a needless expense. Maybe it is, but maybe it's not. Therefore, I will leave the decision as to whether to purchase a copy up to the individual student. Several copies have been placed on reserve for those who choose not to purchase the text. Please bear in mind however, that I am still firmly of the belief that to excel in this course, *you must do the reading*.

### Examinations

There will be two examinations given. One will be given in class as a midterm. Please note that *under no circumstances whatsoever will a student be permitted to defer or retake any examination*.

The second examination will be the final examination.

### Paper Requirement

A paper is required for this course. It will comprise the remaining 1/3 of the grade. The topic will be offered after the midterm break. The topic will be so unique so as to ensure that originality will prevail. Please note: Because of the size of this class. No papers will be accepted late or by e-mail!

### Grading

My grading is very objective. Therefore, the only time I will review a grade is if there has been what appears to be *an obvious* error such as a midterm of an "A," a paper

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of an "A" and a final grade of a C. If you are displeased with your grade, please note that I rarely change grades and do not appreciate e-mails complaining about a particular grade. Please also note that if a student asks for a review of his/her grade, I will do so, *however*, that test will be re-graded *ab initio*. *This means that I will grade it as though it was not previously graded, it will not be re-graded simply to be raised. The grade, awarded upon regrading, may be higher or lower and it will be final.*

Grading of the examinations will be as follows. The midterm will count towards 1/3 of the final grade and the final will be weighted as 1/3 of the final grade.

### How to Contact Me

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Mail: 100 Allens Creek Road, Rochester, NY 14618.  
Office Hours by appointment only.

### Course Syllabus

*Please note that what follows is always subject to change!*

January 13<sup>th</sup>, "Course of a Case".

January 18<sup>th</sup>, No Class.

January 20<sup>th</sup>, "Origin of Constitutional Power"  
Fiandach, "*Time and Space, the Unseen Brilliance of the Gettysburg Address.*"

January 25<sup>th</sup>, "The Origin and Future of American Rights."

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January 27<sup>th</sup>, "Perspectives on Search and Seizure."  
LaFave, *et.al.*, pp. 103. - 118; 127 - 141.

February 1<sup>st</sup>, "Probable Cause."  
LaFave, *et al.*, 3.1 - 3.3.

February 3<sup>rd</sup>, "Here Today, Gone Tomorrow, *Automobiles.*"  
LaFave, *et.al.*, pp. 199 - 212.

February 8<sup>th</sup>, "Street Encounters and Roadblocks."  
LaFave, *et.al.*, §§ 3.9.

February 10<sup>th</sup>, "Consent and the Power to Search,"  
LaFave, *et.al.*, § 3.10.

February 15<sup>th</sup>, No Class.

February 17<sup>th</sup>, "Eavesdropping, and Electronic Surveillance."  
LaFave, *et.al.*, §§ 4.1 - 4.6. No Class.

February 22<sup>nd</sup> "Compelling Truth; Interrogation and Voluntariness,"  
LaFave, *et.al.*, §§ 6.1 - 6.3.

February 24<sup>th</sup>, "*Miranda* and the Privilege Against Self Incrimination,"  
LaFave, *et.al.*, §§ 6.6 - 6.10; Fiandach, "*Miranda* Revisited."

February 29<sup>th</sup>, "The Right to Counsel,"  
LaFave, *et. al.*, § 6.4.

March 2<sup>nd</sup>, Midterm, In Class.

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March 14<sup>th</sup>, Guest Lecturer, "Race and the Law," Hon. Stephen Miller.

March 16<sup>th</sup>, "Identification,"

LaFave, *et.al.*, §§ 7.1 - 7.5. The lecture focus will be additional to what is

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