

SYLLABUS

PSC240
The Constitution and Criminal Procedure

Prof. Edward L. Fandach
Spring, 2017

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Purpose

The purpose of this course will be to examine the Constitution and criminal procedure. In the first half of this course we will examine the origins of the Constitution and the Bill of Rights and American Rights generally. We will also examine the methodology of Constitutional litigation, and we discuss in detail the role that the Constitution through the 4th, 5th, 6th, 8th and 14th Amendments plays during the course of a criminal prosecution.

During the second half of the semester, we will turn our attention to the procedural issues addressing topics such as Motions, Discovery, Terrorism, Double Jeopardy, the Trial and the Death Penalty. To some extent, we will discuss questions of strategy and ethics that must be considered by counsel.

While the course should prove helpful for those wishing to attend law school, it is by no means a "lawyer's course". We will deal with broad issues of social policy as reflected in the mechanics of criminal procedure.

Class Attendance

Class Attendance is optional. This does not mean that it is advisable to miss class. Much of the material that the student will be expected to know will be presented in class. Further, it has been the experience of past years that students have been remiss in reading LaFare. If you do neither, you will fail. Additionally, the class will be engaging in various discussions. While no grade or credit will be given for the content of class discussions, those who choose to engage in class discussions on a regular basis will receive consideration in the event that a "grade up" is done.

Class Preparation

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has been what appears to be an obvious error such as a midterm of an "A," a paper 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 in its entirety. 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 2/3 of the final grade.

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January 30th, "Perspectives on Search and Seizure."
LaFare et al., pp. 103-118; 127-141.

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March 8th, MDTerm, INCLASS.

March 20th, Guest Lecturer, "Race and the Law", Hon. Stephen Miller.

March 22nd, "Identification"
LaFare et al., §§ 7.1 - 7.5. The lecture focus will be additional to what is covered in the reading. No attendance advised.

March 27th, "Cross-Examination"
LaFare et al., § 244 (Note that class presentation will be more extensive than the reading).

March 29th, Guest Lecturer, "The Grand Jury", Timothy C. Rah, Esq.
LaFare et al., §§ 8.1 - 8.6.

April 3rd, "Habeas Corpus",
LaFare §§ 28.1 - § 28.2.

April 5th, "Evidence",
LaFare et al., § 244. Please note, this topic is not well covered in the reading. Class attendance is advised.

April 10th, "Substantive Crimes".
Please note that this is not covered in the reading. Class attendance is suggested.

April 12th, "Discovery and Pre-Trial Motions", LaFare et al., 243

April 17th, "Speedy Trial, Double Jeopardy",
LaFare et al., §§ 203 - 204, LaFare et al., §§ 18.1 - 18.2; §§ 25.1 - 25.4

April 19th, "Terrorism and the USA Patriot Act"

April 24th, "Trial by Jury". LaFare et al., §§ 22.1 - 22.4.

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April 26th, "The Death Penalty."

May 1st, "The Future of the Constitution."

May 3rd, Review.