

SYLLABUS

PSC 240
The Constitution and Criminal Procedure

Prof. Edward L. Fiandach
Spring, 2018

The Park at Allens Creek
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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 LaFave. 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 chose to engage in class discussions on a regular basis will receive consideration in the event that "a grade up" is close.

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 *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 17th, Introduction and lecture, "Course of a Case".

January 22rd, "The Origin of Constitutional Power"
Fiandach, "*Time and Space, the Unseen Brilliance of the Gettysburg Address.*"

January 24th, "The Origin and Future of American Rights."

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January 29th, "Perspectives on Search and Seizure."
LaFave, *et.al.*, pp. 103. - 118; 127 - 141.

January 31st, "Probable Cause.

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March 7th, MIDTERM, IN CLASS.

March 19th, Guest Lecturer, "Race and the Law," Hon. Stephen Miller.

March 21st, "Identification,"

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

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April 18th, "Trial by Jury." LaFave, *et. al.*, §§ 22.1 - 22.4.

April 23rd, "The Death Penalty."

April 25th, "The Future of the Constitution."

April 30th, Final Review.