

CONSTITUTIONAL LAW

CJS – K210

SESSION OUTLINE

<u>SESSION</u>	<u>CONTENT</u>
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| 1st. | Instructor/Student Introductions |
| | Student Information Sheets |
| 1-23-07 | Course Syllabus - Course Outline |
| | Chapter 1 - History, Structure, and Content of the United States Constitution |
| | - 1600's - Types of Colonies |
| | - New England Confederation |
| | - 1700's - Committees of Correspondence |
| | - 1st Continental Congress (Revolutionary War) |

ASSIGNMENT: 1. **Typewritten Outline** of Constitution (7 Articles).
[Pg. 749 - 756 Text]
2. **Read** Chapter 1 - Text

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| 2nd. | Continue with Chapter 1 materials..... |
| | - 2nd Continental Congress (Declaration of Independence) |
| 1-30-07 | - Articles of Confederation |
| | - Adoption of Constitution |
| | - Structure of Government |
| | - Judicial Review Doctrine (Marbury v. Madison) |
| | - Brief Examination of "Bill of Rights" - Effects of 14 TH Amendment |
| | - Adjudication of constitutional questions (State and Federal) |

Handouts: #1-1 "Government Under Articles of Confederation 1781 –1789"
#1-2 "How The U.S. Constitution Was Born"
#1-3 "Due Process Clause"
#1-4 "The Federal Courts"
#1-5 "Declaration of Independence"
#1-6 Discussion Question Format

ASSIGNMENT: 1. **Read** Chapter 2 - Text
2. **Typewritten Outline** of the 27 Amendments to the
U.S. Constitution [Pg. 758 - 765]
3. **Discussion Question #1** (Free Speech)

- 3rd Chapter 2 - Freedom of Speech (1st Amendment to Constitution)
2-6-07
 - "speech" defined
 - Protected areas
 - Vulgar/Offensive Speech – Unorthodox Speech – Commercial Speech
 - Controversial Speech – Hate Speech
 - Unprotected areas
 - Obscenity and Child Pornography - Fighting Words -Threats -
 - Incitement to Riot
 - Location of speech
 - Public forum – Nonpublic forum - Private property
 - Permit controls - Open air gatherings

Handout: #2-1 “Free Speech” Flow Chart

ASSIGNMENT: 1. **Read** Chapter 3 - Text

- 4th. Chapter 3 - Authority to Detain and Arrest; Use of Force (4th Amendment – Seizures)
2-13-07
 - 4th Amendment regarding "arrest"
 - Article I Section 7 Connecticut Constitution
 - Arrest defined
 - Channels of arrest without a warrant
 - Elements or mechanics of arrest
 - Arrest with a warrant
 - Case Briefing procedures discussed

Handouts: #3-1 "Brief Format"
#3-2 "Degree of Proof"

ASSIGNMENT: 1. **Brief #1:** Terry v. Ohio (p. 566)
2. **Discussion Question #2** (Stop and Frisk)

2-20-07 No Class Session

- 5th. Continue with Chapter 3 materials.....
2-27-07
 - Requirements of a valid arrest warrant
 - Execution of arrest warrant
 - Authority to enter premises
 - Immediate and Fresh Pursuit
 - Authority to detain
 - Use of Force in seizure cases
 - Stop and Frisk persons (Terry Rule)
 - Stop and Detain motorists (Spot Checks)

Handouts: #3-3 “Sample Affidavit”
#3-4 “Arrest Warrant Form”
#3-5 “Entry of home to arrest”

ASSIGNMENT: 1. **Study** for Quiz #1 (Chapters 1 through 3)

* * * * * QUIZ #1 * * * * *

ASSIGNMENT: 1. **Read** Chapter 4 - Text
2. **Brief #2** Mapp v. Ohio (p. 594)

* * * * * **REVIEW QUIZ #1** * * * * *

Handout: #4-1 "Exclusionary Rule"

ASSIGNMENT:

1. **Read** Chapter 4 if you have not done so!
2. **Brief #3** *Chimel v. Calif.* (p. 599)

3-20-07 *No Class - Semester Break - Stay Safe!*

Handout: #4-2 "Search and Seizure Pegs"

#4-3 “Consent To Search Form”

ASSIGNMENT:

1. **Read** Chapter 6 - Text
2. **Brief #4** Miranda v. Arizona (p. 651)
3. **Discussion Question #3** (Seizure of Evidence)

- 9th Chapter 6 - Interrogation and Confession (5th, 6th, and 14th Amendments – generally)
- 4-3-07
- Free and Voluntary Rule
 - Delay in arraignment Rule
 - Miranda Warning Rule
 - Illegal arrest and/or search Rule
 - 6th Amendment Right to Counsel after formal charges filed
 - Use of confessions given by accomplice
 - Corroboration Rule

Handouts: #6-1 "Five tests of confession"
#6-2 "Miranda Warning Rule"

ASSIGNMENT: 1. **Study** for Quiz #2 (Chapters 4 and 6)
2. **Discussion Question #4** (Miranda Warning)

10th. * * * * * **QUIZ #2** * * * * *

4-10-07 **ASSIGNMENT:** 1. **Read** Chapter 7 – Text

11th. * * * * * **REVIEW QUIZ #2** * * * * *

- 4-17-07 Chapter 7 – Compulsory Self Incrimination (5th Amendment to Constitution)
- Article I Section 8 Conn. Constitution
 - Historical development - Application of 5th Amendment provision (Malloy v. Hogan)
 - Scope of protection
 - Fingerprinting and Photographing
 - Line up and other identification confrontations
 - Blood, breath and urine samples (Schmerber v. Calif.)
 - Handwriting specimens
 - Voice exemplars for identification purposes
 - Footprint comparisons and body examinations

Handout: #7-1 "Scope of self-incrimination protection"

ASSIGNMENT: **Read** Chapter 8 - Text

- 12th. Chapter 8 – Right to Counsel (6th Amendment to Constitution)
4-24-07
- Article I Section 8 Conn. Constitution
 - Historical development of provision (Gideon v. Wainwright)
 - Scope of protection
 - Investigative stage
 - Miranda Rule
 - Misdemeanor cases
 - Right-to-counsel in other situations
 - Juveniles (In re Gault)
 - Probation/Parole Hearings
 - Due process considerations involving:
 - Line ups - Show ups - Confrontation
 - Pretrial photographic identifications

Handout: #8-1 "Right to Counsel - Steps in Development"

ASSIGNMENT: 1. **Read** Chapters 9 & 10 - Text
2. **Discussion Question #5** (Violation of What?)

- 13th. Chapter 9 - Trial and Punishment (5th, 6th, & 8th Amendments to Constitution)
5-1-07
- 5th Amendment
 - Double Jeopardy Overview
 - "Same Evidence" test
 - "Same Transaction" test
 - "Alleged Conduct" test
 - Trials by separate jurisdictions
 - 6th Amendment
 - Criteria for determining speedy trial
 - Right to trial by jury
 - When jury trial not required
 - Size and composition of jury
 - Verdicts
 - Fair and impartial trial
 - Prejudicial media coverage
 - Prosecutor's constitutional disclosure obligations
 - 8th Amendment
 - Cruel and unusual punishment
 - Capital punishment (Furman v. Georgia)

- Chapter 10 - Federal Criminal and Civil Remedies for Unconstitutional Conduct
- Civil Liability for Unconstitutional Conduct (42 USC Section 1983)
 - Liability of Municipalities, Supervisory personnel and State Gov'ts
 - Criminal Liability for Unconstitutional Conduct (18 USC Section 242)
 - Qualified Immunity

Handouts: #10-1 "Constitutional Right Attaches"
#10-2 "Capital Punishment"

ASSIGNMENT: Study for Quiz #3 (Chapters 7 through 10)

14th. * * * * * **QUIZ #3** * * * * *

5-8-07

15th. * * * * * **REVIEW QUIZ #3** * * * * *

5-15-07 Review final grade tabulations – Bring **ALL** of your graded papers and quizzes to class
to verify final grades. (*I have been known to make
mistakes – but unless you can show me, . . . your grade
as tabulated will stand!*)

Instructor/Course evaluation and critique



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