CONSTITUTIONAL LAW
CJS – K210

SESSION OUTLINE

SESSION CONTENT

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

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 14TH 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)
- "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)
- 4th Amendment regarding "arrest"

2-13-07
- 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........
- Requirements of a valid arrest warrant
2-27-07
- 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)
6th.  * * * * * * * * QUIZ #1 * * * * * * * * * * * *

3-6-07  ASSIGNMENT:  1. **Read** Chapter 4 - Text
                2. **Brief #2** Mapp v. Ohio (p. 594)

7th.  * * * * * * * * REVIEW QUIZ #1 * * * * * * * * * * * *

3-13-07  Chapter 4 - Search and Seizure (4th Amendment – Searches)
          - Historical development
          - Exclusionary Rule defined
            - Weeks v. U.S.
            - Mapp v. Ohio
            - Good Faith Exception

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!

8th  Continue with Chapter 4 material........
     - Search defined

3-27-07  - Search with a warrant
          - Requirements of a valid search warrant
          - Exceptions to search warrant requirement
            - Incidental to arrest (Chimel Rule)
            - Based upon consent
            - Of motor vehicle (Carrol Rule)
            - Plain View Doctrine
            - Of protected premises (curtilage)
              - Entry of Premises with & without a warrant
            - After lawful impound of vehicle
            - Exigent Circumstances
              - Stop and Frisk (Terry Rule Revisited)
            - Caretaker Function
            - Compelling government interest seizures (Airports; Boarders)

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)
    - Free and Voluntary Rule
4-3-07  - 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)
   - 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)
   - 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.

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5-8-07

15th.

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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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