

CONSTITUTIONAL LAW AND CIVIL RIGHTS

POL – K212

SESSION OUTLINE

<u>SESSION</u>	<u>CONTENT</u>
1st.	Instructor/Student Introductions Student Information Sheets
8-31-10	Course Syllabus - Course Outline Chapter 1 - History, Structure, and Content of the United States Constitution <ul style="list-style-type: none">- 1600's - Types of Colonies- New England Confederation- 1700's - Committees of Correspondence- 1st Continental Congress (Revolutionary War)
	<p><u>ASSIGNMENT:</u> 1. <u>Typewritten Outline</u> of Constitution (7 Articles) and identify the individual or civil rights found within those seven Articles. [Pg. 741 - 749 Text]</p> 2. <u>Read</u> Chapter 1 - Text
2nd.	Continue with Chapter 1 materials.....
9-7-10	<ul style="list-style-type: none">- 2nd Continental Congress (Declaration of Independence)- 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 "Declaration of Independence" #1-2 "Government Under Articles of Confederation 1781 –1789" #1-3 "Due Process Clause" #1-4 "The Federal Courts" #1-5 Study Question Format
	<p><u>ASSIGNMENT:</u> 1. <u>Read</u> Chapter 2 - Text</p> 2. <u>Typewritten Outline</u> of the 27 Amendments to the U.S. Constitution [Pg. 750 - 756]3. <u>Study Question #1</u> (Free Speech)

- 3rd Chapter 2 - Freedom of Speech (1st Amendment to Constitution)
- "speech" defined
- 9-14-10
- 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)
- 9-21-10
- 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 "Degree of Proof"

#3-2 "How to Brief a Case - Brief Format"

ASSIGNMENT: 1. **Brief #1:** Terry v. Ohio (p. 573)
2. **Study Question #2** (Stop and Frisk)

- 5th. Continue with Chapter 3 materials.....
- 9-28-10
- 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)

6th. * * * * * **QUIZ #1** * * * * *

10-5-10 **ASSIGNMENT:** 1. **Read** Chapter 4 - Text
2. **Brief #2** Mapp v. Ohio (p. 606)

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

10-12-10 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. 609)

8th Continue with Chapter 4 material.....

10-19-10
- Search defined
- 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 “Consent To Search Form”

ASSIGNMENT: 1. **Read** Chapter 6 - Text
2. **Brief #4** Miranda v. Arizona (p. 658)
3. **Study Question #3** (Seizure of Evidence)

- 9th Chapter 6 - Interrogation and Confession (5th, 6th, and 14th Amendments – generally)
- 10-26-10
- 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 "Miranda Warning Rule"

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

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

11-2-10

ASSIGNMENT: **Read** Chapter 7 - Text

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

11-9-10

- 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)
- 11-16-10
- 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. **Study Question #5** (Violation of What?)

11-23-10 SEMESTER BREAK * * * HAPPY THANKSGIVING * * * * *

- 13th. Chapter 9 - Trial and Punishment (5th, 6th, & 8th Amendments to Constitution)
- 11-30-10
- 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 – Constitutional and Civil Rights – 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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12-7-10

15th

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12-14-10

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

Note: If you fail to make this final session an “Incomplete” will be submitted to the Registrar. You will have to meet with me to go over final grade tabulations in order to receive your course letter grade.



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