

FALL 2018  
CRM 365  
CRIMINAL PROCEDURE

Instructor: John F. Appelquist, Attorney at Law  
Office Phone: 836-6544; also available (417) 869-6001  
Office: Strong 235; also available 313 S. Glenstone Ave.  
E-mail address: [jappelquist@missouristate.edu](mailto:jappelquist@missouristate.edu)  
Section 301, T @ 5:30pm, Strong 202

## **I. OFFICE HOURS**

T 4:00-5:30pm  
Also by appointment.

## **II. TEXTBOOK**

Del Carmen & Hemmens, *Criminal Procedure: Law and Practice*, 10<sup>th</sup> ed. (Cengage Learning, 2017). Please note there is a loose-leaf version available at lesser cost – it is offered as an alternative to the “hard-back,” you are *not* required to have both.

## **III. COURSE OBJECTIVES**

This course is practical and it is relevant. We will study numerous areas of the law which impact the system of criminal justice in the United States. The aspects of the law we will cover will have direct relevance to the procedural environment in which you will find yourselves upon completion of your education, including: search and seizure, due process, self-incrimination, arrest/detention, and procedural issues attendant the criminal court process including rights to counsel, trial by jury, sentencing and post-conviction. You will gain an understanding of the different legal issues that are encountered in the criminal justice system, and learn basic legal terms and principles. Additionally, this course will “demystify” (the authors’ word) and show you how our criminal court system works.

Our class discussions, exercises, and tests will help you acquire effective legal analysis, and will emphasize critical thinking and effective oral and written communication skills, all of which are critical to your success in modern criminal justice.

## **IV. GRADING**

Your grade will be calculated in terms of points. The letter grade will be determined by the percentage of possible points earned (please note CRM Dept. does not assign plus/minus grades).

### **SCALE:**

A 90-100%  
B 80-89.99%  
C 70-79.99%

D 60-69.99%  
F 0-59.99%

Requirements for a letter grade may be subsequently lessened, in the instructor's sole discretion, as circumstances and fairness dictate. The semester's total points will be computed from the following:

Examination 1 100 points

Examination 2 100 points

Final Exam 100 points

Several in- and out-of-class writing assignments (often in conjunction with Exams) 30-50 points  
Total points possible 330-350 points

#### **MISSED EXAM POLICY**

**Students will NOT ordinarily be allowed to make up a missed examination. Students will only be allowed to make up a missed Exam if I am notified in advance of a documented serious and unavoidable problem or immediately after a documented serious and unavoidable emergency. When a student who misses a test is not permitted a makeup exam, the final exam score may in the instructor's sole discretion be used to fill in ONE 100 point exam that was missed.**

The Final Examination may be, in whole or in part, comprehensive. No makeup exams or quizzes will be given except as outlined in this section. In-class assignments must be handed in on the day they are assigned or, in the event of an excused absence, by the beginning of the next class period.

#### **RESCHEDULING OF FINAL EXAM BY INSTRUCTOR NOT AUTHORIZED**

I am not authorized to administer your final exam at any time other than the published final exam time (students with accommodations recommended by the Learning Diagnostic Clinic excepted). The University's Undergraduate Catalog states: "If students must reschedule final examinations because of extenuating circumstances, or if they have more than three finals on the same day, they must obtain written approval of the academic Dean of their major and then of the instructor of the course in advance of the scheduled exam time."

#### **V. ATTENDANCE AND CLASS PARTICIPATION**

Students are expected to attend all classes. Excessive absences will, without a doubt, have a negative effect on your grade, by causing you to lose credit for in-class work and by adversely affecting your performance on the examinations. If you are late, please enter quickly and quietly and find a seat. Attendance and class participation will be considered in determining the final grade if the student is on the borderline between two grades. I may, in my discretion, choose to award additional percentage credit towards final grades based on exceptional attendance, participation, and professional demeanor.

## VI. COURSE CONTENT

Chapter 1	The Court System, Sources of Rights & Fundamental Principles
Chapter 2	Overview of the Criminal Justice Process
Chapter 3	Probable Cause & Reasonable Suspicion
Chapter 4	The Exclusionary Rule
Chapter 5	Stop & Frisk, Stationhouse Detention

### EXAMINATION I

Chapter 6	Arrests & Use of Force
Chapter 7	Searches & Seizures of Things
Chapter 8	Motor Vehicle Stops, Searches & Inventories
Chapter 9	Plain View, Open Fields, Abandonment & Border Searches
Chapter 10	Lineups & Other Means of Pretrial Identification

### EXAMINATION II

Chapter 11	Confessions & Admissions: <i>Miranda v. Arizona</i>
Chapter 12	Basic Constitutional Rights of the Accused during Trial
Chapter 13	Sentencing, the Death Penalty & Other Forms of Punishment
Chapter 14	Legal Liabilities of Law Enforcement Officers
Chapter 15	Electronic Surveillance & the War on Terror

### FINAL EXAMINATION

Note: the Final Examination is set for **Tuesday, December 11th, at 5:45pm in Strong 202.**

## VII. ASSIGNMENTS

Students will be expected to read the textbook assignments and to participate in class discussions. Assignments for subsequent classes will be made at each preceding class time.

In- and out-of-class written assignments and exercises, for which credit is awarded, will be made at my discretion. Completion of these assignments is entirely the responsibility of the student.

## VIII. MISCELLANEOUS

A. Classes will start on time. Please be ready at the appointed time.

B. Seating: If you experience any difficulty in hearing the lectures, seeing the board, or have other accommodation needs, please notify me.

C. **LEGAL ADVICE: As much as I might like to assist you, I am not permitted to give you legal advice or assistance.**

#### **D. Academic Integrity Policy:**

Missouri State University is a community of scholars committed to developing educated persons who accept the responsibility to practice personal and academic integrity. You are responsible for knowing and following the University's academic integrity policy plus additional more-specific policies for each class. The University policy, formally known as the "Student Academic Integrity Policies and Procedures" is available online at [http://www.missouristate.edu/policy/Op3\\_01\\_AcademicIntegrityStudents.htm](http://www.missouristate.edu/policy/Op3_01_AcademicIntegrityStudents.htm) and also at the Reserves Desk in Meyer Library. Any student participating in any form of academic dishonesty will be subject to sanctions as described in this policy.

#### **E. Statement of Nondiscrimination:**

Missouri State University is an equal opportunity/affirmative action institution, and maintains a grievance procedure available to any person who believes he or she has been discriminated against. At all times, it is your right to address inquiries or concerns about possible discrimination to the Office for Institutional Equity and Compliance, Park Central Office Building, 117 Park Central Square, Suite 111, 417-836-4252. Other types of concerns (i.e., concerns of an academic nature) should be discussed directly with your instructor and can also be brought to the attention of your instructor's Department Head. Please visit the OED website at [www.missouristate.edu/equity/](http://www.missouristate.edu/equity/).

#### **F. Disability Accommodation:**

If you are a student with a disability and anticipate barriers related to this course, it is important to request accommodations and establish an accommodation plan with the University. Please contact the Disability Resource Center (DRC) (<https://www.missouristate.edu/disability/>), Meyer Library, Suite 111, 417-836-4192, to initiate the process to establish your accommodation plan. The DRC will work with you to establish your accommodation plan, or it may refer you to other appropriate resources based on the nature of your disability. In order to prepare an accommodation plan, the University usually requires that students provide documentation relating to their disability. Please be prepared to provide such documentation if requested. Once a University accommodation plan is established, you may notify the class instructor of approved accommodations. If you wish to utilize your accommodation plan, it is suggested that you do so in a timely manner, preferably within the first two weeks of class. Early notification to the instructor allows for full benefit of the accommodations identified in the plan. Instructors will not receive the accommodation plan until you provide that plan, and are not required to apply accommodations retroactively.

#### **G. Required Cell Phone Policy:**

As a member of the learning community, each student has a responsibility to other students who are members of the community. When cell phones or pagers ring and students respond in class or leave class to respond, it disrupts the class. Therefore, the Office of the Provost prohibits the use by students of cell phones, pagers, PDAs, or similar communication devices during scheduled classes. All such devices must be turned off or put in a silent (vibrate) mode and

ordinarily should not be taken out during class. Given the fact that these same communication devices are an integral part of the University's emergency notification system, an exception to this policy would occur when numerous devices activate simultaneously. When this occurs, students may consult their devices to determine if a university emergency exists. If that is not the case, the devices should be immediately returned to silent mode and put away. Other exceptions to this policy may be granted at the discretion of the instructor.

#### **H. Emergency Response Statement:**

At the first class meeting, students should become familiar with a basic emergency response plan through a dialogue with the instructor that includes a review and awareness of exits specific to the classroom and the location of evacuation centers for the building. All instructors are provided this information specific to their classroom and/or lab assignments in an e-mail prior to the beginning of the fall semester from the Office of the Provost and Safety and Transportation. Students with disabilities impacting mobility should discuss the approved accommodations for emergency situations and additional options when applicable with the instructor. For more information go to <http://www.missouristate.edu/safetran/51597.htm> and <http://www.missouristate.edu/safetran/erp.htm>.

#### **I. Dropping a Class:**

It is your responsibility to understand the University's procedure for dropping a class. If you stop attending this class but do not follow proper procedure for dropping the class, you will receive a failing grade and will also be financially obligated to pay for the class. For information about dropping a class or withdrawing from the university, contact the Office of the Registrar at 836-5520.

After the end of the 12<sup>th</sup> week (Friday, November 2nd, 2018, this semester) a student will not be allowed to drop a class – and I will have to assign a grade at the conclusion of the class. I will NOT be allowed to assign a W at this point.

#### **J. Audio and Video Recording Course Activity:**

Students who wish to record lectures or class activities for study purposes should inform the faculty member first. Distribution or sale of recordings or other course materials is prohibited without the written permission of the instructor and other students who are recorded. Distribution without permission is a violation of copyright law and the Code of Student Rights and Responsibilities (Sections 4.6, 4.8, 4.9).

#### **K. Religious Accommodation:**

The University may provide a reasonable accommodation based on a person's sincerely held religious belief. In making this determination, the University reviews a variety of factors, including whether the accommodation would create an undue hardship. The accommodation request imposes responsibilities and obligations on both the individual requesting the accommodation and the University. Students who expect to miss classes, examinations, or other

assignments as a consequence of their sincerely held religious belief shall be provided with a reasonable alternative opportunity to complete such academic responsibilities. It is the obligation of students to provide faculty with reasonable notice of the dates of religious observances on which they will be absent by submitting a *Request for Religious Accommodation Form* to the instructor by the end of the third week of a full semester course or the end of the second week of a half semester course.

#### **L. Mental Health and Stress Management:**

As a student you may experience a range of personal issues that can impede learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance and may reduce your ability to participate in daily activities. You can learn more about free and confidential Missouri State University Counseling Center services available to assist you at <https://counselingcenter.missouristate.edu/>.

Missouri State's Suicide Prevention Resource Policy is available via the following link: [https://www.missouristate.edu/policy/Op1\\_08-suicide-prevention-available-suicide-programs-and-related-procedures.htm](https://www.missouristate.edu/policy/Op1_08-suicide-prevention-available-suicide-programs-and-related-procedures.htm)

#### **M. Title IX Policy:**

Missouri State University has a Title IX policy that guides our response to instances of sexual violence. Sexual Violence includes: Rape, Sexual Assault, Sexual Misconduct, Sexual Discrimination, Domestic Violence, Dating Violence, Stalking, Sexual Harassment and Pregnancy issues. The Title IX policy can be located on the MSU Title IX website at [www.missouristate.edu/titleix/](http://www.missouristate.edu/titleix/). This website is also a good resource for any questions or issues involving Title IX and contains contact information for the MSU Title IX Office and staff. If an MSU student discloses a Title IX related issue to a MSU faculty or staff member who is deemed to be a "Responsible Employee" under the policy, that faculty or staff member is required to report such disclosure to the Title IX Coordinator. A responsible employee includes any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has the authority or duty to take action. Taylor Health employees and MSU Counseling Center Clinicians are not considered to be Responsible Employees under the policy, and therefore, are not required to report Title IX issues to the Title IX Coordinator.

#### **N. Chosen Name Policy:**

A student may choose a name other than their legal name to identify themselves at Missouri State University. A chosen name is different than the student's legal name. Refer to the [Chosen Name policy](#) for more information. Students can provide their chosen first and middle names in the *Profile* tab of [My Missouri State](#).