This class is a continuation of the study, begun in Constitutional Criminal Procedure I, of constitutional principles governing the conduct of criminal prosecutions, with special emphasis on the adjudication of criminal cases. We will examine, through cases, statutes and rules, both the trial and post-trial stages. Subjects include the charging process; bail and pretrial release; discovery; double jeopardy and collateral estoppel; speedy trial; public trial; jury trial; guilty pleas and plea bargaining; right to confrontation; sentencing; appeals; and collateral post-conviction remedies. Analysis of U.S. Supreme Court will be critical to understanding modern criminal procedure. Constitutional Criminal Procedure I is not a pre-requisite.

Required Reading Assignments:

All cases reviewed in this class may be obtained on Westlaw or Lexis/Nexis. You are required to read the entire case unless otherwise directed. It is expected that students will be able to analyze carefully and engage in a critical discussion of these cases including procedural history of the case, prior holdings, facts, holdings and rationales.

Class Participation:

Participation in class is required and will be considered when grading. Each case will be assigned to a particular student for presentation in advance. That student will be expected to present the case and answer questions; however, students not assigned to present are still expected to read the cases and engage in class discussion. Should a student be unprepared for a particular class, he or she must notify me in advance of the class. “Passing” when called upon or stating that one is not prepared or otherwise providing an excuse for not being able to answer questions when called upon is not acceptable in this class. Continual unpreparedness for class discussion may result in the student being marked as absent from class.

Attendance Policy:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA
failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

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<th>Credit Hours</th>
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Course Website:

This course has a TWEN page that links to this syllabus, announcements, the class assignments, and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Grades:

Grades will be based upon the final exam (80%), case presentations (10%), and class participation (10%).

Course Expectations:

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

Computers:

Students may/may not use laptop computers for class related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.
Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.

Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

Contact Information:

I may be reached by e-mail at any time at nsforster@gmail.com. My telephone number is 443-790-1741 between the hours of 9:00 a.m. and 6:30 p.m. during the week or weekend. Please note that the “gmail” address must have an “s” before my last name.

READING ASSIGNMENTS

I. Criminal Procedure: Adjudication Introduction
   A. Participants in the Criminal Justice System (lecture)
   B. Stages of Criminal Justice Process (lecture)
   C. Key Provisions of the Bill of Rights (TWEN Course Materials)
   D. Purpose and Importance of Procedural Rules

1. Powell v. Alabama, 287 U.S. 45 (1932)
II. Initiating Prosecution: The Charging Decision

A. Constitutional and Ethical Limitations on Prosecutorial Discretion

4. Ethical Concerns: Nifong Article in Course Materials on TWEN

B. Charging Mechanisms


C. Severance and Joinder


D. Amendment and Bill of Particulars:

4. Md. Rules – Amendment and Bill of Particulars TWEN Course Material

III. Bail and Pretrial Release

A. Pretrial Detention


IV. Discovery
A. Constitutional Issues


B. Discovery Rules

1. District Court Discovery, TWEN Course Materials
2. Circuit Court Discovery, TWEN Course Materials

C. Duty to Preserve Evidence


V. Plea Bargaining and Guilty Pleas.

A. Constitutional Requirements


B. Rule Requirements

1. Md. Rule – Pleas, TWEN Course Materials

C. Remedies for Violations


VI. Trial Rights

A. Right to Speedy Trial: Constitutional and Statutory


**B. Right to Counsel**

**Constitutional and Statutory:**


**When Right Applies:**


**Standard for Effective Assistance of Counsel:**


**Right of Self-Representation:**

2. Waiver of Counsel Md. Rule 4-215, TWEN Course Materials

**C. Trial By Jury**


**D. The Public’s and Defendant’s Right to a Public Trial**

E. Right of Confrontation


F. Privilege Against Self-Incrimination


G. Proof Beyond a Reasonable Doubt


F. Right to Compulsory Process and to Present a Defense


G. Right to a Fair Trial By an Impartial Tribunal


VII. Sentencing

A. Enhancements


B. Considerations


C. Cruel and Unusual Punishment

D. Death Penalty: When Cruel and Unusual


VIII. Double Jeopardy

A. Basics

B. Mistrials

C. Collateral Estoppel

IX. Post Trial Motions And Appeals

A. Motions
   1. New Trial
   2. Modification of Sentence
   3. Three Judge Panel Review of Sentence

B. Appeals
   1. Appellate Procedure in Maryland

IX. Collateral Review

A. Post Conviction Procedure Act
B. Coram Nobis
C. Habeas Corpus