

To : Students in Criminal Procedure I

From: Professor Donald Jones

RE: First assignment

Required Reading:

The text in this class will be Allen, Stuntz, Hoffman, Livingston, Leipold, and Meares, **Criminal Procedure: Investigation and Right to Counsel**, Fourth Edition (2020). Unless otherwise stated all assignments will be to these texts.

The following is the first assignment for our **first session**.

Session 1: Required Reading

Entick v. Carrington and Three Other King's Messengers (online TWEN), 19 *Howell's State Trials*, 1029 (1765); *Florida v. Riley* (online TWEN), 488 U.S. 445 (1989) p. 372 in textbook;

Also please read one of the following set of cases:

Kyllo v. United States, 533 U.S. 27 (2001)*
Carpenter v. United States, 138 S. Ct. 2206 (2018)*

Or

Illinois v. Wardlow, 528 U.S. 119 (2000)
Rodriguez v. United States, 135 S. Ct. 1609 (2015)

After doing the reading write a short essay 500-1000 words addressing one or more of the following questions:

- (1) What are the core, initial assumptions about limitations on state power vis-a-vis individual rights?
- (2) What are the current core concerns? Is there continuity? Tension?
- (3) Many scholars say there are two competing schools or models of interpretation. Are there? If there are, how would you characterize the models?

Suggested reading: U.S.C.A. Const. Amend. 1-10; *People v. De Fore*, 242 N.Y. 13 (1926); *Weeks v. United States*, 232 U.S. 383 (1914); Goldstein, A., *Reflections On Two Models: Inquisitorial Themes in American Criminal Procedure*, 26 Stanford

1009 (1974); Langbein, John, *Torture and Plea Bargaining*, 58 Public Interest 43, (1980).

*(This assignment amends the earlier posted assignment. When I did the syllabus I decided to add *Kyllo* and *Carpenter* to enrich the discussion for the first day.)