

# CRIMINAL PROCEDURE IN BLACK AND WHITE: A VIDEO CASEBOOK

2023-24 Syllabus  
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This Criminal Procedure casebook contains two overview videos: one about the significance of criminal procedure, and a bonus video about the evolution of substantive criminal law.

There are 16 individual case videos: each is accompanied by a marked-up/annotated PDF version of that Supreme Court decision, as well as additional optional materials including law review articles, newspaper articles, and/or public legal documents.

Unlike a traditional casebook, this curriculum is not a survey and does not include every case. Rather, it is a handpicked selection of especially illuminating and influential Supreme Court decisions that collectively provide a rich understanding of criminal procedure. Each video is a stand-alone treatment that introduces students to major developments in the doctrine. I picked capstone cases that I thought would best help my students navigate the complexities.

The videos can be used to replace or to supplement the standard casebook treatment. Each video is approximately 15 minutes long. Students typically watch the video and then read the full marked-up annotated decision contained in the module.

Students report that the videos help them master individual cases, better absorb the implications of the materials, and generally improve their ability to read and analyze Supreme Court decisions.

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## INTRODUCTORY OVERVIEWS

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Introduction to Criminal Procedure

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Bonus: How Criminal Law Evolves: From *Bowers* to *Lawrence*  
(with a *Dobbs* postscript)

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## CASE VIDEOS

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### Fourth Amendment Search & Seizure

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Privacy, criminal informants, and the birth of third party doctrine: *Hoffa v. United States*, 385 U.S. 293 (1966)

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Probable cause and getting arrested in a car: *Maryland v. Pringle*, 540 U.S. 366 (2003)

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Getting arrested and jailed for fine-only traffic offenses: *Atwater v. Lago Vista*, 532 U.S. 318 (2001)

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Terry stops, reasonable suspicion, and 911 calls: *Florida v. J.L.*, 529 U.S. 266 (2000)

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Consent searches and encountering police on the bus: *United States v. Drayton*, 536 U.S. 194 (2002)

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### Race & Racial Profiling

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The constitutionality of racial profiling: *Whren v. United States*, 517 U.S. 806 (1996)

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Running from police in high crime neighborhoods: *Illinois v. Wardlow*, 528 U.S. 119 (2000)

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### Warrants & Houses

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When police use a drug dog to sniff your front door, *Florida v. Jardines*, 569 U.S. 1 (2013)

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## **Technology & Data Privacy**

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Cell phone data searches and privacy in the digital age, *Carpenter v. United States*, 138 S. Ct. 2206 (2018)

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DNA collection upon arrest, *Maryland v. King*, 569 U.S. 435 (2013)

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## **The Exclusionary Rule**

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When unconstitutionally seized evidence is still admissible: *Herring v. United States*, 555 U.S. 135 (2009)

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## **Fifth Amendment**

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The right to remain silent: *Miranda v. Arizona*, 384 U.S. 436 (1966)

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Invocation and waiver of the right to remain silent, *Berghuis v. Thompkins*, 560 U.S. 370 (2010)

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The constitutionality of plea bargaining: *Brady v. United States*, 397 U.S. 742 (1970)

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## **Sixth Amendment**

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When there is no misdemeanor right to counsel: *Scott v. Illinois*, 440 U.S. 367 (1979)

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Effective assistance of counsel during plea bargaining: *Lafler v. Cooper*, 566 U.S. 156 (2012)

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