



Course: 5326 Criminal Procedure- HICKS – 19792

Fall 2026

Friday 5:45 -8:15 p.m.

Location: In person class – Rm. 210

Instructor: Taylor Hicks, Esq.

Contact: via email:

A. Course Objective and Learning Outcomes:

This course focuses on the restrictions on government investigations granted by the Fourth, Fifth and Sixth Amendments to the U.S. Constitution and how those restrictions affect criminal prosecution. At the conclusion of this course students shall have an understanding of substantive criminal procedure principles, as well as, seminal case law and shall be able to identify, understand, and articulate when certain rights apply and the appropriate procedural remedies available for when those rights are violated.

B. Required Reading/ Assigned Books or Materials:

Criminal Procedure: Constitutional limits on policing by Jeffrey Bellin & Adam Gershowitz (2023); (ISBN-13 = 9798371880840) **Sold on Amazon

C. Office Hours:

Office Hours are by appointment only and via zoom, unless otherwise requested. Students seeking to schedule a meeting should send a request via email no less than 48 hours prior to the requested date and time.

D. Attendance Policy:

As noted in the student handbook, the Law Center has a minimum 80% attendance policy for students. Accordingly, attendance will be taken at the beginning of every class. If a student fails to attend 80% of the class (misses 3 or more classes) the Office of Student Affairs (OSA) will be notified of their nonadherence. Nonadherence to the attendance policy can also have serious negative effects on your overall grade (see grading section of syllabus). If a student misses more than the allotted classes, they may be dropped from the course.

Tardiness:

Again, this course is not only an introduction to substantive law but is an introduction to the legal field. Thus, just as you are expected to show up on time and prepared for court, I expect you to show up and prepared for every class. Students that are more than 15minutes late for a class will be considered absent, unless they have notified and received prior notification from the instructor. (see attendance policy above). It is a professional curtesy, to let the instructor know if you will be late or are running exceptionally late to class, just as you would when you are practicing law. Importantly,

when arriving late students are expected to make all necessary attempts not to disturb the rest of the class (i.e. if you arrive late and your regular seat is on the other side of the classroom, please take the seat that will require less distraction and disturbance).

E. Modes of Assessment – Grading:

Students will be graded by their performance on the final exam (80% of grade); and class participation (20% of grade). *Note: This course is subject to a mandatory grading curve.*

- **The final exam will be worth approximately 80% of a students' grade.** The final exam may be a combination of multiple choice, and essay, and will be a proctored exam. The date/time/location of the final exam will be given at a later date. The final exam will be graded anonymously.
- **Class participation will account for 20% of a students' overall grade.** Class participation will be assessed based primarily on your performance in class. During every class lecture approximately 3-5 students will be continuously called on to lead the class discussion. The chosen students will be expected to show a mastery of the pre-assigned readings for that class period. They will be assessed on their (1) mastery of the material; (2) professionalism; (3) the quality of the information they provide to the discussion (4) and level of preparation. Although these students will be the ones expected to primarily guide the in-class conversation, other students are still encouraged and expected to participate in in-class discussions. Students that are not on call but make quality contributions to the class discussion may still receive credit for participation. Students will be randomly assigned to be on call.

If a student is absent when their name is called, they will forfeit that portion of their grade. Therefore, a student is expected to inform the instructor at least 24 hours in advance, or as soon as possible, if they are going to be absent during a course, to ensure their name is not called when they are absent. If a student's name is called and they are absent due to an emergency which they did not notify the instructor of prior to said absence, then they should contact the instructor as soon as possible to determine if their absence will be excused. If the absence is excused then the students name will be called during another class time. In the event there are no classes left in the semester the instructor reserves the right to determine how that student can make up that portion of their grade (for excused absences only).

****See attendance policy above.**

In addition to being on call, students participation/completion on any class assignments, exercises and/or activities will also be included in their class participation score.

Grade Availability: Your grade will not post into the UH system until fall semester grades are released.

F. Class Reading Schedule: Students are expected to have completed the assigned reading prior to class. *The instructor reserves the right to alter, change, or supplement the readings for each scheduled class.* Students will be given notice of any alterations in advance.

- **August 28, 2026**
 - Pages 1 – 38
 - Crime and policing; The Fourteenth Amendment and the Bill of Rights; Government Action and The people; Defining Search Third Party Doctrine
- **September 4, 2026**
 - Pages 39 - 83
 - *Exposed to the Public; Exposing only contraband; Near Perfect Surveillance; The Katz test's flexibility; Trespassory Searches*
- **September 11, 2026**
 - Pages 84 – 132
 - *Defining Seizure; Probable Cause; Informants; Drug-Sniffing Dogs; Drug-sniffing Humans; Totality of the Circumstances*
- **September 18, 2026**
 - Pages 133 – 188
 - *Arrest Warrants v. Search Warrants; Oath or Affirmation; Particularity and Plain View; New Information; Who can issue a warrant*
- **September 25, 2026**
 - Pages 189 - 235
 - *Expansion of Terry Doctrine; Mass Stop and Frisk; Guns; Other Warrantless Seizures*
- **October 2, 2026**
 - Pages 236 - 305
 - *Exigent Circumstances; Searches Incident to Arrest; Contemporaneity; Automobiles; The Vehicle exception; Inventory Searches; Voluntariness of Consent;*
- **October 9, 2026 (Note: This class will be on zoom)**
 - Pages 306 - 358
 - *Who can grant consent; Scope of Consent; Revoking Consent; Abandonment; Classic Special Needs; School Searches; Probation and Parole; Checkpoints*
- **October 16, 2026**
 - Pages 359 – 406
 - *Boarders and Airports; DNA Collection; Surgical Searches; Deadly Force; Knock and Announce; Searches and Seizures to Execute a Warrant*
- **October 23, 2026**
 - Pages 407 – 467

- *The Exclusionary Rule; Exceptions to the Exclusionary Rule; Attenuation; Good faith; Impeachment; Standing*
- **October 30, 2026**
 - Pages 468 – 529
 - *A Narrow Privilege; Self-Incrimination; Testimony; Compulsion; Police Interrogation and Miranda;*
- **November 6, 2026**
 - Pages 530 – 558
 - *Miranda Invocation and Waiver; Public Safety Exception; Unwarned v. Compelled Statements; Two-Step Interrogations;*
- **November 13, 2026**
 - Pages 559 - 584
 - *Adversary Judicial Proceedings; Offense Specific; Invocation and Waiver; Other limits on interrogation*
- **November 20, 2026**
 - Pages 585 -593
 - *Due Process*
 - Final Exam Review

Important Dates:

- **August 31, 2026** – last day to add a course
- **September 9, 2026** – Last day to drop a course without a grade
- **November 18, 2026** – Last day to drop a course or withdraw with a “W”
- **November 25-29** – Thanksgiving Holiday
- **December 1, 2026** – Reading/Make-up Day for cancelled classes – last day to notify Student Services of a final exam conflict
- **December 2-10** – Final exam period

G. Honor Code:

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code’s provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

H. AI Generated Work product – prohibited:

The software technology known as artificial intelligence has recently expanded its capability to generate text and other work product (AI Generated Work Product). Examples of the technology include what are known as “generative” large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text and other work product in response to prompts and/or input of

other text/documents/code/images. The output, the AI Generated Work Product, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for material one might generate themselves. AI Generated Work Product can include computer code or programs as well as human language content and materials.

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Work Product in relation to any activity or assessment in this course. This applies to AI Generated Work Product from yourself or others. This obligation includes that your assessment materials in the course be without any contribution from AI Generated Work Product. This obligation specifically extends to not plagiarize any writing required of you for assessment in the course: AI Generated Work Product will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Work Product may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination.

Prohibition.

Subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Work Product—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.

I. Student Professionalism

At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you’ll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed. If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, the Office of Student Affairs (OSA) is an excellent resource.

The classroom is a learning space where each student is treated with respect and dignity and where everyone is provided the opportunity to participate, contribute, and succeed. In this course, all students are welcome regardless of background or identity. I encourage you to speak up and share your views appropriately throughout the semester and to do so in a respectful manner, at all times. I also expect every student to remember that in this learning environment, we will engage respectfully and with professionalism towards each other. Law school is the introduction to the legal field, arguably one of the most professional and reputation driven career fields as such I expect you to carry yourself professionally, during my class at all times whether you are speaking or listening to other students. I also expect you to dress professionally

– you can be casual but attire such as tight gym clothes, pajamas; swimwear etc. is inappropriate for this professional setting. Students are required to follow all procedures related to professional as identified in the student handbook. (see: <https://www.law.uh.edu/jd/current/handbook.pdf#page=42>)

J. Mental Health and Wellness Resources:

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

K. Title IX/Sexual Misconduct:

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

L. Reasonable Academic Adjustments/Auxiliary Aids:

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

M. *Women and Gender Resources Center:*

The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday

N. *Recording of Class:*

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.