

The University of Mississippi
National Center for Justice and the Rule of Law
TRIAL JUDGES FOURTH AMENDMENT COURSE

May 2014

Reno

draft 01.29.14

Day#1:

- 7:00-8:00 **Registration**
- 8:00-8:50 **Introduction** {Divider #1}
 Thomas K. Clancy, Director, NCJRL
 William Brunson, NJC
- 9:00-9:50 **Protected Interests (part 1) -- objects protected by the Amendment: people, houses, papers, and effects** {Divider #2}
 Judge Joseph M. Troy, Retired
- 10:00-10:45 breakout -- Group Discussions
- 11:00-12:00 **Protected Interests (part 2) -- liberty, property, privacy** {Divider #2}
 Judge Joseph M. Troy, Retired
- 1:00-2:15 **“Standing” -- who has a protected interest** {Divider #3}
 Thomas K. Clancy, Director, NCJRL
- 2:30-3:00 breakout -- Group Discussions: *Jones*
- 3:00-4:30 **What is a “Search?”** {Divider #4}
 Judge Joseph M. Troy, Retired

Day #2

- 8:00-9:30** **Consent** {Divider #5}
 Judge Joseph M. Troy, Retired
- 9:45-10:15 Breakout
- 10:30-12:00** **Overview of Reasonableness Standards** {Divider #6}
 Thomas K. Clancy, Director, NCJRL
- 1:00-2:15** **Searches Without Warrants, part #1** {Divider #7}

Judge Mark McGinnis

- search incident to arrest (but not in vehicles and not cell phones)
- frisks (justification for and scope of – but not in vehicles)
- plain view and plain feel
- protective sweeps (Buie doctrine)
- community caretaking
- exigent circumstances

2:15-2:45 Breakout (cell phone search cases)

3:00-3:50 **Searches without Warrants, part #2** {Divider #8}
Judge Mark McGinnis

4:00-5:00 **Motion Hearings Practice** {Divider #9}
Judge Ilona M. Holmes
Judge Mark McGinnis

Day#3:

8:00-9:15 **Types of Seizures: stops and arrests** {Divider #10}
Thomas K. Clancy, Director, NCJRL

9:30-10:00 breakout

10:15-11:15 **Justification for Stops and Arrests; Informants** {Divider #11}
Thomas K. Clancy, Director, NCJRL

11:30-12:00 Breakout

1:00-1:50 **Vehicle Stops** {Divider #12}
Judge Ilona M. Holmes

- actions during, including orders of out vehicle, license, registration demands
- questioning
- length of, prolonged stops also called two stop scenarios, other scope issues
- justification for and compared to roadblocks and checkpoints, including types of permissible checkpoints
- new SCT case on DUI stops

2:00-2:50 **Vehicle Searches** {Divider #13}
Judge Ilona M. Holmes

- probable cause based (Carroll doctrine)
- search incident to arrest (Gant)
- frisks (Mich v. Long)
- impoundment and inventory

3:00-4:30 **Warrant Issuance and Review** {Divider #14}
Thomas K. Clancy, Director, NCJRL

Day#4:

8:00-8:50 **Search Execution Issues** {Divider #15}
Professor Jack Nowlin, UM School of Law

9:00-9:45 breakout: *Herring and Davis*

10:00-10:50 **Exclusionary Rule, part I** {Divider #16}
Professor Jack Nowlin, UM School of Law

11:00-11:50 **Exclusionary Rule, part II** {Divider #16 continued}
Professor Jack Nowlin, UM School of Law

1:00-1:50 **Voluntary Exposure, Assumption of Risk** {Divider #17}
Thomas K. Clancy, Director, NCJRL

2:00-3:30 **Computers and Digital Devices** {Divider #18}
Thomas K. Clancy, Director, NCJRL

Evaluations & Graduation