

COURSE PROGRAM
INTRODUCTION TO AMERICAN CRIMINAL LAW AND PROCEDURE
May 6-10, 2019
University of Lisbon Faculty of Law

Professor emeritus Stephen C. Thaman, Saint Louis University, USA

May 6, 2019: The History of the Bill of Rights in Relation to American Criminal Law and Procedure: the Battle Against the Death Penalty and the Racist Application of Criminal Procedure in the U.S.

Optional Readings:

Michael J. Klarman, The Racial Origins of Modern Criminal Procedure, 99 Mich. L. Rev. 48 (2001)

May 7, 2019: Substantive Criminal Law Today: Common Law Roots, The Influence of the Model Penal Code, and the Problems of Codification

Optional Readings:

Morrisette v. United States, 342 U.S. 246 (1952)

Montana v. Egelhoff, 518 U.S. 37 (1996)

Stephen C. Thaman, *The Model Penal Code and the Dilemma of Criminal Law Codification in the United States*, in CODIFICATION IN INTERNATIONAL PERSPECTIVE 165-183 (Wen-Yeu Wang ed. 2014). Springer.

May 8, 2019: The Sixth Amendment of the U.S. Bill of Rights: The Adversarial Trial by Jury, History and Practice

Optional Readings:

Albert Alschuler & James Deiss, A Brief History of Trial by Jury, 61 U. Chicago L. Rev. 867 (1994).

Duncan v. Louisiana, 391 U.S. 145 (1968)

Crawford v. Washington, 541 U.S. 36 (2004)

Alleyne v. United States, 133 S.Ct. 2151 (2013).

May 9, 2019: Admissibility of Evidence in the American Criminal Trial: Exclusionary Rules and Practices in Relation to Violations of the Right to Privacy and the Privilege Against Self-Incrimination.

Optional Readings:

Katz v. U.S. 389 U.S. 347 (1967)

Jones v. U.S., 132 S.Ct. 945 (2012)

Terry v. Ohio, 392 U.S. 1 (1968)

Mapp v. Ohio, 367 U.S. 643 (1961)
United States v. Leon, 468 U.S. 897 (1984)
Rakas v. Illinois, 439 U.S. 128 (1978)
Miranda v. Arizona, 384 U.S. 436 (1966)

May 10, 2019: Plea Bargaining, Draconian Sentencing Practices, and the Disappearance of Trial by Jury:

Optional Readings:

John H. Langbein, *Torture and Plea Bargaining*, 46 U. CHI. L. REV. 3-22 (1978)
Ewing v. California, 538 U.S. 11 (2003)
Brady v. United States, 397 U.S. 742 (1970)
North Carolina v. Alford, 400 U.S. 25 (1970)
Bordenkircher v. Hayes, 434 U.S. 357 (1978)

Examination: The examination will consist of a one hour, multiple-choice test.