

Carolina Academic Press Mastering Series

RUSSELL L. WEAVER, SERIES EDITOR

Mastering Administrative Law

William R. Andersen

Mastering Bankruptcy

George W. Kuney

Mastering Civil Procedure

David Charles Hricik

Mastering Constitutional Law

John C. Knechtle, Christopher Roederer

Mastering Corporate Tax

Reginald Mombrun, Gail Levin Richmond, Felicia Branch

Mastering Corporations and Other Business Entities

Lee Harris

Mastering Criminal Law

Ellen S. Podgor, Peter J. Henning, Neil P. Cohen

Mastering Criminal Procedure, Volume 1: The Investigative Stage

Peter J. Henning, Andrew Taslitz, Margaret L. Paris, Cynthia E. Jones, Ellen S. Podgor

Mastering Elder Law

Ralph C. Brashier

Mastering Evidence

Ronald W. Eades

Mastering Family Law

Janet Leach Richards

Mastering Intellectual Property

George W. Kuney, Donna C. Looper

Mastering Legal Analysis and Communication

David T. Ritchie

Mastering Legal Analysis and Drafting

George W. Kuney, Donna C. Looper

Mastering Negotiable Instruments (UCC Articles 3 and 4)

and Other Payment Systems

Michael D. Floyd

Mastering Products Liability

Ronald W. Eades

Mastering Professional Responsibility

Grace M. Giesel

Mastering Secured Transactions

Richard H. Nowka

Mastering Statutory Interpretation

Linda D. Jellum

Mastering Tort Law

Russell L. Weaver, Edward C. Martin, Andrew R. Klein,

Paul J. Zwier II, Ronald W. Eades, John H. Bauman

Mastering Criminal Procedure

Volume 1

The Investigative Stage

Peter J. Henning

PROFESSOR OF LAW
WAYNE STATE UNIVERSITY LAW SCHOOL

Andrew Taslitz

PROFESSOR OF LAW
HOWARD UNIVERSITY SCHOOL OF LAW

Margaret L. Paris

DEAN
UNIVERSITY OF OREGON SCHOOL OF LAW

Cynthia E. Jones

PROFESSOR OF LAW
AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW

Ellen S. Podgor

PROFESSOR OF LAW
STETSON UNIVERSITY COLLEGE OF LAW

CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2010
Peter J. Henning, Andrew Taslitz, Margaret L. Paris,
Cynthia E. Jones, Ellen S. Podgor
All Rights Reserved

Library of Congress Cataloging in Publication Data

Mastering criminal procedure. Vol. 1, The investigative stage / Peter J. Henning ... [et al.].

p. cm. -- (Carolina Academic Press mastering series)

ISBN 978-1-59460-350-1 (alk. paper)

1. Criminal procedure--United States. I. Henning, Peter J. II. Title: Investigative stage. III. Series.

KF9619.85.M378 2010

345.73'05--dc22

2009046263

Carolina Academic Press
700 Kent Street
Durham, NC 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

To Durstan and Ruth McDonald.
Peter J. Henning

To my wife, Patty, who makes life worthwhile;
my sister, Ellen, who taught me to read and write in the first place;
and my students, who give me more than I can ever say.
Andrew Taslitz

To Shel, who makes everything possible.
Margaret L. Paris

To the memory of my wonderful mother, Ernestine C. Jones (1932-2004),
who continues to motivate and inspire me.
Cynthia E. Jones

To all my students.
Ellen S. Podgor

Contents

Table of Cases	xix
Series Editor's Foreword	xxix
Preface	xxxii
Chapter 1 • Introduction	3
Roadmap	3
I. Federal Constitutional Provisions on Criminal Procedure	4
A. The Fourth Amendment	4
B. The Fifth Amendment	4
C. The Sixth Amendment	5
D. The Eighth Amendment	5
E. The Fourteenth Amendment	5
II. Stages of the Criminal Adjudication Process	5
A. Initial Pre-Arrest Investigation	5
B. Arrest	7
C. Booking	8
D. Initial Court Appearance	8
E. Preliminary Hearing	10
F. Grand Jury	10
G. Arraignment	11
H. Pretrial Litigation	12
I. Trial	12
J. Sentencing	13
K. Appeals	14
L. Post-Conviction Remedies	15
III. A Brief Word on the Process of Constitutional Interpretation	15
A. Text	16
B. Intent of the Framers, Ratifiers, and the "People"	16
C. Constitutional Structure	18
D. Precedent	19

E.	Evidence of American Customs, Traditions, and Practices	19
F.	Contemporary Morality and Attitudes	20
G.	Considerations of Practicality and Prudence	20
	Checkpoints	21
Chapter 2 • When Does the Fourth Amendment Apply?		23
	Roadmap	23
I.	Introduction	23
II.	The Purpose of the Fourth Amendment	24
III.	The Scope of the Fourth Amendment	25
A.	Government Action	25
B.	The “People”	25
C.	What Government Conduct Constitutes a Fourth Amendment Search	26
1.	What Is a “Search:” The <i>Katz</i> Test	26
2.	Invasion of Reasonable Expectations of Privacy	29
3.	“Non-Search” Investigative Techniques	31
IV.	The Scope of Fourth Amendment Seizures	37
V.	The Reasonableness Requirement	37
	Checkpoints	38
Chapter 3 • Warrants		39
	Roadmap	39
I.	The Warrant “Requirement”	39
II.	What Is Probable Cause?	41
A.	Background and Definition	41
1.	An Objective Concept	41
2.	The Quantitative Component	45
3.	The Qualitative Component	45
4.	The Temporal Component	46
B.	Quantitative Requirements Redux	46
C.	Qualitative Requirements	50
1.	<i>Aguilar-Spinelli</i>	50
2.	<i>Gates</i>	52
D.	Individualized Justice and Other Normative Concerns	59
E.	Temporal Components	62
1.	Timing and Two Standards for Probable Cause	62
2.	Anticipatory Warrants	63
F.	Particularity	66

1. Particularity's Meaning	66
2. Residual Clauses	67
3. Affidavit-Warrant Link	69
III. Executing the Warrant	71
A. Time, Place, and Manner	71
B. Knock and Announce	72
C. Treatment of Individuals during Warrant Executions	76
Checkpoints	80
Chapter 4 • Arrests with and without Warrants	81
Roadmap	81
I. The Requirement of Reasonableness	81
A. Seriousness of Offense	82
B. Level of Suspicion	83
C. Warrant Requirement	83
D. Use of Force	85
II. The Requirement of Prompt Arraignment	90
III. <i>Terry</i> Stops (and Frisks)	91
A. Seizures versus Voluntary Encounters	92
1. Defining Seizures	92
2. A Comparison to Voluntary Encounters	92
3. The Special Case of Public Transportation	94
4. Successful Use of Physical Force or Suspect's Submission to Authority	95
5. By Means Intentionally Applied	96
B. Stops versus <i>De Facto</i> Arrests	97
C. Sufficiency of the Evidence of Reasonable Suspicion	98
1. Quantum of Evidence	99
2. Quality of Evidence	102
D. <i>Terry</i> Frisks	106
Checkpoints	107
Chapter 5 • Electronic Surveillance	111
Roadmap	111
I. Fourth Amendment Oversight of Surveillance	111
A. Threshold: Determining When the Fourth Amendment Ap- plies	111
B. The Substance of Fourth Amendment Protections	113
II. Statutory Regulation of Electronic Surveillance	113
A. Development of the Federal Statutory Framework	113

B.	Relationship Between Statutes and the Fourth Amendment	114
III.	The Wiretap Act	115
A.	Title I: Highest Level of Protection	115
1.	Types of Communications Covered by Title I	115
2.	Requirements for Title I Intercept Orders	116
3.	Remedies for Title I Violations	118
B.	Lower Protection for Stored Electronic Communications	119
C.	Lowest Protection for Pen Registers and Trap and Trace Devices	120
IV.	FISA	120
V.	The PATRIOT Act	120
A.	Provisions Affecting Fourth Amendment Searches	121
B.	Provision Expanding Scope of FISA	121
C.	Provisions Affecting Wiretap Act	121
VI.	Review Problem	122
A.	Problem	122
B.	Analysis	123
	Checkpoints	125
Chapter 6 • Searches of Persons		127
	Roadmap	127
I.	Introduction	127
II.	<i>Terry</i> Searches	128
III.	Search Incident to Arrest Exception	128
A.	<i>Chimel v. California</i> : The “Grab-Reach” Rule	128
B.	<i>United States v. Robinson</i> : The Automatic Search Rule	129
C.	The Scope of the Search Incident to Arrest Exception	130
1.	The Requirement of a Custodial Arrest	130
2.	Probable Cause to Arrest	130
3.	Spatial Proximity: The Theoretical “Grab-Reach” Limitation	131
4.	Temporal Proximity: When Is the Search “Incident to” the Arrest	132
IV.	Searches of Personal “Effects”	132
A.	Search of Personal Effects Incident to Arrest	132
B.	Post-Arrest Inventory Search	133
	Checkpoints	135

Chapter 7 • Searches of Cars	137
Roadmap	137
I. “Non-Search” Investigations of Vehicles	137
II. Automobile Searches during Non-Custodial Traffic Stops	138
A. <i>Terry</i> Automobile Searches	139
B. Investigating Unrelated Criminal Activity	139
C. Pretextual Traffic Stops and Racial Profiling	140
III. Searches of Automobiles Incident to Custodial Arrest of Motorists	141
A. Overview	141
B. <i>New York v. Belton</i>	142
C. <i>Thornton v. United States</i>	142
D. <i>Arizona v. Gant</i>	143
1. The “Unsecured” Arrestee and the “Possibility of Access” to the Vehicle	145
2. A “Reason to Believe” Arrest-Related Evidence in Car	145
3. Summary	145
IV. The Automobile Exception	146
A. The Automobile Exception versus Search Incident to Arrest	146
B. A Reduced Expectation of Privacy	147
C. The End of the “Container Rule”	148
D. Restrictions on the Automobile Exception	148
V. Inventory Searches of Impounded Vehicles	149
A. Purpose of Inventory Searches	149
B. Requirements for a Valid Inventory Search	150
1. Standard Procedure	150
2. Good Faith	151
3. Limited Scope	151
Checkpoints	151
Chapter 8 • Consent Searches	153
Roadmap	153
I. Overview	153
II. The Scope of a Consent Search	154
III. Objective Reasonableness	155
IV. What Is Valid Consent?	155
A. Voluntariness and the “Totality of the Circumstances” Test	156

1. Degree of Police Coerciveness	157
2. Custodial Status	157
3. Characteristics of the Suspect	158
B. Authority to Consent	158
1. Actual Authority	159
2. Apparent Authority	160
V. Problems with Consent Searches	161
VI. State Restrictions on Consent Searches	162
Checkpoints	163
Chapter 9 • Exigent Circumstances	165
Roadmap	165
I. Introduction	165
II. Requirements for the Exigent Circumstances Exception	166
A. Probable Cause	166
B. Scope of Authority	166
C. Obtaining Warrant Impractical	167
D. When Circumstances Are Exigent	167
1. Hot Pursuit	168
2. Public Safety	168
3. Destruction of Evidence	169
Checkpoints	171
Chapter 10 • Plain View	173
Roadmap	173
I. Introduction	173
II. Scope of the Plain View Exception	173
A. Lawful Presence and Access	174
B. Seizures, Not Searches	174
C. Probable Cause Standard	175
III. No “Inadvertence” Requirement	176
IV. Beyond Plain View: Other “Plain” Sensory Perceptions	176
Checkpoints	178
Chapter 11 • Administrative Searches and Special Needs	179
Roadmap	179
I. Overview	179
A. Defining and Analyzing Administrative Search and Seizure Cases	179
B. Determining Governmental Purpose	181

	C. Balancing	183
	D. Scope of Administrative and Special Needs Searches	183
II.	Administrative Searches	184
	A. Administrative Warrant Requirements	184
	B. Warrantless Searches of Closely Regulated Businesses	186
	C. Other Administrative Searches	187
	D. Motor Vehicle Regulation and Checkpoints	188
	E. Welfare Home Visits	190
	F. Airport Screening	190
III.	Border Searches	191
	A. International Borders	191
	B. Detention	191
	C. Roving Border Patrols	192
	D. Fixed Checkpoints	193
IV.	Searches of Vessels	193
V.	Special Needs Searches	194
	A. Public School Students	195
	B. Public Employees	196
	C. Probationers and Parolees	196
VI.	Drug Testing	198
	A. Public Employees	198
	B. Public School Students	199
	C. Rejected Testing Programs	200
	D. Lower Court Decisions	202
	Checkpoints	203
Chapter 12 • Remedies for Fourth Amendment Violations		205
	Roadmap	205
I.	Introduction	205
II.	Development of the Exclusionary Rule	206
	A. <i>Weeks</i> : The Exclusionary Rule in Federal Court	206
	B. <i>Mapp</i> : The Exclusionary Rule Extended to States	206
III.	Standing and Procedures for Asserting the Exclusionary Rule	208
	A. Who Can Assert the Exclusionary Rule: The “Standing” Doctrines	208
	B. How to Assert the Exclusionary Rule	209
IV.	Exclusionary Rule Limitations	211
	A. Recent Narrowing of the Exclusionary Rule	211
	B. Limitations on the Exclusionary Rule	211
	1. The “Good Faith” Exception	211

2. The “Knock and Announce” Exception	215
3. The “Independent Source” and “Inevitable Discovery” Exceptions	216
4. The “Attenuated Taint” Doctrine	218
5. The “Criminal Trial” Limitation	219
6. The Impeachment Exception	220
7. Limitation on Federal Habeas Review	220
V. Other Remedies for Fourth Amendment Violations	221
A. Section 1983 and <i>Bivens</i> Actions	221
B. Common Law Tort Remedies	222
C. The Federal Tort Claims Act	223
D. RICO	223
E. Injunctive Relief	224
F. Administrative Sanctions	224
G. Criminal Prosecutions	224
VI. Review Problem	225
A. Problem	225
B. Analysis	226
Checkpoints	227
Chapter 13 • Due Process Voluntariness	229
Roadmap	229
I. Due Process Voluntariness	229
A. Development of the Doctrine	230
B. Totality of the Circumstances Test	230
C. Investigatory Techniques	231
1. Physical Techniques	231
2. Psychological Techniques	232
3. Lies and Deception	233
4. Promises of Leniency	233
II. The Exclusionary Rule for Involuntary Confessions	233
III. Proving Voluntariness	234
IV. Review Problem	234
A. Problem	234
B. Analysis	235
Checkpoints	236
Chapter 14 • <i>Miranda</i> and Confessions	237
Roadmap	237
I. Background	237

II.	<i>Miranda</i>	239
	A. <i>Miranda</i> 's First Holding: The Privilege Applies outside the Courtroom	239
	B. <i>Miranda</i> 's Second Holding: Compulsion Is Inherent in "Custodial Interrogation"	240
	C. <i>Miranda</i> 's Third Holding: Overcoming Compulsion	241
	1. Prophylactic Rule	241
	2. Why Warnings Are Necessary	242
	3. The Content of the Warnings	242
	D. <i>Miranda</i> 's Fourth Holding: The Waiver Requirement	243
III.	<i>Dickerson v. United States</i>	244
IV.	The <i>Miranda</i> Rules Summarized	246
V.	<i>Miranda</i> 's Impact	247
VI.	Compulsion versus Coercion	249
VII.	Custody	250
	A. Custody Is an Objective, Not a Subjective, Test	251
	B. A Fourth Amendment Comparison	251
	C. The Relevance of Location	253
	D. The Reasonable Person "Under the Circumstances"	254
VIII.	Interrogation	256
	A. The Objective, Reasonable Police Officer Test	256
	1. A Significant Probability of Eliciting a Confession Is Required	256
	2. Mere "On the Scene" Questioning Distinguished	257
	B. When Is an Officer's Request That a Suspect Identify Himself "Interrogation"?: The <i>Hiibel</i> Case	258
	1. The <i>Hiibel</i> Majority	258
	2. Stevens's Dissent	259
IX.	Waiver versus Invocation of Rights	260
	A. Components of a Valid Waiver	260
	1. Implied Waiver	261
	2. Voluntariness	261
	3. Knowing and Intelligent	262
	B. Invocation and Its Consequences	263
	1. What Constitutes Invocation?	263
	2. Resumption of Questioning after Rights Are Invoked	264
X.	Impeachment	274
XI.	<i>Miranda</i> 's Exceptions	275
XII.	Undercover Activities	276

XIII.	Privilege against Self-Incrimination outside <i>Miranda</i>	276
A.	Thresholds: Compulsion, Incrimination, Testimony	276
1.	Compulsion	276
2.	Incrimination	277
3.	Testimony	277
B.	Pre-Existing Documents	278
C.	The “Required Records” Exception	279
D.	Invoking and Waiving the Privilege	279
	Checkpoints	280
Chapter 15 • Interrogations and the Sixth Amendment		283
	Roadmap	283
I.	Introduction	283
II.	Development of the Right: <i>Massiah</i> and <i>Escobedo</i>	284
A.	<i>Massiah</i>	284
B.	<i>Escobedo</i>	285
III.	Deliberate Elicitation	286
A.	Interrogation as “Elicitation”	286
B.	Deliberate	287
C.	Elicitation	288
D.	Jailhouse Snitches	289
IV.	Attachment of the Right to Counsel	290
A.	Triggering the Right	290
B.	Other Charges	290
C.	Offense Specific	290
D.	Same Offense Test	291
V.	Waiver	292
A.	Requirements	292
B.	Interrogation after Assertion of Right	293
C.	Interrogation with No Prior Assertion of Right	295
VI.	Subsequent Use of the Statement	296
A.	Impeachment	296
B.	Fruit of the Poisonous Tree	297
VII.	Review Problem	297
A.	Problem	297
B.	Analysis	298
	Checkpoints	299

Chapter 16 • Eyewitness Identification	301
Roadmap	301
I. Introduction	301
II. The Science of Eyewitness Identifications	303
A. Sources of Error	303
B. Proposed Solutions	304
1. Use Double-Blind Lineups and Photospreads	305
2. Sequential versus Simultaneous Lineups	305
3. Lineup Size	306
4. Lineup Instructions	306
5. Showups	307
6. Sketches	307
III. The Right to Counsel	308
A. Overview	308
B. <i>United States v. Wade</i> and Uncounseled Out-of-Court Identifications	309
C. The In-Court Identification in <i>Wade</i>	312
D. <i>Wade</i> 's Modern Implications	313
IV. Due Process	315
A. Overview	315
B. Defining “Unnecessary Suggestiveness”	315
C. The Likelihood of Misidentification	318
V. Other Constitutional Issues	319
A. Fifth Amendment	319
B. Fourth Amendment	319
Checkpoints	321
Chapter 17 • Entrapment	325
Roadmap	325
I. Introduction	325
II. Subjective Approach	326
III. Objective Approach	328
IV. Entrapment-by-Estoppel	329
V. Sentencing Entrapment	329
VI. Outrageous Government Conduct	330
Checkpoints	331
Mastering Criminal Procedure, Volume 1: The Investigative Stage	
Master Checklist	333
Index	339

Table of Cases

- Adams v. Williams*, 407 U.S. 143 (1972), 103
- Alabama v. White*, 492 U.S. 325 (1990), 102
- Almeida-Sanchez v. United States*, 413 U.S. 266 (1973), 1192, 193
- Aguilar v. Texas*, 378 U.S. 108 (1964), 50, 51, 52, 55, 56
- Andersen v. Maryland*, 427 U.S. 463 (1976), 67, 68, 69
- Arizona v. Evans*, 514 U.S. 1 (1995), 213
- Arizona v. Fulminante*, 499 U.S. 279 (1991), 231, 233
- Arizona v. Gant*, 129 S. Ct. 1710 (2009), 131, 141, 143, 145
- Arizona v. Hicks*, 480 U.S. 321 (1987), 31, 174, 175, 176
- Arizona v. Johnson*, 129 S. Ct. 781 (2009), 138
- Arizona v. Mauro*, 481 U.S. 520 (1987), 257
- Arizona v. Roberts*, 486 U.S. 675 (1988), 267
- Atwater v. City of Lago Vista*, 532 U.S. 318 (2001), 82, 131
- Beck v. Ohio*, 379 U.S. 89 (1964), 41, 45, 46
- Belis v. United States*, 417 U.S. 85 (1974), 280
- Berger v. New York*, 388 U.S. 41 (1967), 68
- Berkemer v. McCarty*, 468 U.S. 420 (1984), 98, 140, 252, 275
- Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), 222, 223
- Blackburn v. Alabama*, 361 U.S. 199 (1960), 230
- Blockburger v. United States*, 284 U.S. 299 (1932), 291, 293
- Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002), 200
- Bond v. United States*, 529 U.S. 334 (2000), 31, 177
- Brendlin v. California*, 551 U.S. 249 (2007), 138
- Brewer v. Williams*, 430 U.S. 387 (1977), 286, 288, 292, 297, 298
- Brigham City v. Stuart*, 547 U.S. 398 (2006), 168
- Brower v. County of Inyo*, 489 U.S. 593 (1989), 87, 96
- Brown v. Illinois*, 422 U.S. 590 (1975), 219
- Brown v. Texas*, 443 U.S. 47 (1979), 101
- Brown v. Mississippi*, 297 U.S. 278 (1936), 230
- Bumper v. North Carolina*, 391 U.S. 543 (1968), 175, 179, 228

- Burdeau v. McDowell*, 256 U.S. 465 (1921), 25
- California v. Acevedo*, 500 U.S. 565 (1991), 148
- California v. Byers*, 402 U.S. 424 (1971), 279
- California v. Carney*, 471 U.S. 386 (1985), 30, 147
- California v. Ciraolo*, 476 U.S. 207 (1986), 32
- California v. Greenwood*, 486 U.S. 35 (1988), 32
- California v. Hodari D.*, 499 U.S. 621 (1991), 87, 96
- Camara v. Municipal Court*, 387 U.S. 523 (1967), 184, 186, 192
- Care v. United States*, 231 F.2d 22 (10th Cir. 1956), 33
- Carroll v. United States*, 267 U.S. 132 (1925), 147, 193
- Chambers v. Maroney*, 399 U.S. 42 (1970), 147
- Chandler v. Miller*, 520 U.S. 305 (1997), 200
- Chapman v. United States*, 365 U.S. 610 (1961), 30, 159
- Chimel v. California*, 395 U.S. 752 (1969), 128, 131, 141, 144
- City of Indianapolis v. Edmond*, 531 U.S. 32 (2000), 189
- City of Los Angeles v. Lyons*, 461 U.S. 95 (1983), 223
- Colonnade Catering Corp. v. United States*, 397 U.S. 72 (1970), 186
- Colorado v. Bertine*, 479 U.S. 367 (1987), 149
- Colorado v. Connelly*, 479 U.S. 157 (1986), 234, 261
- Commonwealth v. Hatcher*, 199 S.W.3d 124 (Ky. 2006), 177
- Commonwealth v. Martinelli*, 729 A.2d 628 (Pa. 1999), 74
- Commonwealth v. Stoute*, 665 N.E. 2d 93 (1996), 96
- Connecticut v. Barrett*, 479 U.S. 523 (1987), 262
- Coolidge v. New Hampshire*, 403 U.S. 443 (1971), 173, 175
- County of Riverside v. McLaughlin*, 500 U.S. 44 (1991), 90, 91
- County of Sacramento v. Lewis*, 523 U.S. 833 (1998), 87, 96
- Crane v. Kentucky*, 476 U.S. 683 (1986), 234
- Cross v. State*, 560 So. 2d 228 (Fla. 1990), 155
- Cupp v. Murphy*, 412 U.S. 291 (1973), 31
- Davis v. Mississippi*, 394 U.S. 721 (1969), 84
- Davis v. United States*, 512 U.S. 452 (1994), 263, 319, 321
- Delaware v. Prouse*, 440 U.S. 648 (1979), 188, 194
- Devenpeck v. Alford*, 543 U.S. 146 (2004), 43
- Dickerson v. United States*, 530 U.S. 428 (2000), 244, 269
- Donovan v. Dewey*, 452 U.S. 594 (1981), 187
- Dorman v. United States*, 435 F.2d 385 (D.C. Cir. 1970), 167
- Doyle v. Ohio*, 462 U.S. 610 (1976), 274
- Dunaway v. New York*, 442 U.S. 200 (1979), 97
- Edwards v. Arizona*, 451 U.S. 477 (1981), 265, 268, 293, 295

- Eisman v. Superior Court*, 98 Cal. Rptr. 342 (Cal. Ct. App. 1971), 175
- Escobedo v. Illinois*, 378 U.S. 478 (1964), 285
- Ferguson v. City of Charleston*, 532 U.S. 67 (2001), 182, 200, 202
- Fields v. State*, 382 So.2d 1098 (Miss. 1980), 151
- Fisher v. United States*, 425 U.S. 391 (1976), 278, 280
- Flagg Bros., Inc. v. Brooks*, 436 U.S. 149 (1978), 280
- Florida v. Bostick*, 501 U.S. 429 (1991), 37, 93, 94, 157, 161
- Florida v. Jimeno*, 500 U.S. 248 (1991), 27, 155
- Florida v. J.L.*, 529 U.S. 266 (2000), 103
- Florida v. Powell*, No. 08-1175 (*cert. granted*) June 22, 2009, 239
- Florida v. Riley*, 488 U.S. 445 (1989), 32
- Florida v. Royer*, 460 U.S. 491 (1983), 97
- Florida v. Wells*, 495 U.S. 1 (1990), 150
- Florida v. White*, 526 U.S. 559 (1999), 83
- Frazier v. Cupp*, 394 U.S. 731 (1969), 159, 233, 236
- Garcetti v. Ceballos*, 547 U.S. 410 (2006), 58
- Garcia v. Singleton*, 1 F.3d 1487 (11th Cir. 1994), 253
- Gaudlin v. State*, 683 S.W.2d 411 (Tex. Crim. App. 1984), 143
- Georgia v. Randolph*, 547 U.S. 103 (2006), 159
- Gerstein v. Pugh*, 420 U.S. 103 (1975), 90
- Gideon v. Wainwright*, 372 U.S. 335 (1963), 283
- Gilbert v. California*, 388 U.S. 263 (1967), 277, 311
- Giordenello v. United States*, 357 U.S. 480 (1958), 57
- Graham v. O'Connor*, 490 U.S. 386 (1989), 78, 85
- Greer v. Miller*, 483 U.S. 756 (1987), 274
- Griffin v. Wisconsin*, 483 U.S. 868 (1987), 197, 202
- Groh v. Ramirez*, 540 U.S. 551 (2004), 69, 214
- Grosso v. United States*, 390 U.S. 62 (1968), 279
- Hale v. Henkel*, 201 U.S. 43 (1906), 279
- Hampton v. United States*, 435 U.S. 484 (1976), 330
- Harris v. New York*, 401 U.S. 222, 226 (1971), 220
- Hayes v. Florida*, 470 U.S. 811 (1985), 84, 97
- Herring v. United States*, 129 S. Ct. 695 (2009), 146, 211, 214, 226
- Hester v. United States*, 265 U.S. 57 (1924), 33
- Hiibel v. Sixth Judicial District Court of Nevada Humboldt County*, 542 U.S. 177 (2004), 98, 258
- Hoffa v. United States*, 385 U.S. 293 (1966), 34
- Holt v. United States*, 218 U.S. 245 (1910), 277
- Horton v. California*, 496 U.S. 128 (1990), 174, 176

- Hudson v. Michigan*, 547 U.S. 586 (2006), 76, 215
- Hudson v. Palmer*, 468 U.S. 517 (1984), 30, 196
- Huff v. State*, 452 So.2d 1352 (Ala. Crim. App. 1984), 277
- Hulse v. State*, 961 P.2d 75 (Mont. 1988), 31
- Illinois v. Caballes*, 543 U.S. 405 (2005), 36, 139
- Illinois v. Gates*, 462 U.S. 213 (1983), 44, 47, 48, 50, 52, 56, 71
- Illinois v. Krull*, 480 U.S. 340 (1987), 213
- Illinois v. Lafayette*, 422 U.S. 640 (1983), 133, 149
- Illinois v. Lidster*, 540 U.S. 419 (2004), 179, 189
- Illinois v. McArthur*, 531 U.S. 326 (2001), 37, 170
- Illinois v. Perkins*, 496 U.S. 292 (1990), 276
- Illinois v. Rodriguez*, 497 U.S. 177 (1990), 160
- Illinois v. Wardlow*, 528 U.S. 119 (2000), 98, 102
- In re Doe v. United States*, 801 F.2d 1164 (9th Cir. 1986), 279
- Jacobsen v. United States*, 503 U.S. 540 (1992), 327
- James v. Illinois*, 493 U.S. 307 (1990), 220
- Johnson v. State*, 137 P.3d 903 (Wyo. 2006), 151
- Johnson v. Zerbst*, 304 U.S. 458 (1938), 292
- Kansas v. Ventris*, 129 S.Ct. 1841 (2009), 289, 296, 299
- Kastigar v. United States*, 406 U.S. 441 (1972), 277
- Katz v. United States*, 389 U.S. 347 (1967), 26, 27, 29, 112, 113
- Kaupp v. Texas*, 538 U.S. 626 (2003), 83, 97
- Kirby v. Illinois*, 406 U.S. 682 (1972), 285, 308
- Knowles v. Iowa*, 525 U.S. 113 (1998), 130
- Kuhlman v. Wilson*, 477 U.S. 436 (1986), 289
- Kyllo v. United States*, 533 U.S. 27 (2001), 35
- Lewis v. United States*, 385 U.S. 206 (1966), 34
- Leyra v. Denno*, 347 U.S. 556 (1954), 232
- Lopez v. United States*, 373 U.S. 427 (1963), 34
- Los Angeles County v. Rettele*, 550 U.S. 609 (2007), 78
- Lynnum v. Illinois*, 372 U.S. 528 (1963), 233
- Maine v. Moulton*, 474 U.S. 159 (1985), 288, 290, 298
- Manson v. Braithwaite*, 433 U.S. 98 (1977), 315, 318
- Mapp v. Ohio*, 367 U.S. 643 (1961), 207, 211, 216
- Marchetti v. United States*, 390 U.S. 39 (1968), 279
- Marshall v. Barlows, Inc.*, 436 U.S. 307 (1978), 185
- Maryland v. Buie*, 494 U.S. 325 (1990), 77
- Maryland v. Garrison*, 480 U.S. 79 (1987), 66
- Maryland v. Pringle*, 540 U.S. 366 (2003), 47, 49, 50, 60, 61
- Maryland v. Wilson*, 519 U.S. 408 (1997), 97, 138

- Massachusetts v. Sheppard*, 468 U.S. 981 (1984), 211, 213
- Massiah v. United States*, 377 U.S. 201 (1964), 284, 287, 298
- Mathews v. United States*, 485 U.S. 58 (1988), 328
- Mathis v. United States*, 391 U.S. 1 (1968), 253
- Mayfield v. United States*, 504 F.Supp.2d 1023 (D.Or. 2007), 121
- McNeil v. Wisconsin*, 501 U.S. 171 (1991), 290, 294
- Michigan Department of State Police v. Sitz*, 496 U.S. 444 (1990), 182, 189
- Michigan v. Clifford*, 464 U.S. 287 (1984), 167
- Michigan v. Harvey*, 494 U.S. 344 (1990), 296, 298
- Michigan v. Jackson*, 475 U.S. 625 (1986), 293, 296
- Michigan v. Long*, 463 U.S. 1032 (1983), 139
- Michigan v. Mosley*, 432 U.S. 96 (1975), 264, 266
- Michigan v. Summers*, 452 U.S. 692 (1981), 77
- Michigan v. Tucker*, 417 U.S. 433 (1974), 270
- Michigan v. Tyler*, 436 U.S. 499 (1978), 167, 180, 188
- Mincey v. Arizona*, 437 U.S. 385 (1978), 169, 215
- Minnesota v. Carter*, 525 U.S. 83 (1998), 30
- Minnesota v. Dickerson*, 508 U.S. 366 (1993), 176
- Minnesota v. Murphy*, 465 U.S. 420 (1984), 253
- Minnesota v. Olson*, 495 U.S. 91 (1990), 30, 83, 84, 169
- Miranda v. Arizona*, 384 U.S. 436 (1966), 47, 156, 219, 229, 241-258, 260-278, 283, 286, 287, 291, 292, 296, 298, 313
- Missouri v. Seibert*, 542 U.S. 600 (2004), 270, 273
- Montejo v. Louisiana*, 129 S.Ct. 2079 (2009), 268, 293
- Moran v. Burbine*, 475 U.S. 412 (1986), 261
- Muehler v. Mena*, 544 U.S. 93 (2005), 77
- Murray v. United States*, 487 U.S. 533 (1988), 216
- National Treasury Employees Union v. Von Raab*, 489 U.S. 656 (1989), 198, 202
- Neil v. Biggers*, 409 U.S. 188, 198 (1972), 315, 317
- New Jersey v. T.L.O.*, 469 U.S. 325 (1985), 25, 180, 195, 199, 202
- New York v. Belton*, 453 U.S. 454 (1981), 141-147
- New York v. Burger*, 482 U.S. 691 (1987), 187
- New York v. Quarles*, 467 U.S. 649 (1984), 275
- Nix v. Williams*, 467 U.S. 431 (1984), 217, 297
- North Carolina v. Butler*, 441 U.S. 369 (1979), 261
- O'Connor v. Ortega*, 480 U.S. 709 (1987), 196
- Ohio v. Robinette*, 519 U.S. 33 (1996), 140, 158
- Oliver v. United States*, 466 U.S. 170 (1984), 30, 33

- Olivera v. State*, 315 So.2d 487 (Fla. Dist. Ct. App. 1975), 30
- Olmstead v. United States*, 277 U.S. 438 (1928), 111, 112
- Onossian v. Block*, 175 F.3d 1169 (9th Cir. 1999), 87
- Oregon v. Bradshaw*, 462 U.S. 1039, 1045 (1983), 268
- Oregon v. Elstad*, 470 U.S. 298 (1985), 234, 245, 269, 271, 272, 273
- Oregon v. Mathiason*, 429 U.S. 492 (1977), 253
- Orozco v. Texas*, 394 U.S. 324 (1969), 253
- Overton v. Ohio*, 534 U.S. 982 (2001), 57
- Ornelas v. United States*, 517 U.S. 690 (1996), 100
- Patterson v. Illinois*, 487 U.S. 285 (1988), 295
- Payne v. Arkansas*, 356 U.S. 560 (1958), 232
- Payton v. New York*, 445 U.S. 573 (1980), 83, 168
- Pennsylvania v. Mimms*, 434 U.S. 106 (1977), 97, 138
- Pennsylvania v. Muniz*, 496 U.S. 582 (1990), 257, 275, 319
- People v. Barraza*, 591 P.2d 947 (Cal. 1979), 329
- People v. Boff*, 766 P.2d 646 (Colo. 1988), 132
- People v. Hopkins*, 870 P.2d 478 (Colo. 1994), 161
- People v. Martinez*, 80 N.Y. 2d 444 (N.Y. App. 1992), 96
- Powell v. Alabama*, 287 U.S. 45 (1932), 284, 310
- Powell v. Nevada*, 511 U.S. 79 (1994), 91
- Preston v. United States*, 376 U.S. 364 (1964), 132
- Rakas v. Illinois*, 439 U.S. 128 (1978), 208
- Rawlings v. Kentucky*, 448 U.S. 98 (1980), 130
- Reid v. Georgia*, 448 U.S. 438 (1980), 105
- Rhode Island v. Innis*, 446 U.S. 291 (1980), 256, 287
- Richards v. Wisconsin*, 520 U.S. 385 (1997), 72, 73
- Rothgery v. Gillespie County*, 128 S.Ct. 2578 (2008), 290
- Safford Unified School District #1 v. Redding*, 129 S.Ct. 2633 (2009), 195
- Samson v. California*, 547 U.S. 843 (2006), 197
- Schmerber v. California*, 384 U.S. 757 (1966), 31, 133, 170, 277
- Schneckloth v. Bustamonte*, 412 U.S. 218 (1973), 156, 158
- Scott v. Harris*, 550 U.S. 372 (2007), 88
- See v. City of Seattle*, 387 U.S. 541 (1967), 184, 192
- Segura v. United States*, 468 U.S. 796 (1984), 216
- Sherman v. United States*, 356 U.S. 369 (1958), 326
- Simmons v. United States*, 390 U.S. 377 (1968), 210, 316
- Skinner v. Railway Labor Executives' Association*, 489 U.S. 602 (1989), 31, 198, 200, 202
- Smith v. Maryland*, 442 U.S. 735 (1979), 29, 33

- Soldal v. Cook County*, 506 U.S. 56 (1992), 37
- Sorrells v. United*, 287 U.S. 435 (1932), 326
- South Dakota v. Neville*, 459 U.S. 553 (1983), 277
- South Dakota v. Opperman*, 428 U.S. 364 (1976), 149, 151
- Spano v. New York*, 360 U.S. 315 (1959), 232
- Spinelli v. United States*, 393 U.S. 410 (1969), 50, 51, 52, 55, 56
- Stanley v. Georgia*, 394 U.S. 557 (1969), 175
- Stansbury v. California*, 511 U.S. 318 (1994), 251
- State v. Carty*, 790 A.2d 903 (N.J. 2002), 163
- State v. Cordova*, 748 P.2d 30 (N.M. 1989), 56
- State v. Curtin*, 332 S.E.2d 619 (W.Va. 1985), 35
- State v. Dean*, 76 P.3d 429 (Ariz. 2003), 143
- State v. Fort*, 660 N.W.2d 415 (Minn. 2003), 163
- State v. Gubitosi*, 886 A.2d 1029 (N.H. 2005), 34
- State v. Hardy*, 577 N.W.2d 212 (Minn. 1998), 31
- State v. Huddleston*, 924 S.W.2d 666 (Tenn. 1996), 91
- State v. Jackson*, 46 P.3d 257 (Wash. Ct. App. 2002), 35
- State v. McClearly*, 568 P.2d 1142 (Ariz. Ct. App. 1977), 169
- State v. Wells*, 539 So.2d 464 (Fla. 1989), 155
- Steagald v. United States*, 451 U.S. 204 (1981), 83
- Steve Jackson Games, Inc. v. United States Secret Service*, 36 F.3d 457 (5th Cir. 1994), 114
- Stigile v. Clinton*, 110 F.3d 801 (D.C. Cir. 1997), 202
- Stone v. Powell*, 428 U.S. 465 (1976), 220
- Stoner v. California*, 376 U.S. 483 (1964), 30, 159
- Stovall v. Denno*, 388 U.S. 293 (1967), 316
- Tennessee v. Garner*, 471 U.S. 1 (1985), 38, 85, 89
- Terry v. Ohio*, 392 U.S. 1 (1968), 31, 40, 76, 77, 91, 95, 99, 106, 128, 138, 139, 177, 189, 192, 259
- Texas v. Cobb*, 532 U.S. 162 (2001), 291, 298
- Thompson v. Louisiana*, 469 U.S. 17 (1984), 167, 169
- Thornton v. United States*, 541 U.S. 615 (2004), 141, 143, 145
- United States v. Achter*, 52 F.3d 753 (8th Cir. 1995), 329
- United States v. Alvarado*, 440 F.3d 191 (4th Cir. 2006), 292
- United States v. Arvizu*, 534 U.S. 266 (2002), 75, 99
- United States v. Ash*, 413 U.S. 300 (1973), 309, 314
- United States v. Aukai*, 497 F.3d 955 (9th Cir. 2007), 188
- United States v. Avants*, 278 F.3d 510 (5th Cir. 2002), 292
- United States v. Banks*, 540 U.S. 31 (2003), 74
- United States v. Biswell*, 406 U.S. 311 (1972), 186
- United States v. Booker*, 496 F.3d 717 (D.C. Cir. 2007), 143

- United States v. Brignoni-Ponce*, 422 U.S. 873 (1975), 192
- United States v. Carter*, 378 F.3d 584 (6th Cir. 2004), 174
- United States v. Christian*, 187 F.3d 663 (D.C. Cir. 1999), 139
- United States v. Coker*, 433 F.3d 39 (1st Cir. 2005), 292
- United States v. Conley*, 779 F. 2d 970 (4th Cir. 1985), 253
- United States v. Crews*, 445 U.S. 463 (1980), 320
- United States v. Di Re*, 22 U.S. 581 (1948), 61
- United States v. Diaz*, 519 F.3d 56 (1st Cir. 2008), 139
- United States v. Dion*, 762 F.2d 674 (8th Cir. 1985), 327
- United States v. Dionisio*, 410 U.S. 1 (1973), 28
- United States v. Donovan*, 429 U.S. 413 (1977), 129
- United States v. Drayton*, 536 U.S. 194 (2002), 94, 154, 157
- United States v. Dunn*, 480 U.S. 294 (1987), 30
- United States v. Finley*, 477 F.3d 250 (5th Cir. 2007), 133
- United States v. Flores-Montano*, 541 U.S. 149 (2004), 191
- United States v. Forrester*, 512 F.3d 500 (9th Cir. 2008), 34
- United States v. Freeman*, 482 F.3d 829 (5th Cir. 2007), 160
- United States v. Gamble*, 737 F.2d 853 (Kan. 1984), 330
- United States v. Garner*, 907 F.2d 60 (8th Cir. 1990), 35
- United States v. Grubbs*, 547 U.S. 90 (2006), 63
- United States v. Henry*, 447 U.S. 264 (1980), 287, 289
- United States v. Holland*, 438 F.2d 887 (6th Cir. 1971), 27
- United States v. Hollingsworth*, 27 F.3d 1197 (7th Cir. 1994), 327
- United States v. Jacobsen*, 466 U.S. 109 (1984), 25, 36
- United States v. Karo*, 468 U.S. 705 (1984), 35
- United States v. Knights*, 534 U.S. 112 (2001), 197
- United States v. Knotts*, 460 U.S. 276 (1983), 35
- United States v. Knox*, 112 F.3d 802 (5th Cir. 1997), 327
- United States v. Lee*, 274 U.S. 559 (1972), 35
- United States v. Lefkowitz*, 285 U.S. 452 (1932), 130
- United States v. Leon*, 468 U.S. 897 (1984), 211, 213, 215
- United States v. Looney*, 481 F.2d 31 (5th Cir. 1973), 175
- United States v. Mara*, 410 U.S. 19 (1973), 27
- United States v. Martinez-Fuerte*, 428 U.S. 543 (1976), 193
- United States v. Matlock*, 415 U.S. 164 (1974), 159, 161
- United States v. McLaughlin*, 170 F.3d 889 (9th Cir. 1999), 131
- United States v. McNeal*, 955 F.2d 1067 (6th Cir. 1992), 83
- United States v. Mendenhall*, 446 U.S. 544 (1980), 37, 92
- United States v. Miller*, 425 U.S. 435 (1976), 33
- United States v. Mills*, 412 F.3d 325 (2nd Cir. 2005), 292

- United States v. Montoya de Hernandez*, 473 U.S. 531 (1985), 191
- United States v. Morales*, 923 F.2d 621 (8th Cir. 1991), 132
- United States v. Passaro*, 624 F.2d 938 (9th Cir. 1980), 132
- United States v. Patane*, 542 U.S. 630 (2004), 270, 272
- United States v. Perez*, 440 F.Supp 272 (N.D. Ohio 1977), 169
- United States v. Place*, 462 U.S. 696 (1983), 36, 97
- United States v. Queen*, 847 F.2d 346 (7th Cir. 1988), 131
- United States v. Rabinowitz*, 339 U.S. 56 (1950), 128
- United States v. Ramirez*, 523 U.S. 65 (1998), 73, 74
- United States v. Ramsey*, 431 U.S. 606 (1977), 191
- United States v. Richardson*, 515 F.3d 74 (1st Cir. 2008), 151
- United States v. Robinson*, 414 U.S. 218 (1973), 31, 129, 132
- United States v. Ross*, 456 U.S. 798 (1982), 148
- United States v. Russell*, 411 U.S. 423 (1973), 330
- United States v. Sanders*, 196 F.3d 910 (8th Cir. 1999), 27
- United States v. Santana*, 427 U.S. 38 (1976), 168
- United States v. Sharpe*, 470 U.S. 675 (1985), 115
- United States v. Sokolow*, 490 U.S. 1 (1989), 99, 105
- United States v. Strahan*, 565 F.3d 1047 (7th Cir. 2009), 329
- United States v. Strickland*, 902 F.2d 937 (11th Cir. 1990), 155
- United States v. Stuart*, 923 F.2d 607 (8th Cir. 1991), 329
- United States v. Talvolacci*, 895 F.2d 1423 (D.C. Cir. 1990), 132
- United States v. Thomas*, 864 F.2d 843 (D.C. Cir. 1989), 27
- United States v. Twigg*, 588 F.2d 373 (3d Cir. 1978), 330
- United States v. Verdugo-Urquidez*, 494 U.S. 259 (1990), 25
- United States v. Villamonte-Marquez*, 462 U.S. 579 (1983), 194
- United States v. Wade*, 388 U.S. 218 (1967), 277, 309, 311, 313, 319
- United States v. Walther*, 652 F.2d 788 (9th Cir. 1981), 25
- United States v. Washington*, 431 U.S. 181 (1977), 276
- United States v. Watson*, 423 U.S. 411 (1976), 158, 168
- United States v. White*, 401 U.S. 745 (1971), 34
- United States v. Wilson*, 36 F.3d 205 (1st Cir. 1994), 27
- Vernonia School District 47J v. Acton*, 515 U.S. 646 (1995), 199, 202
- Virginia v. Moore*, 553 U.S. 164 (2008), 82, 130
- Walder v. United States*, 347 U.S. 62 (1954), 274
- Warden v. Hayden*, 387 U.S. 294 (1967), 84, 166
- Wayman v. James*, 400 U.S. 309 (1971), 190
- Weeks v. United States*, 232 U.S. 383 (1914), 206
- Welsh v. Wisconsin*, 466 U.S. 740 (1984), 167, 170
- Whiteley v. Warden*, 401 U.S. 560, 568 (1971), 42

- Whren v. United States*, 517 U.S. 806 (1996), 44, 140, 162, 176
- Wilson v. Arkansas*, 514 U.S. 927 (1995), 72, 73, 215
- Wolf v. Colorado*, 338 U.S. 25 (1949), 206
- Wong Sun v. United States*, 371 U.S. 471 (1963), 218, 226
- Yarborough v. Alvarado*, 541 U.S. 652 (2004), 254
- Ybarra v. Illinois*, 444 U.S. 85 (1979), 60, 76, 77

Series Editor's Foreword

The Carolina Academic Press Mastering Series is designed to provide you with a tool that will enable you to easily and efficiently “master” the substance and content of law school courses. Throughout the series, the focus is on quality writing that makes legal concepts understandable. As a result, the series is designed to be easy to read and is not unduly cluttered with footnotes or cites to secondary sources.

In order to facilitate student mastery of topics, the Mastering Series includes a number of pedagogical features designed to improve learning and retention. At the beginning of each chapter, you will find a “Roadmap” that tells you about the chapter and provides you with a sense of the material that you will cover. A “Checkpoint” at the end of each chapter encourages you to stop and review the key concepts, reiterating what you have learned. Throughout the book, key terms are explained and emphasized. Finally, a “Master Checklist” at the end of each book reinforces what you have learned and helps you identify any areas that need review or further study.

We hope that you will enjoy studying with, and learning from, the Mastering Series.

Russell L. Weaver
Professor of Law & Distinguished University Scholar
University of Louisville, Louis D. Brandeis School of Law

Preface

It is difficult to synthesize all of criminal procedure in two volumes. One finds state and federal differences in procedure, and systems that constantly change as a result of new statutes, rules, and court interpretations. The authors hope that this overview of criminal procedure will offer students an accessible study guide in understanding this important subject. The book, however, is not intended to serve as a guide for resolving a specific problem or case.

This Volume One covers the major issues in criminal procedure that relate to the Fourth, Fifth, and Sixth Amendment rights provided in the U.S. Constitution and also covers entrapment. Volume Two examines procedure issues from the bail through the jail process and also considers post-conviction matters. Because the law is not stagnant, it is important to note in using these books that one needs to look to updates that may modify the existing law.

There are many to thank:

- Professor Peter J. Henning thanks his assistant, Olive Hyman, who makes it all work, and the research assistance of Bob Rogosich (Wayne State University Law School Class of 2011).
- Professor Andrew Tasltiz thanks his wife, Patricia V. Sun, Esq., and his dogs, Odo and B'lanna, for their support, patience, love, and feedback on early drafts of several chapters (trust me—the dogs can give you a look that says, “Oh, come on! You can do better than that!”); his research assistants, Melissa Bancroft, Jasmine Modoor, Jeanne Laurenceau, Natasha Williams, and Cassandra Thomas, for their excellent work; his secretary, Gay Kirsch, for her outstanding production skills; and his co-authors, criminal procedure geeks all, albeit with warm hearts and an instinctive way of knowing just how to make me smile.
- Dean Margaret L. Paris thanks her co-authors, who always inspire.
- Professor Cynthia E. Jones thanks her wonderful deans fellows, Molly Bruder, Rebecca Walters, Brandi Taylor, and Shari D’Andrade, for their research assistance, and her Criminal Procedure students—past, present and future—at the American University, Washington College of Law

- Professor Ellen S. Podgor thanks Gordon J. Kirsch, Shannon Mullins, Stetson University College of Law, and her incredible co-authors.

Peter J. Henning
Andrew Taslitz
Margaret L. Paris
Cynthia E. Jones
Ellen S. Podgor

January 2010