

# Mastering Criminal Procedure

## Volume 2

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# Mastering Criminal Procedure

## Volume 2: The Adjudicatory Stage

*Second Edition*

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*To the Hennings*  
(Eugene, Mildred, William, Phyllis, and Philip)  
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





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# 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.

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# 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 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 the Mastering Criminal Procedure volumes that one needs to look to recent cases and legislative developments that may modify the existing law.

As we were preparing the second edition, we lost our friend and colleague, Andy Taslitz. His prodigious knowledge of criminal procedure continues to suffuse this book, and he remains as a co-author.

There are many to thank:

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