

CRIMINAL PROCEDURE
Eighth Edition

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Eighth Edition

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MATTHEW  BENDER

Dedication

This book is dedicated to:
Norma Cox Cook,
Becca Nimmer Marcus, and
L.M. Reeves.

Preface

Our purpose in this latest edition, as previously, has been to produce a classroom casebook of manageable length that stresses the interplay of constitutional principles and the practical considerations that confront both prosecution and defense attorneys. Lengthy Supreme Court decisions have been substantially edited, although hopefully the “flavor” of the constitutional views of the various Justices has been retained. The insertion of sample forms is intended to illustrate the manner in which Supreme Court edict has filtered down to work-a-day law enforcement and prosecution. Problems, for the most part extracted from lower court decisions, serve to demonstrate the vague parameters of Supreme Court pronouncements.

To achieve the result we sought, the major sacrifice has been scope of coverage. Our emphasis has been upon three major subject areas: Arrest, Search and Seizure; Right to Counsel; and Confessions. Numerous other areas are touched upon throughout the book, but we believe a basic course in criminal procedure is best taught by exploring these areas in depth. Finally, the book is designed to promote a high quality classroom experience. It is not a research tool; it does not mention every “major” case. It is our hope, above all else, that it is a highly teachable book.

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Knoxville, Tennessee

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January, 2014

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