

**CRIMINAL PROCEDURE:  
CASES, MATERIALS, AND  
QUESTIONS  
Fourth Edition**

# LexisNexis Law School Publishing Advisory Board

---

**Bridgette Carr**

*Clinical Professor of Law*  
University of Michigan Law School

**Steven I. Friedland**

*Professor of Law and Senior Scholar*  
Elon University School of Law

**Carole Goldberg**

*Jonathan D. Varat Distinguished Professor of Law*  
UCLA School of Law

**Oliver Goodenough**

*Professor of Law*  
Vermont Law School

**Paul Marcus**

*Haynes Professor of Law*  
William and Mary Law School

**John Sprankling**

*Distinguished Professor of Law*  
McGeorge School of Law

# CRIMINAL PROCEDURE: CASES, MATERIALS, AND QUESTIONS

---

*Fourth Edition*

**Arnold H. Loewy**

*George Killam Professor of Criminal Law  
Texas Tech University School of Law*

ISBN: 978-1-6328-1540-8

Looseleaf ISBN: 978-1-6328-1599-6

Ebook ISBN: 978-1-6328-1541-5

**Library of Congress Cataloging-in-Publication Data**

Loewy, Arnold H., author.

Criminal procedure : cases, materials, and questions / Arnold H. Loewy, George Killam Professor of Criminal Law, Texas Tech University School of Law. -- Fourth Edition.

pages cm

Includes index.

ISBN 978-1-63281-540-8 (hardbound)

1. Criminal procedure--United States--Cases. 2. Criminal procedure--United States. I. Title.

KF9619.L64 2015

345.73'05--dc23

2014048959

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender and the Matthew Bender Flame Design are registered trademarks of Matthew Bender Properties Inc.

Copyright © 2015 Matthew Bender & Company, Inc., a member of LexisNexis. All Rights Reserved.

No copyright is claimed by LexisNexis or Matthew Bender & Company, Inc., in the text of statutes, regulations, and excerpts from court opinions quoted within this work. Permission to copy material may be licensed for a fee from the Copyright Clearance Center, 222 Rosewood Drive, Danvers, Mass. 01923, telephone (978) 750-8400.

**NOTE TO USERS**

To ensure that you are using the latest materials available in this area, please be sure to periodically check the LexisNexis Law School web site for downloadable updates and supplements at [www.lexisnexis.com/lawschool](http://www.lexisnexis.com/lawschool).

Editorial Offices

630 Central Ave., New Providence, NJ 07974 (908) 464-6800

201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200

[www.lexisnexis.com](http://www.lexisnexis.com)

MATTHEW  BENDER

# DEDICATION

---

To the Texas Tech School of Law that has provided me with an incredibly nurturing and sustaining environment for the past nine years, my former Dean, Walter Huffman, whose gentle persuasion helped convince me to come to Texas Tech, and my current Dean, Darby Dickerson.



## *Fourth Edition Preface*

---

This book is designed for a complete criminal procedure course. It can be covered tightly in four hours or quite leisurely in five hours. In my judgment, much of criminal procedure is the sort of material that ought to be part of a good citizen/lawyer's repertoire. Consequently, this book and course are not designed exclusively for future criminal law practitioners. Rather, the book and course are designed as a roadmap for those who wish to learn about governmental limitations on police and/or trial procedures in the criminal context.

The presentation of the materials is focused, rather than scatter-gun. That is, each case is presented, lightly edited (deletions not usually noted in the material), with a series of focused questions and notes (mostly questions) following it. It is contemplated that the students will read the case, focus on the question, reread the case, and be prepared to discuss some or all of the questions in class. Because the cases are lightly edited, the total number of pages per class might seem unusually long. However, most classes will involve studying only three or four cases. Because of this precise focus, the material should be manageable.

As a matter of editing style, law review articles and other collateral material are usually not cited in the questions and notes. This is not because of the author's belief that they are unimportant. My primary reason for generally not including collateral sources is to ensure that the student's focus will not be directed away from the precise questions in the book.

There are many people to thank: John Fischer for research assistance in the 1st edition, William Cross for research assistance in the second edition, Clint Buck for research assistance on the third edition, and Ronald Miller for research assistance on the fourth edition. The UNC Law Center for financial assistance for the first and second edition, the Texas Tech School of Law for its incredible support in preparing the third edition, and my wife, Judy, for emotional assistance. A number of colleagues across the country have contributed to my understanding of criminal procedure, but I would like to particularly acknowledge two of them. Arthur LaFrance, of Lewis and Clark, who, coauthored my first criminal procedure casebook with me. Undoubtedly some of his influence remains in this book. The late Professor Laura Webster of Mercer Law School, a former Philadelphia Public Defender, taught me much about, among other things, criminal procedure.

Arnold H. Loewy  
George Killam Professor of Criminal Law  
Texas Tech School of Law  
Lubbock, Texas  
February 9, 2015





# TABLE OF CONTENTS

<b>Chapter 1</b>	<b>THE PROTECTIONS OF AND RATIONALE FOR THE FOURTH AMENDMENT</b>	<b>1</b>
	<i>Brinegar v. United States</i>	2
	Questions and Notes	3
	<i>Draper v. United States</i>	3
	Questions and Notes	4
<b>Chapter 2</b>	<b>PROBABLE CAUSE</b>	<b>5</b>
	<i>Brinegar v. United States</i>	5
	Questions and Notes	12
	<i>Draper v. United States</i>	13
	Questions and Notes	18
	<i>Spinelli v. United States</i>	18
	Questions and Notes	27
	<i>Illinois v. Gates</i>	28
	Questions and Notes	46
	<i>Massachusetts v. Upton</i>	47
	Questions and Notes	51
	<i>Commonwealth v. Upton</i>	52
	Questions and Notes	55
	<i>Maryland v. Pringle</i>	56
	Questions and Notes	59
	<i>Florida v. Harris</i>	59
	Questions and Notes	65
<b>Chapter 3</b>	<b>THE NEED FOR A WARRANT</b>	<b>67</b>
A.	IS THE WARRANT REQUIREMENT THE EXCEPTION OR THE RULE?	67
	<i>Vale v. Louisiana</i>	67
	Questions and Notes	71
	<i>Chambers v. Maroney</i>	71
	Questions and Notes	76
	<i>United States v. Chadwick</i>	76
	Questions and Notes	79
B.	THE ANATOMY OF A WARRANT	80
	<i>Groh v. Ramirez</i>	80
	Questions and Notes	88
C.	WHO CAN ISSUE A WARRANT?	88
	<i>Shadwick v. Tampa</i>	88
	Questions and Notes	91

---

*Table of Contents*

<b>Chapter 4</b>	<b>ARRESTS</b>	<b>93</b>
A.	ARRESTS IN THE HOME	93
	<i>United States v. Santana</i>	94
	Questions and Notes	95
	<i>Payton v. New York</i>	96
	Questions and Notes	109
	<i>Steagald v. United States</i>	109
	Questions and Notes	118
	<i>Welsh v. Wisconsin</i>	119
	Questions and Notes	124
	<i>Minnesota v. Olson</i>	124
	Questions and Notes	126
	Problem	127
B.	FORCE IN EFFECTUATING AN ARREST	128
	<i>Tennessee v. Garner</i>	128
	Questions and Notes	138
	<i>Graham v. Connor</i>	139
	Questions and Notes	142
	Problem	142
	<i>Scott v. Harris</i>	142
	Questions and Notes	152
C.	DETENTION OF PERSONS PURSUANT TO A SEARCH WARRANT	153
	<i>Michigan v. Summers</i>	153
	Questions and Notes	158
	<i>Muehler v. Mena</i>	158
	Questions and Notes	165
	Problem	166
D.	SEARCH INCIDENT TO ARREST	167
	<i>Chimel v. California</i>	167
	Questions and Notes	176
	<i>Maryland v. Buie</i>	176
	Questions and Notes	183
<b>Chapter 5</b>	<b>PLAIN VIEW</b>	<b>185</b>
	<i>Horton v. California</i>	185
	Questions and Notes	194
	<i>Arizona v. Hicks</i>	194
	Questions and Notes	202

---

*Table of Contents*

<b>Chapter 6</b>	<b>AUTOMOBILES</b>	<b>203</b>
A.	THE RULE AND ITS RATIONALE	203
	<i>California v. Carney</i>	203
	Questions and Notes	211
B.	CARS AND CONTAINERS	211
	<i>California v. Acevedo</i>	212
	Questions and Notes	226
	Problem	226
C.	SEARCH INCIDENT TO ARREST IN AN AUTOMOBILE	228
	<i>Arizona v. Gant</i>	228
	Questions and Notes	243
D.	SUSPICIONLESS HIGHWAY STOPS	243
	<i>Delaware v. Prouse</i>	244
	Questions and Notes	250
	<i>Michigan v. Sitz</i>	250
	Questions and Notes	263
	<i>City of Indianapolis v. Edmond</i>	263
	Questions and Notes	274
	<i>Illinois v. Lidster</i>	274
	Questions and Notes	278
E.	INVENTORY SEARCHES	278
	<i>Colorado v. Bertine</i>	278
	Questions and Notes	287
	<i>Florida v. Wells</i>	288
	Questions and Notes	289
<b>Chapter 7</b>	<b>SEARCHING COMPUTERS AND CELL PHONES</b>	<b>291</b>
	<i>Riley v. California</i>	291
	Questions and Notes	306
<b>Chapter 8</b>	<b>LIMITED SEARCHES ON LESS THAN PROBABLE CAUSE</b>	<b>309</b>
A.	PROTECTION OF THE OFFICER	309
	<i>Terry v. Ohio</i>	309
	Questions and Notes	322
	<i>Sibron v. New York</i>	323
	Questions and Notes	325
	Problem	325
	<i>Michigan v. Long</i>	326
	Questions and Notes	336
	<i>Ybarra v. Illinois</i>	336

---

*Table of Contents*

	Questions and Notes . . . . .	342
B.	WHAT IS REASONABLE SUSPICION? HOW IS IT DIFFERENT FROM PROBABLE CAUSE? . . . . .	342
	<i>Adams v. Williams</i> . . . . .	343
	Questions and Notes . . . . .	349
	<i>United States v. Cortez</i> . . . . .	349
	Questions and Notes . . . . .	355
	<i>Florida v. Royer</i> . . . . .	355
	Questions and Notes . . . . .	363
	<i>United States v. Sokolow</i> . . . . .	363
	Questions and Notes . . . . .	370
	<i>Alabama v. White</i> . . . . .	371
	Questions and Notes . . . . .	375
	<i>Florida v. J.L.</i> . . . . .	375
	Questions and Notes . . . . .	379
	<i>Prado Navarette v. California</i> . . . . .	380
	Questions and Notes . . . . .	389
	<i>Illinois v. Wardlow</i> . . . . .	390
	Questions and Notes . . . . .	399
	<i>Ornelas v. United States</i> . . . . .	400
	Questions and Notes . . . . .	407
	<i>United States v. Arvizu</i> . . . . .	408
	Questions and Notes . . . . .	413
C.	LIMITS ON <i>TERRY</i> -TYPE STOPS . . . . .	414
	<i>Florida v. Royer</i> . . . . .	414
	Questions and Notes . . . . .	421
	<i>United States v. Place</i> . . . . .	421
	Questions and Notes . . . . .	428
	<i>United States v. Sharpe</i> . . . . .	429
	Questions and Notes . . . . .	440
	<i>Hibel v. Sixth Judicial District Court</i> . . . . .	440
	Questions and Notes . . . . .	446
<b>Chapter 9</b>	<b>SEIZURES . . . . .</b>	<b>447</b>
	<i>United States v. Mendenhall</i> . . . . .	447
	Questions and Notes . . . . .	455
	<i>Florida v. Royer</i> . . . . .	456
	Questions and Notes . . . . .	459
	Problem . . . . .	460
	<i>I.N.S. v. Delgado</i> . . . . .	460
	<i>Florida v. Bostick</i> . . . . .	461
	Questions and Notes . . . . .	472
	<i>California v. Hodari D.</i> . . . . .	472

---

*Table of Contents*

	Questions and Notes . . . . .	482
	<i>Brendlin v. California</i> . . . . .	482
	Questions and Notes . . . . .	487
	Problem . . . . .	487
<b>Chapter 10</b>	<b>SEARCHES . . . . .</b>	<b>491</b>
A.	THE DIVINING ROD THEORY OF THE FOURTH AMENDMENT . . . . .	491
	Arnold H. Loewy, <i>The Fourth Amendment as a Device for     Protecting the Innocent</i> . . . . .	491
	Questions and Notes . . . . .	494
	<i>United States v. Place</i> . . . . .	494
	Questions and Notes . . . . .	496
	<i>United States v. Jacobsen</i> . . . . .	496
	Questions and Notes . . . . .	500
	<i>Illinois v. Caballes</i> . . . . .	501
	Questions and Notes . . . . .	509
B.	REASONABLE EXPECTATION OF PRIVACY . . . . .	509
	<i>Lewis v. United States</i> . . . . .	509
	Questions and Notes . . . . .	511
	<i>Hoffa v. United States</i> . . . . .	512
	Questions and Notes . . . . .	515
	<i>Katz v. United States</i> . . . . .	515
	Questions and Notes . . . . .	518
	<i>Oliver v. United States</i> . . . . .	519
	Questions and Notes . . . . .	530
	Problem . . . . .	532
	<i>Florida v. Riley</i> . . . . .	533
	Questions and Notes . . . . .	541
	<i>Bond v. United States</i> . . . . .	542
	Questions and Notes . . . . .	546
	<i>Kyllo v. United States</i> . . . . .	546
	Questions and Notes . . . . .	558
	<i>United States v. Jones</i> . . . . .	558
	Questions and Notes . . . . .	571
	<i>Florida v. Jardines</i> . . . . .	571
	Questions and Notes . . . . .	583
	Problem . . . . .	583
<b>Chapter 11</b>	<b>CONSENT . . . . .</b>	<b>585</b>
	<i>Schneckloth v. Bustamonte</i> . . . . .	585
	Questions and Notes . . . . .	596

---

*Table of Contents*

	<i>Illinois v. Rodriguez</i> . . . . .	597
	Questions and Notes . . . . .	604
	Problem . . . . .	604
<b>Chapter 12</b>	<b>ARE WE MOVING TOWARD OPEN SEASON ON AUTOMOBILES IN THE 21ST CENTURY? . . . . .</b>	<b>607</b>
	<i>Whren v. United States</i> . . . . .	607
	Questions and Notes . . . . .	613
	<i>Ohio v. Robinette</i> . . . . .	613
	Questions and Notes . . . . .	619
	<i>Maryland v. Wilson</i> . . . . .	619
	Questions and Notes . . . . .	627
	<i>Knowles v. Iowa</i> . . . . .	627
	Questions and Notes . . . . .	629
	Problem . . . . .	630
	<i>Atwater v. City of Lago Vista</i> . . . . .	630
	Questions and Notes . . . . .	647
	<i>Arkansas v. Sullivan</i> . . . . .	648
	Questions and Notes . . . . .	650
	<i>Virginia v. Moore</i> . . . . .	650
	Questions and Notes . . . . .	656
	Closing Note . . . . .	657
<b>Chapter 13</b>	<b>UNUSUAL SITUATIONS . . . . .</b>	<b>659</b>
A.	ESPECIALLY INTRUSIVE SEARCHES . . . . .	659
	<i>Winston v. Lee</i> . . . . .	659
	Questions and Notes . . . . .	665
B.	TAKING DNA . . . . .	666
	<i>Maryland v. King</i> . . . . .	666
	Questions and Notes . . . . .	684
C.	BORDER AND INTERNATIONAL SEARCHES . . . . .	685
D.	ADMINISTRATIVE AND OTHER NONCRIMINAL SEARCHES . . . . .	685
<b>Chapter 14</b>	<b>THE EXCLUSIONARY RULE . . . . .</b>	<b>687</b>
A.	THE RATIONALE FOR THE EXCLUSIONARY RULE . . . . .	687
	<i>Mapp v. Ohio</i> . . . . .	687
	Questions and Notes . . . . .	692
	<i>United States v. Calandra</i> . . . . .	693
	Questions and Notes . . . . .	700
	Problem . . . . .	701
	<i>Hudson v. Michigan</i> . . . . .	701
	Questions and Notes . . . . .	715
B.	THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE . . . . .	715

---

*Table of Contents*

	<i>United States v. Leon</i> . . . . .	715
	Questions and Notes . . . . .	734
	Problem . . . . .	735
	<i>Commonwealth v. Edmunds</i> . . . . .	736
	Questions and Notes . . . . .	747
	<i>Arizona v. Evans</i> . . . . .	747
	Questions and Notes . . . . .	758
	<i>Herring v. United States</i> . . . . .	758
	Questions and Notes . . . . .	769
	<i>Davis v. United States</i> . . . . .	770
	Questions and Notes . . . . .	783
C.	STANDING . . . . .	783
	<i>Rakas v. Illinois</i> . . . . .	784
	Questions and Notes . . . . .	800
	<i>United States v. Salvucci</i> . . . . .	800
	Questions and Notes . . . . .	804
	<i>Rawlings v. Kentucky</i> . . . . .	804
	Questions and Notes . . . . .	812
	<i>Minnesota v. Carter</i> . . . . .	812
	Questions and Notes . . . . .	823
	Problem . . . . .	823
<b>Chapter 15</b>	<b>CONFESSIONS, VOLUNTARINESS . . . . .</b>	<b>825</b>
	<i>Brown v. Mississippi</i> . . . . .	825
	Questions and Notes . . . . .	828
	<i>Watts v. Indiana</i> . . . . .	829
	Questions and Notes . . . . .	834
	<i>Crooker v. California</i> . . . . .	834
	Questions and Notes . . . . .	839
	<i>Spano v. New York</i> . . . . .	840
	Questions and Notes . . . . .	845
<b>Chapter 16</b>	<b>RIGHT TO COUNSEL . . . . .</b>	<b>847</b>
	<i>Massiah v. United States</i> . . . . .	847
	Questions and Notes . . . . .	853
	<i>Escobedo v. State of Illinois</i> . . . . .	854
	Questions and Notes . . . . .	864
<b>Chapter 17</b>	<b>MIRANDA . . . . .</b>	<b>865</b>
A.	THE CASE ITSELF . . . . .	865
	<i>Miranda v. Arizona</i> . . . . .	865
	Questions and Notes . . . . .	900
B.	THE NATURE OF THE WARNINGS . . . . .	901

---

*Table of Contents*

	<i>Duckworth v. Eagan</i> . . . . .	901
	Questions and Notes . . . . .	909
	Problem . . . . .	910
	<i>Colorado v. Spring</i> . . . . .	911
	Questions and Notes . . . . .	919
C.	INVOKING MIRANDA . . . . .	920
1.	Invoking Silence . . . . .	920
	<i>Michigan v. Mosley</i> . . . . .	920
	Questions and Notes . . . . .	929
2.	Invoking Counsel . . . . .	930
	<i>Edwards v. Arizona</i> . . . . .	930
	Questions and Notes . . . . .	935
	<i>Arizona v. Roberson</i> . . . . .	935
	Questions and Notes . . . . .	941
	<i>Minnick v. Mississippi</i> . . . . .	941
	Questions and Notes . . . . .	951
	<i>Maryland v. Shatzer</i> . . . . .	951
	Questions and Notes . . . . .	962
	<i>Davis v. United States</i> . . . . .	962
	Questions and Notes . . . . .	969
	Problem . . . . .	969
	Problem . . . . .	970
D.	WAIVER . . . . .	971
	<i>North Carolina v. Butler</i> . . . . .	971
	Questions and Notes . . . . .	975
	<i>Tague v. Louisiana</i> . . . . .	975
	Questions and Notes . . . . .	976
	<i>Connecticut v. Barrett</i> . . . . .	977
	Questions and Notes . . . . .	981
	<i>Berghuis v. Thompkins</i> . . . . .	981
	Question and Notes . . . . .	997
E.	CUSTODY . . . . .	997
	<i>Oregon v. Mathiason</i> . . . . .	998
	Questions and Notes . . . . .	1002
	Problem . . . . .	1002
	<i>J.D.B. v. North Carolina</i> . . . . .	1003
	Questions and Notes . . . . .	1019
	Problem . . . . .	1019
	<i>Illinois v. Perkins</i> . . . . .	1021
	Questions and Notes . . . . .	1029
	<i>Maryland v. Shatzer</i> . . . . .	1029



---

*Table of Contents*

	Questions and Notes . . . . .	1032
	<i>Howes v. Fields</i> . . . . .	1032
	Questions and Notes . . . . .	1040
F.	INTERROGATION . . . . .	1040
	<i>Rhode Island v. Innis</i> . . . . .	1040
	Questions and Notes . . . . .	1050
	Problem . . . . .	1051
G.	THE PUBLIC SAFETY EXCEPTION . . . . .	1052
	<i>New York v. Quarles</i> . . . . .	1052
	Questions and Notes . . . . .	1064

---

**Chapter 18 THE RIGHT TO COUNSEL AND CONFESSIONS . . . . 1067**

A.	MASSIAH REVISITED . . . . .	1067
	<i>Brewer v. Williams</i> . . . . .	1067
	Questions and Notes . . . . .	1079
	<i>Maine v. Moulton</i> . . . . .	1080
	Questions and Notes . . . . .	1090
	<i>Kuhlmann v. Wilson</i> . . . . .	1090
	Questions and Notes . . . . .	1096
B.	CONTRASTING MASSIAH AND MIRANDA . . . . .	1097
	<i>Michigan v. Jackson</i> . . . . .	1097
	Questions and Notes . . . . .	1102
	<i>McNeil v. Wisconsin</i> . . . . .	1103
	Questions and Notes . . . . .	1111
	<i>Texas v. Cobb</i> . . . . .	1111
	Questions and Notes . . . . .	1123
	<i>Patterson v. Illinois</i> . . . . .	1124
	Questions and Notes . . . . .	1133
	Problem . . . . .	1134
	Problem . . . . .	1134
C.	THE SIXTH AMENDMENT AND THE ROBERTS COURT: THE TIMES THEY ARE A CHANGING . . . . .	1135
	<i>Kansas v. Ventris</i> . . . . .	1135
	Questions and Notes . . . . .	1139
	<i>Montejo v. Louisiana</i> . . . . .	1140
	Questions and Notes . . . . .	1157

---

**Chapter 19 VOLUNTARINESS REVISITED . . . . . 1159**

	<i>Mincey v. Arizona</i> . . . . .	1159
	Questions and Notes . . . . .	1165
	<i>Colorado v. Connelly</i> . . . . .	1165
	Questions and Notes . . . . .	1172

---

*Table of Contents*

	Problem . . . . .	1173
	<i>Arizona v. Fulminante</i> . . . . .	1174
	Questions and Notes . . . . .	1183
	Problem . . . . .	1183
<b>Chapter 20</b>	<b>MIRANDA REVISITED . . . . .</b>	<b>1211</b>
	<i>Dickerson v. United States</i> . . . . .	1211
	Questions and Notes . . . . .	1228
	<i>Chavez v. Martinez</i> . . . . .	1228
	Questions and Notes . . . . .	1244
<b>Chapter 21</b>	<b>DUE PROCESS OUTSIDE OF THE CONFESSION CONTEXT . . . . .</b>	<b>1245</b>
A.	DUE PROCESS AND THE FOURTH OR FIFTH AMENDMENT . . . . .	1245
	<i>Rochin v. California</i> . . . . .	1245
	Questions and Notes . . . . .	1249
	<i>Irvine v. California</i> . . . . .	1249
	Questions and Notes . . . . .	1254
	<i>Schmerber v. California</i> . . . . .	1254
	Questions and Notes . . . . .	1260
B.	DUE PROCESS AND IDENTIFICATION . . . . .	1260
	<i>Manson v. Brathwaite</i> . . . . .	1261
	Questions and Notes . . . . .	1276
	Problem . . . . .	1277
<b>Chapter 22</b>	<b>ATTENUATION . . . . .</b>	<b>1279</b>
A.	FOURTH AMENDMENT . . . . .	1279
	<i>Wong Sun v. United States</i> . . . . .	1279
	Questions and Notes . . . . .	1284
	<i>Taylor v. Alabama</i> . . . . .	1284
	Questions and Notes . . . . .	1289
	<i>New York v. Harris</i> . . . . .	1289
	Questions and Notes . . . . .	1296
	<i>United States v. Ceccolini</i> . . . . .	1297
	Questions and Notes . . . . .	1305
B.	MIRANDA . . . . .	1306
	<i>New York v. Quarles</i> . . . . .	1306
	Questions and Notes . . . . .	1309
	<i>Oregon v. Elstad</i> . . . . .	1310
	Questions and Notes . . . . .	1328
	<i>Missouri v. Seibert</i> . . . . .	1328

---

*Table of Contents*

Questions and Notes	1339	
<i>United States v. Patane</i>	1339	
Questions and Notes	1344	
Problem	1345	
Problem	1346	
<b>Chapter 23</b>	<b>INEVITABLE DISCOVERY</b>	<b>1347</b>
<i>Nix v. Williams</i>	1347	
Questions and Notes	1356	
<i>Murray v. United States</i>	1357	
Questions and Notes	1365	
<b>Chapter 24</b>	<b>ENTRAPMENT</b>	<b>1367</b>
A.	THE RELEVANCE OF PREDISPOSITION	1367
	<i>Sherman v. United States</i>	1367
	Questions and Notes	1374
	<i>Jacobson v. United States</i>	1374
	Questions and Notes	1384
B.	THE DUE PROCESS DEFENSE	1385
	<i>United States v. Gamble</i>	1385
	Questions and Notes	1390
<b>Table of Cases</b>		TC-1
<b>Index</b>		I-1



THE FOURTH AMENDMENT

*The Right of the People to be Secure in their Persons, Papers, Houses, and Effects Against Unreasonable Searches and Seizures Shall Not be Violated, and no Warrant Shall Issue But upon Probable Cause Supported By Oath or Affirmation Specifically Describing the Place to be Searched and the Person or Thing to be Seized.*

THE FIFTH AMENDMENT

*No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in active service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process; nor shall private property be taken for public use, without just compensation.*

THE SIXTH AMENDMENT

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have Assistance of Counsel for his defense.*

THE FOURTEENTH AMENDMENT

SECTION 1

*All persons born or naturalized in the United States, and subject to the jurisdictions thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

