

CONTENTS

Table of Cases *xix*

Preface *xxiii*

CHAPTER 1. THE PROTECTIONS OF AND RATIONALE FOR THE FOURTH AMENDMENT

Brinegar v. United States 2

Draper v. United States 3

CHAPTER 2. PROBABLE CAUSE

Brinegar v. United States 5
 QUESTIONS AND NOTES 10

Draper v. United States 11
 QUESTIONS AND NOTES 14

Spinelli v. United States 14
 QUESTIONS AND NOTES 20

Illinois v. Gates 20
 QUESTIONS AND NOTES 31

Massachusetts v. Upton 31
 QUESTIONS AND NOTES 34

Commonwealth v. Upton 34
 QUESTIONS AND NOTES 36

CHAPTER 3. THE NEED FOR A WARRANT

A. Is The Warrant Requirement The Exception Or The Rule? 37

Vale v. Louisiana 37
 QUESTIONS AND NOTES 40

Chambers v. Maroney 40
 QUESTIONS AND NOTES 43

CHAPTER 3 – concluded

United States v. Chadwick 43
QUESTIONS AND NOTES 45

B. Who Can Issue A Warrant? 45
Coolidge v. New Hampshire 45
QUESTIONS AND NOTES 48
Shadwick v. Tampa 48
QUESTIONS AND NOTES 49
Connally v. Georgia 50
QUESTIONS AND NOTES 51

CHAPTER 4. ARRESTS

A. The Paradigm 53
United States v. Watson 53
QUESTIONS AND NOTES 58

B. Post-Arrest Probable Cause Hearings 59
Riverside v. McLaughlin 59
QUESTIONS AND NOTES 63

C. Bail 63
United States v. Salerno 63
QUESTIONS AND NOTES 69

D. Arrests In The Home 69
United States v. Santana 70
QUESTIONS AND NOTES 71
Payton v. New York 71
QUESTIONS AND NOTES 77
Steagald v. United States 77
QUESTIONS AND NOTES 82
Welsh v. Wisconsin 83
QUESTIONS AND NOTES 85
Minnesota v. Olson 85
QUESTIONS AND NOTES 87
PROBLEM 87

E. Force In Effectuating An Arrest 87
Tennessee v. Garner 88
QUESTIONS AND NOTES 93
Graham v. Connor 94
QUESTIONS AND NOTES 96

F. Search Incident To Arrest 96
Chimel v. California 96
QUESTIONS AND NOTES 100
Maryland v. Buie 100
QUESTIONS AND NOTES 106

CHAPTER 5. PLAIN VIEW

Coolidge v. New Hampshire	107
QUESTIONS AND NOTES	112
Arizona v. Hicks	113
QUESTIONS AND NOTES	118
Horton v. California	118
QUESTIONS AND NOTES	124

CHAPTER 6. AUTOMOBILES

A. The Rule And Its Rationale	125
Coolidge v. New Hampshire	125
QUESTIONS AND NOTES	128
Cardwell v. Lewis	128
QUESTIONS AND NOTES	131
California v. Carney	132
QUESTIONS AND NOTES	136
B. Cars and Containers	137
Arkansas v. Sanders	137
QUESTIONS AND NOTES	142
United States v. Ross	142
QUESTIONS AND NOTES	150
California v. Acevedo	150
QUESTIONS AND NOTES	158
C. Search Incident To Arrest In An Automobile	159
Belton v. New York	159
QUESTIONS AND NOTES	164
D. Suspicionless Highway Stops	165
Delaware v. Prouse	165
QUESTIONS AND NOTES	168
Michigan v. Sitz	169
QUESTIONS AND NOTES	176
E. Inventory Searches	176
Colorado v. Bertine	176
QUESTIONS AND NOTES	181
Florida v. Wells	182
QUESTIONS AND NOTES	183

CHAPTER 7. LIMITED SEARCHES ON LESS THAN PROBABLE CAUSE

A. Protection Of The Officer	185
Terry v. Ohio	185
QUESTIONS AND NOTES	191
Sibron v. New York	192
QUESTIONS AND NOTES	193
PROBLEM	193

CHAPTER 7 – concluded

Michigan v. Long	194
QUESTIONS AND NOTES	199
Ybarra v. Illinois	199
QUESTIONS AND NOTES	203
B. What Is Reasonable Suspicion? How Is It Different From Probable Cause?	203
Adams v. Williams	203
QUESTIONS AND NOTES	207
United States v. Cortez	207
QUESTIONS AND NOTES	211
Royer v. Florida	211
QUESTIONS AND NOTES	216
United States v. Sokolow	216
QUESTIONS AND NOTES	220
Alabama v. White	221
QUESTIONS AND NOTES	223
C. Limits on Terry-type Stops	223
Florida v. Royer	224
QUESTIONS AND NOTES	228
United States v. Place	229
QUESTIONS AND NOTES	234
United States v. Sharpe	234
QUESTIONS AND NOTES	242
Michigan v. Summers	242
QUESTIONS AND NOTES	246

CHAPTER 8. UNUSUAL SITUATIONS

A. Administrative Searches	247
Camara v. Municipal Court	247
QUESTIONS AND NOTES	251
B. School Searches	251
New Jersey v. T.L.O.	251
QUESTIONS AND NOTES	262
C. Probationers	262
Griffin v. Wisconsin	262
QUESTIONS AND NOTES	268
D. Especially Intrusive Searches	268
Winston v. Lee	269
QUESTIONS AND NOTES	272
E. Border Searches	273
United States v. Montoya de Hernandez	273
QUESTIONS AND NOTES	281

CHAPTER 8—concluded

- F. The Fourth Amendment Beyond Our Borders 281
 United States v. Verdugo-Urquidez 281
 QUESTIONS AND NOTES 288

CHAPTER 9. SEIZURES

- United States v. Mendenhall 289
 QUESTIONS AND NOTES 294
 Florida v. Royer 295
 QUESTIONS AND NOTES 297
 I.N.S. v. Delgado 297
 QUESTIONS AND NOTES 305
 Florida v. Bostick 305
 QUESTIONS AND NOTES 311
 California v. Hodari D. 312
 QUESTIONS AND NOTES 317

CHAPTER 10. SEARCHES

- A. The Divining Rod Theory of the Fourth Amendment 319
 The Fourth Amendment as a Device for Protecting the Innocent 320
 QUESTIONS AND NOTES 322
 United States v. Place 322
 QUESTIONS AND NOTES 323
 United States v. Jacobsen 323
 QUESTIONS AND NOTES 326
 Lewis v. United States 327
 QUESTIONS AND NOTES 328
 Hoffa v. United States 329
 QUESTIONS AND NOTES 331
 Katz v. United States 331
 QUESTIONS AND NOTES 333
 United States v. White 334
 QUESTIONS AND NOTES 338
 Smith v. Maryland 339
 QUESTIONS AND NOTES 343
 Oliver v. United States 343
 QUESTIONS AND NOTES 350
 PROBLEM 351
 Florida v. Riley 352
 QUESTIONS AND NOTES 358
 California v. Greenwood 358
 QUESTIONS AND NOTES 361
 PROBLEM 362

CHAPTER 11. WHAT ITEMS MAY BE SEIZED?

- Warden v. Hayden 363
 QUESTIONS AND NOTES 368

CHAPTER 11 – concluded

Andresen v. Maryland	368
QUESTIONS AND NOTES	371
Zurcher v. Stanford Daily	371
QUESTIONS AND NOTES	380

CHAPTER 12. CONSENT

Schneekloth v. Bustamonte	381
QUESTIONS AND NOTES	388
Illinois v. Rodriguez	389
QUESTIONS AND NOTES	393

CHAPTER 13. THE EXCLUSIONARY RULE

A. The Rationale For The Exclusionary Rule	395
Mapp v. Ohio	395
QUESTIONS AND NOTES	398
United States v. Calandra	399
QUESTIONS AND NOTES	403
B. The Good Faith Exception To The Exclusionary Rule	404
United States v. Leon	404
QUESTIONS AND NOTES	417
Massachusetts v. Sheppard	417
QUESTIONS AND NOTES	420
Commonwealth v. Edmunds	421
QUESTIONS AND NOTES	427
Arizona v. Evans	428
QUESTIONS AND NOTES	435
C. Standing	435
Rakas v. Illinois	435
QUESTIONS AND NOTES	443
United States v. Salvucci	444
QUESTIONS AND NOTES	446
Rawlings v. Kentucky	446
QUESTIONS AND NOTES	451
United States v. Payner	451
QUESTIONS AND NOTES	457

CHAPTER 14. CONFESSIONS, VOLUNTARINESS

Brown v. Mississippi	459
QUESTIONS AND NOTES	461
Watts v. Indiana	462
QUESTIONS AND NOTES	465
Crooker v. California	465
QUESTIONS AND NOTES	468

CHAPTER 14 – concluded

Spano v. New York	469
QUESTIONS AND NOTES	472

CHAPTER 15. RIGHT TO COUNSEL

Massiah v. United States	473
QUESTIONS AND NOTES	477
Weatherford v. Bursey	477
QUESTIONS AND NOTES	482
Escobedo v. Illinois	482
QUESTIONS AND NOTES	488

CHAPTER 16. MIRANDA

A. The Case Itself	489
Miranda v. Arizona	489
QUESTIONS AND NOTES	507
B. The Nature of the Warnings	508
Duckworth v. Eagan	508
QUESTIONS AND NOTES	513
Colorado v. Spring	514
QUESTIONS AND NOTES	518
C. Invoking Miranda	519
Fare v. Michael C.	519
QUESTIONS AND NOTES	525
Michigan v. Mosley	526
QUESTIONS AND NOTES	532
Edwards v. Arizona	532
QUESTIONS AND NOTES	535
Oregon v. Bradshaw	535
QUESTIONS AND NOTES	540
Arizona v. Roberson	540
QUESTIONS AND NOTES	544
Minnick v. Mississippi	544
QUESTIONS AND NOTES	549
PROBLEM	550
Davis v. United States	551
QUESTIONS AND NOTES	556
PROBLEM	556
D. Waiver	557
North Carolina v. Butler	557
QUESTIONS AND NOTES	560
Tague v. Louisiana	560
QUESTIONS AND NOTES	561

CHAPTER 16—concluded

Connecticut v. Barrett	561
QUESTIONS AND NOTES	564
E. Custody	564
Mathis v. United States	564
QUESTIONS AND NOTES	566
Orozco v. Texas	566
QUESTIONS AND NOTES	569
Beckwith v. United States	569
QUESTIONS AND NOTES	572
Oregon v. Mathiason	572
QUESTIONS AND NOTES	575
PROBLEM	575
Minnesota v. Murphy	576
QUESTIONS AND NOTES	583
Berkemer v. McCarty	584
QUESTIONS AND NOTES	588
PROBLEM	588
Illinois v. Perkins	589
QUESTIONS AND NOTES	594
F. Interrogation	595
Rhode Island v. Innis	595
QUESTIONS AND NOTES	602
PROBLEM	602
G. The Public Safety Exception	603
New York v. Quarles	603
QUESTIONS AND NOTES	611

CHAPTER 17. THE RIGHT TO COUNSEL AND CONFESSIONS

A. Massiah Revisited	613
Brewer v. Williams	613
QUESTIONS AND NOTES	622
Maine v. Moulton	623
QUESTIONS AND NOTES	629
Kuhlmann v. Wilson	630
QUESTIONS AND NOTES	634
B. Contrasting Massiah and Miranda	634
Michigan v. Jackson	634
QUESTIONS AND NOTES	638
McNeil v. Wisconsin	638
QUESTIONS AND NOTES	644
Moran v. Burbine	644
QUESTIONS AND NOTES	654

CHAPTER 17 – concluded

- Patterson v. Illinois 655
 QUESTIONS AND NOTES 661

CHAPTER 18. VOLUNTARINESS REVISITED

- Mincey v. Arizona 663
 QUESTIONS AND NOTES 667
 Colorado v. Connelly 667
 QUESTIONS AND NOTES 672
 Arizona v. Fulminante 673
 QUESTIONS AND NOTES 679
 PROBLEM 679

CHAPTER 19. DUE PROCESS OUTSIDE OF THE CONFESSION CONTEXT

- Rochin v. California 701
 QUESTIONS AND NOTES 704
 Irvine v. California 704
 QUESTIONS AND NOTES 707
 Schmerber v. California 707
 QUESTIONS AND NOTES 711

CHAPTER 20. IDENTIFICATION PROCEDURES

- A. The Right To Counsel 713
 United States v. Wade 713
 QUESTIONS AND NOTES 722
 PROBLEM 723
- B. The Decline Of Wade 723
 Kirby v. Illinois 723
 QUESTIONS AND NOTES 726
 PROBLEM 727
 United States v. Ash 728
 QUESTIONS AND NOTES 734
- C. The Due Process Backup 735
 Manson v. Brathwaite 735
 QUESTIONS AND NOTES 745

CHAPTER 21. ATTENUATION

- A. Fourth Amendment 747
 Wong Sun v. United States 747
 QUESTIONS AND NOTES 750
 Taylor v. Alabama 750
 QUESTIONS AND NOTES 754
 New York v. Harris 754
 QUESTIONS AND NOTES 759

CHAPTER 21 – *concluded*

United States v. Ceccolini 759
QUESTIONS AND NOTES 765

B. Miranda 765

New York v. Quarles 765
QUESTIONS AND NOTES 768

Oregon v. Elstad 768
QUESTIONS AND NOTES 779

CHAPTER 22. INEVITABLE DISCOVERY

Nix v. Williams 781
QUESTIONS AND NOTES 787

Murray v. United States 788
QUESTIONS AND NOTES 794

CHAPTER 23. ENTRAPMENT

A. The Relevance of Predisposition 795
Sherman v. United States 795
QUESTIONS AND NOTES 800

Jacobson v. United States 800
QUESTIONS AND NOTES 807

B. The Due Process Defense 808
United States v. Gamble 808
QUESTIONS AND NOTES 811

LAW REVIEW BIBLIOGRAPHY 813