KEY CASES IN PROCEDURAL LAW

Alabama v. White 496 U.S. 325 (1990) - extends the totality of circumstances test (see Illinois v. Gates) in reasonable suspicion to detain cases, such as those involving an anonymous tip.

Arizona v. Evans 115 S. Ct. 1185 (1995) - allows exception to exclusionary rule if police are acting in good faith on a search warrant that is later declared invalid due to clerical error.

Barker v. Wingo 407 U.S. 514 (1972) - allows exceptions to 90-day speedy trial requirement based on balancing test to be used on ad hoc basis.

Berger v. New York 388 U.S. 41 (1967) - statutes authorizing electronic eavesdropping warrants must require more precise information than that required in regular search warrants, and orders must not be for more than two months.

Brady v. Maryland 373 U.S. 83 (1963) - allows defense counsel to ask for "all Brady material" or anything exculpatory as part of discovery process.

Brewer v. Williams 430 U.S. 387 (1977) - Even at post-arraignment stage (during transport, for example), indirect questioning without benefit of counsel can yield admissible, incriminating statements.

Bumper v. North Carolina 391 U.S. 543 (1968) - evidence obtained by police who claim they have a warrant when in fact they do not is inadmissible; lower courts are divided on the issue of consent if police threaten they can easily obtain a warrant.

Burch v. Louisiana 441 U.S. 130 (1979) - allows nonunanimous jury verdicts for 12-member juries, but when jury size reduced to six, verdict must be unanimous.

California v. Acevedo 500 U.S. 565 (1991) - rules that closed container (Chadwick - Sanders) rule does not apply in vehicle stops where there is probably cause to believe the vehicle contains contraband or evidence.

California v. Greenwood 486 U.S. 35 (1988) - widely-cited case allowing warrantless searches of items placed out on curb for trash collection to find evidence of criminal activity.

California v. Prysock 453 U.S. 355 (1981) - Miranda warnings don't have to be given in their precise wording (talismanic incantation) as long as a fully effective equivalent conveying the intended content is there.

Carroll v. U.S. 267 U.S. 132 (1925) - old, "bootlegging" case (the Carroll doctrine) which allows warrantless search of integral areas of vehicle (including upholstery) based on probable cause to believe it contains contraband or evidence of a crime (also see U.S. v. Chadwick and California v. Acevedo).

*CBS, Inc. v. Cobb 536 S. 2d 1067 (1988) - requires reporters to reveal their sources.

Chimel v. California 395 U.S. 752 (1969) - authorizes the landmark "Chimel rule": police may search the area within a person's immediate control (arm's reach) incidental to an arrest. The justification for the search is the arrest. Anything seized does not have to be related to the crime arrested for. Colorado v. Spring 479 U.S. 564 (1987) - interrogations where the defendant thinks they are being charged with a more minor crime is allowed.

Connecticut v. Barrett 479 U.S. 523 (1987) - an oral confession is admissible even if the suspect refuses to sign a written statement on advice of their attorney.

County of Riverside v. McLaughlin 500 U.S. 413 - covers cases where preliminary hearing and arraignment are combined by state law (causing paperwork delays). Establishes 48 hour rule interpretation of "promptness" in Gerstein. After that, burden of delay shifts to the state.

Duckworth v. Eagan 492 U.S. 195 (1989) - the Miranda warnings need not be given in exact form; regarding the right to an attorney, the phrase "if and when you go to court" is sufficient. No need that attorneys be producible on call.

Eddings v. Oklahoma 455 U.S. 104 (1982) - no restrictions are allowed on the number of mitigating factors that defense may introduce for consideration by judge and/or jury.

Edwards v. Arizona 451 U.S. 477 (1981) - a suspect who invokes their Miranda rights by demanding an attorney cannot be interrogated further until a lawyer is made available.

Escobedo v. Illinois 378 U.S. 478 (1964) - for any serious offense, a suspect is entitled to a lawyer during interrogation at a police station.

Florida v. Riley 488 U.S. 445 (1989) - establishes lower limit of 400 feet for navigable airspace in allowing aerial surveillance and photography.

Frisbie v. Collins 342 U.S. 519 (1952) - an unlawful arrest does not deprive the court of jurisdiction to try a criminal case.

Gagnon v. Scarpelli 411 U.S. 778 (1973) - requires two-tier process in probation revocation hearings (preliminary and final), also benefit of counsel if charges are contested or substantial reasons defendant needs assistance.

Gernstein v. Pugh 420 U.S. 103 (1975) - Persons arrested without a warrant must promptly be brought before a neutral magistrate for a judicial determination of probable cause (preliminary hearing); leaves it to individual states to integrate prompt PC hearings into pre-trial procedures (see County of Riverside v. McLaughlin).

Gideon v. Wainwright 372 U.S. 335 (1963) - reverses Betts v. Brady (1942). Requires a lawyer be appointed for any indigent (poor) person who is charged with a felony or else person cannot be tried for the felony.

Graham v. Connor 490 U.S. 386 (1989) - use of force case which distinguished subjective (from perspective of officer at the scene) from objective (hindsight) standards in tests of reasonableness, allows civil suit claims if objectively unreasonable.

Hampton v. U.S. 425 U.S. 484 (1976) - there is no entrapment if a police informant supplies drugs to a suspect who is already predisposed to commit the crime.

Hoffa v. U.S. 385 U.S. 293 (1966) - also known as the "Test Fleet" case, allows state to intentionally plant an informant in the suspect's company.

Horton v. California 496 U.S. 128 (1990) - key case involving the "plain view" doctrine. Warrantless seizure allowed if item(s) in plain view, their incriminating character immediately apparent, and officer did not violate 4th Amendment in arriving at place from which evidence could be viewed (inadvertent discovery).

Illinois v. Allen 397 U.S. 337 (1970) - a disruptive defendant may be removed from the courtroom and trial may continue without their presence.

Illinois v. Gates 462 U.S. 213 (1983) - the two-pronged (Aguilar) test for probable cause established in Spinelli v. U.S. (1969) is abandoned in favor of a "totality of circumstances" test.

Illinois v. Rodriguez 497 U.S. 177 (1990) - searches in which any person having "apparent authority" over an area gives consent are valid.

Illinois v. Vitale 447 U.S. 410 (1980) - allows exception to double jeopardy clause of 5th Amendment in conviction on more serious offense if guilty plea already accepted for a lesser offense, as long as all elements of lesser offense not included in greater offense.

Jacobson v. U.S. 503 U.S. 540 (1993) - updates the Sherman rule (Sherman v. U.S. 1958) on entrapment; entrapment occurs when agents originate a criminal design, implant a disposition to commit the act in an innocent person's mind, and then induce commission of the act in order to prosecute.

Johnson v. Avery 393 U.S. 483 (1969) - Absent other forms of legal assistance, prisons cannot prohibit "jailhouse lawyers" from assisting other inmates.

Katz v. U.S. 389 U.S. 347 (1967) - established "reasonable expectation of privacy" test which overturned Olmstead v. U.S. (1928) which restricted electronic surveillance by trespass rule. Both subjective (person's efforts to protect their privacy) and objective (privacy right society is willing to protect) expectations must be considered.

Kirby v. Illinois 406 U.S. 682 (1972) - a person has no right to counsel at pre-indictment identification procedures (they have not been formally charged with a crime).

Mapp v. Ohio 367 U.S. 643 (1961) -extends the exclusionary rule established in Weeks v. U.S. (1914) to state officials, evidence seized illegally is not admissible.

Maryland v. Buie 494 U.S. 325 (1990) - authorizes a protective "sweep search" in a person's home during an arrest.

Maryland v. Craig 497 U.S. 836 (1990) - one-way, closed-circuit television may be used to allow testimony (as in case of child witness) and does not violate defendant's right to confrontation, as long as other procedural safeguards are maintained.

Maynard v. Cartwright 486 U.S. 356 (1988) - prohibits vague statutory language such as "especially heinous, atrocious, or cruel" in capital-murder cases.

Michigan v. Harvey 494 U.S. 344 (1990) - reaffirms "prophylactic rule", that police-initiated conversations in absence of attorney may only be used to impeach conflicting testimony and cannot be used in the prosecutions case-in-chief.

Michigan v. Mosley 423 U.S. 96 (1975) - allows police to initiate another, sequential interrogation after suspect has invoked the right to remain silent as long as the right to cut off questioning is scrupulously honored.

Michigan v. Summers 452 U.S. 692 (1981) - police have the right to detain somebody while a search warrant is being executed.

Michigan State Police v. Sitz 496 U.S. 444 (1990) - police can establish (sobriety) checkpoints and systematically stop every x number of vehicles without reasonable suspicion.

Miller v. California 413 U.S. 15 (1973) - created Miller standard (prurient interest) for obscenity, overturning older standard (without redeeming social value).

Mincey v. Arizona 437 U.S. 385 (1978) - overturns state-level "murder scene exceptions" allowing warrantless searches at homicide scenes. Allows limited "victim or suspect" searches for anything in plain view.

Miranda v. Arizona 384 U.S. 436 (1966) - results of a police interrogation are not admissible unless suspect is given Miranda warnings and there is a knowing, intelligent, and voluntary waiver (but see North Carolina v. Butler and other cases).

Neil v. Biggers 409 U.S. 188 (1972) - established the five factors of eyewitness reliability (opportunity, attention, accuracy of prior description, certainty, and length of time); showups do not violate due process if, based on totality of circumstances, victim is able to make a reliable identification; together with Manson v. Brathwaite of 1977 established the Biggers-Brathwaite rule which means that even if police do something to jeopardize fairness or impartiality, a reliable eyewitness identification would still hold.

New York v. P.J. Video 475 U.S. 868 (1986) - obscenity case consolidating restrictions on exigency exceptions (Roaden v. Kentucky), requiring pre-trial adversary hearing (A Quantity of Books v. Kansas), requiring post-seizure obscenity hearing (Heller v. New York), and supporting affidavits (Lee Art Theatre v. Virginia).

North Carolina v. Butler 441 U.S. 369 (1979) - waiver of Miranda can be inferred from suspect's conduct and non-verbal body language.

O'Connor v. Ortega 480 U.S. 709 (1987) - a workplace privacy case establishing the "reasonableness under all circumstances" test: both inception and scope of an intrusion must be reasonable.

Oliver v. U.S. 466 U.S. (1984) - trespass case allowing police to enter and search unoccupied or undeveloped areas outside of a dwelling's "curtilage" without either a warrant or probable cause.

Patterson v. Illinois 487 U.S. 285 (1988) - a waiver of Miranda constitutes a waiver of the right to counsel as well as the privilege against self-incrimination.

Pennsylvania v. Finley 481 U.S. 551 (1987) - defendants have no right to appointed counsel when seeking post-conviction relief.

Pennsylvania v. Muniz 496 U.S. 582 (1990) - videotape evidence of a suspect, such as a stop for driving while intoxicated, may be obtained without Miranda warnings.

Powers v. Ohio 499 U.S. 400 (1991) - peremptory challenges to exclude jurors cannot be based on race, regardless of race of defendant.

Reno v. American Civil Liberties Union 521 U.S. (1997) - attempts to restrict exposure of minors to obscene material on the Internet violates the 1st Amendment.

Rhode Island v. Innis 446 U.S. 291 (1980) - casual conversation between police officers and suspects constitutes a "dialogue" and requires no Miranda warnings.

Ristanino v. Ross 424 U.S. 589 (1976) - prospective jurors during voir dire may be questioned regarding their racial prejudices only if facts of case are likely to inflame pre-existing racial prejudices.

Rochin v. California 342 U.S. 165 (1952) - landmark stomach-pumping case establishing "balancing test" where rights of individual against shocking and offensive intrusions are balanced against state's interests in fairly and accurately determining guilt or innocence.

Schmerber v. California 384 U.S. 757 (1966) - landmark blood-extracting case which established "threshold requirements" for invasive intrusions versus state's interests; commonplace medical practices involving no risk, trauma, or pain can be reasonably expected as part of state's interests.

Sheppard v. Maxwell 384 U.S. 333 (1966) - judge has duty to control case so that media publicity ("carnival atmosphere") does not interfere with right to fair trial.

Singer v. U.S. 380 U.S. 24 (1965) - defendants have no right to demand a bench trial if the prosecutor wants a jury trial; the ability to waive a jury trial is not of equal importance as the right to demand one.

Spinelli v. U.S. 393 U.S. 110 (1969) - concerns sufficiency of police affidavit in obtaining a search warrant. Requires informant tip to have veracity and basis of knowledge; adds reliability (overturned in Illinois v. Gates).

State v. Vejvoda 231 Neb 668 (1989) - judicial notice cannot invade jury's province of fact-finding.

Stoner v. California 376 U.S. 483 (1964) - a hotel clerk cannot give consent to search the room of a hotel guest. Hotel guests are no less entitled to protection than house owners.

Strickland v. Washington 466 U.S. 668 (1984) - presents objective standards for effective representation by counsel; if undermined adversarial process, deficiencies were prejudicial, and attorney's conduct fell below prevailing professional norms.

Tennessee v. Garner 471 U.S. 1 (1985) - amends the old, common law "fleeing felon" rule. Deadly force cannot be used to prevent the escape of a suspect unless there is a significant threat of death or injury to the officer or others.

Terry v. Ohio 392 U.S. 1 (1968) - leading case establishing "stop and frisk" rule on reasonable suspicion. Police may temporarily detain someone for questioning if there are specific articulable facts which lead a reasonable police officer to believe that criminal activity is occurring.

U.S. v. Ash 413 U.S. 300 (1973) - no requirement of an attorney during post-indictment photographic lineups.

U.S. v. Brignoni-Ponce 422 U.S. 873 (1975) - police cannot stop somebody merely because of their apparent ethnic ancestry or other single factor profiles.

U.S. v. Chadwick 433 U.S. 1 (1977) - this case, along with Arkansas v. Sanders 442 U.S. 753 (1979), established the Chadwick-Sanders rule which protects the privacy of closed containers in automobile searches. Overturned by California v. Acevedo.

U.S. v. Dunnigan 507 U.S. 87 (1993) - defendant's perjury at trial may be considered as grounds for increasing the sentence even when there has been no conviction for perjury.

U.S. v. Kelly 14 F3d 1169 (1994) - requires seals on evidence bags, establishes other procedures for proper chain of custody.

U.S. v. Leon 468 U.S. 897 (1984) - allows exception to exclusionary rule if police are acting in good faith on a search warrant that is later declared invalid, due to judicial error.

U.S. v. Martinez-Fuerte 428 U.S. 543 (1976) - Permanent, routine checkpoints for illegal aliens are allowed without suspicion.

U.S. v. Nelson 419 F2d 1237 (1969) - jury cannot convict on basis of inference from inference (circumstantial evidence alone).

U.S. v. Sokolow 490 U.S. 1 (1989) - establishes drug courier profiling as grounds for reasonable suspicion.

U.S. v. Spivey 841 F2d 799 (1988) - right to cross-examine a hostile witness is not unlimited.

U.S. v. Wade 388 U.S. 218 (1967) - establishes the notion of a "critical" proceeding where the right to counsel attaches; together with Gilbert v. California of same year establish Wade-Gilbert rule where suspects cannot be put into a post-indictment lineup without notification and presence of an attorney.

Vernonia School District v. Acton 515 U.S. (1995) - allows random drug testing if school has a demonstrated drug problem.

Victor v. Nebraska 114 S. Ct. 1239 (1994) - involves proper instructions to a jury by a judge.

Warden v. Hayden 387 U.S. 294 (1967) - allows a warrantless search if probable cause and exigent circumstances are present, a "nexus"; "mere evidence" may be admitted.

Wilson v. Arkansas 115 S. Ct. 1914 (1995) - allows "no-knock" serving of a warrant if there are exigent circumstances (danger of violence, escape, or destruction of evidence). No blanket exception of "knock and announce" rule for drug cases was established in Richards v. Wisconsin (1997).

Wisconsin v. Mitchell 508 U.S. 47 (1993) - longer sentences for crimes motivated by racial hatred do not violate the 1st Amendment.

Wong Sun v. U.S. 371 U.S. 471 (1963) - tied "fruit of the poisonous tree" doctrine in with the exclusionary rule; any action following from an unconstitutional prior action (primary taint) is also inadmissible.

Zurcher v. Stanford Daily 436 U.S. 547 (1978) - warrants can be issued to search newspaper premises.

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