CONTENTS

Preface	xxix
Acknowledgments	xxxi
The Constitution of the United States	xxxiii
Chapter 1 Introduction to Criminal Procedure	1
A. The Participants in the Criminal Justice System	1
1. Defendants	1
2. Defense Counsel	2
3. Prosecutors	2
4. Victims	3
5. Police and Other Law Enforcement Officers	3
6. Magistrates and Judges	3
7. Jurors	4
8. Corrections Officials	4
9. Public	4
10. Media	5
B. Stages of the Criminal Justice Process	5
1. Step 1: Pre-Arrest Investigation	5
2. Step 2: Arrest	6
3. Step 3: Filing the Complaint	6
4. Step 4: Gerstein Review	6
5. Step 5: First Appearance/Arraignment on Complaint	7
6. Step 6: Grand Jury or Preliminary Hearing	7
7. Step 7: Arraignment on Indictment or Information	8
8. Step 8: Discovery	8
9. Step 9: Pretrial Motions	8
10. Step 10: Plea Bargaining and Guilty Pleas	9
11. Step 11: Trial	9
12. Step 12: Sentencing	10
13. Step 13: Appeals and Habeas Corpus	10

хi

xii		Contents
C.	The Purpose of Procedural Rules	11
	Powell v. Alabama	12
	Patterson v. Former Chicago Police Lt. Jon Burge	15
D.	Key Provisions of the Bill of Rights	17
E.	The Application of the Bill of Rights to the States	18
	1. The Provisions of the Bill of Rights and the Idea of "Incorporation"	18
	2. The Debate over Incorporation	20
	3. The Current Law as to What's Incorporated	22
	Duncan v. Louisiana	22
	Timbs v. Indiana	24
	4. The Content of Incorporated Rights	28
F.	Retroactivity	29
Ch	napter 2 Searches and Seizures	31
A.	Introduction	31
В.	What Is a Search?	32
	Katz v. United States	33
	United States v. Jones	38
	1. Open Fields	48
	Oliver v. United States	49
	United States v. Dunn	54
	2. Aerial Searches	57
	California v. Ciraolo	58
	Florida v. Riley	61
	3. Thermal Imaging of Homes	67
	Kyllo v. United States	67
	4. Searches of Trash	73
	California v. Greenwood	73
	5. Observation and Monitoring of Public Behavior	77
	United States v. Knotts	77
	Smith v. Maryland	81
	Carpenter v. United States	85
	6. Use of Dogs to Sniff for Contraband	94
	Illinois v. Caballes	96
	Rodriguez v. United States	99
	Florida v. Jardines	103
	Florida v. Harris	108
C	The Requirement for Probable Cause	119

Co	ntents	XIII
	1. What Is Sufficient Belief to Meet the Standard for Probable Cause?	112
	Illinois v. Gates	113
	Maryland v. Pringle	120
	2. Is It an Objective or a Subjective Standard?	122
	Whren v. United States	122
	3. What If the Police Make a Mistake as to the Law?	126
	Heien v. North Carolina	126
D.	The Warrant Requirement	131
	1. What Information Must Be Included in the Application for a Warrant?	132
	2. What Form Must the Warrant Take?	133
	Andresen v. Maryland	133
	Groh v. Ramirez	137
	3. What Are the Requirements in Executing Warrants?	141
	a. How May Police Treat Those Who Are Present When a	
	Warrant Is Being Executed?	142
	Muehler v. Mena	142
	b. Do Police Have to Knock and Announce Before Searching a Dwelling?	146
	Wilson v. Arkansas	146
	Richards v. Wisconsin	149
	c. What If There Are Unforeseen Circumstances or Mistakes	
	While Executing a Warrant?	152
	Maryland v. Garrison	152
	Los Angeles County, California v. Rettele	155
Ε.	Exceptions to the Warrant Requirement	158
	1. Exigent Circumstances	159
	a. Hot Pursuit	159
	Warden, Maryland Penitentiary v. Hayden	159
	Payton v. New York	160
	Lange v. California	163
	b. Safety	166
	Brigham City, Utah v. Stuart	167
	c. Preventing Destruction of Evidence	168
	Kentucky v. King	169
	d. Limits on Exigent Circumstances	175
	Missouri v. McNeely	176
	Birchfield v. North Dakota	183
	Mitchell v. Wisconsin	193
	Caniglia v. Strom	200

xiv	Contents
2. Plain View	202
Coolidge v. New Hampshire	202
Minnesota v. Dickerson	205
3. The Automobile Exception	207
a. The Exception and Its Rationale	207
California v. Carney	208
Collins v. Virginia	211
b. Searches of Containers in Automobiles	217
California v. Acevedo	217
c. Searching Automobiles Incident to Arrest	221
4. Searches Incident to Arrest	222
Chimel v. California	222
Knowles v. Iowa	225
Riley v. California	227
Arizona v. Gant	236
5. Inventory Searches	244
South Dakota v. Opperman	245
Illinois v. Lafayette	248
6. Protective Sweeps	250
Maryland v. Buie	251
7. Consent	254
Schneckloth v. Bustamonte	254
Georgia v. Randolph	261
Fernandez v. California	264
8. Searches When There Are "Special Needs"	271
a. Administrative Searches	271
Camara v. Municipal Court of City and County of San Fran	ncisco 271
New York v. Burger	276
City of Los Angeles v. Patel	280
b. Border Crossing	287
United States v. Flores-Montano	287
United States v. Ramsey	289
United States v. Montoya-Hernandez	292
c. Checkpoints	296
Michigan Department of State Police v. Sitz	297
City of Indianapolis v. Edmond	299
d. Schools	304
Safford Unified School District #1 v Redding	305

-0	intents	AV
	e. The Government Employment Context	313
	City of Ontario v. Quon	313
	f. Drug Testing	318
	Vernonia School District 47J v. Acton	319
	Board of Education of Independent School District No. 92	
	of Pottawatomie County v. Earls	<i>3</i> 27
	Ferguson v. City of Charleston	333
	g. Searches in Jails and Prisons	338
	Florence v. Board of Chosen Freeholders of the County of Burlington	338
	h. DNA Testing of Those Arrested	346
	Maryland v. King	346
	9. Searches of Those on Probation and Parole	357
	United States v. Knights	357
	Samson v. California	360
F.	Seizures and Arrests	362
	1. Is a Warrant Needed for Arrests?	362
	United States v. Watson	363
	2. When Is a Person Seized?	367
	United States v. Mendenhall	367
	California v. Hodari D.	373
	Torres v. Madrid	377
	3. For What Crimes May a Person Be Arrested?	383
	Atwater v. City of Lago Vista	383
G.	Stop and Frisk	391
	1. The Authority for Police to Stop and Frisk	391
	Terry v. Ohio	391
	2. The Distinction Between Stops and Arrests	400
	3. What May Police Do When They Stop an Individual?	401
	Hiibel v. Sixth Judicial District Court of Nevada	402
	4. What Is Sufficient for Reasonable Suspicion?	405
	a. Reasonable Suspicion: General Principles	405
	United States v. Arvizu	405
	Kansas v. Glover	409
	b. Reasonable Suspicion Based on Informants' Tips	414
	Alabama v. White	414
	Florida v. J.L.	417
	Navarette v. California	419

XV		Content
	c. Reasonable Suspicion Based on a Person's Trying to	
	Avoid a Police Officer	426
	Illinois v. Wardlow	420
	d. Reasonable Suspicion Based on Profiles	430
	United States v. Sokolow	43
Η.	Electronic Surveillance	435
	1. Is Electronic Eavesdropping a Search?	435
	2. Statutory Requirements	438
	3. Warrantless Eavesdropping	440
	United States v. United States District Court for the Eastern District of Michigan	440
I.	Excessive Police Force	448
	Tennessee v. Garner	448
	Graham v. Connor	454
	Barnes v. Felix	45%
Ch	apter 3 The Exclusionary Rule and Other Remedies	46 3
A.	Is the Exclusionary Rule a Desirable Remedy for Unconstitutional Police Behavior?	463
	Hudson v. Michigan	464
В.	The Origins of the Exclusionary Rule	468
	Weeks v. United States	468
	Mapp v. Ohio	47
C.	When Does the Exclusionary Rule Apply?	476
	Herring v. United States	476
	Davis v. United States	484
D.	Who Can Object to the Introduction of Evidence and Raise the Exclusionary Rule?	489
	Rakas v. Illinois	489
	Minnesota v. Carter	496
	Brendlin v. California	499
	Byrd v. United States	503
E.	Exceptions to the Exclusionary Rule	508
	1. Independent Source	508
	Murray v. United States	509
	2. Inevitable Discovery	514
	Nix 71 Williams	514

Co	ntents	XVII
	3. Inadequate Causal Connection—Attenuation of the Taint	520
	Brown v. Illinois	521
	Utah v. Strieff	527
	4. The Good Faith Exception to the Exclusionary Rule	535
	United States v. Leon	535
	5. The Exception for Violations of the Requirement for "Knocking and Announcing"	551
F	Suppression Hearings	552
	Civil Remedies Against the Police	554
Ο.	Suits for Injunctive Relief	554
	City of Los Angeles v. Lyons	554
	2. Suits for Money Damages	562
	Monell v. Department of Social Services	562
	Harlow v. Fitzgerald	571
		<i>></i> /1
Cŀ	napter 4 Police Interrogation and the Privilege Against	
	Self-Incrimination	577
A.	Due Process and the Requirement for Voluntariness	578
	1. The Requirement for Voluntariness	578
	Brown v. Mississippi	579
	2. Determining Whether a Confession Is Voluntary	580
	a. The Length of the Interrogation and Whether the Defendant Was Deprived of Basic Bodily Needs	581
	b. The Use of Force and Threats of Force	581
	Arizona v. Fulminante	581
	c. Psychological Pressure Tactics	584
	Spano v. New York	584
	d. Deception	587
	e. The Age, Level of Education, and Mental Condition of a Suspect	588
	Colorado v. Connelly	588
	3. Is the Voluntariness Test Desirable?	593
	4. Coercive Questioning, Torture, and the War on Terrorism	593
В.	Fifth Amendment Limits on Custodial Interrogation: Miranda v. Arizona	594
	1. Miranda v. Arizona and Its Affirmation by the Supreme Court	594
	Miranda v. Arizona	594
	Dickerson v. United States	607
	Vega v. Tekoh	611
	2. Is <i>Miranda</i> Desirable?	620

xviii	Contents
3. What Are the Requirements for <i>Miranda</i> to Apply?	621
a. When Is a Person "in Custody"?	621
Oregon v. Mathiason	622
J.D.B. v. North Carolina	625
Berkemer v. McCarty	630
b. What Is an "Interrogation"?	634
Rhode Island v. Innis	634
Illinois v. Perkins	641
c. What Is Required of the Police?	644
California v. Prysock	644
Duckworth v. Eagan	647
4. What Are the Consequences of a Violation of <i>Miranda</i> ?	651
Oregon v. Elstad	652
Missouri v. Seibert	65%
United States v. Patane	663
5. Waiver of Miranda Rights	666
a. What Is Sufficient to Constitute a Waiver?	667
North Carolina v. Butler	667
Berghuis v. Thompkins	669
Salinas v. Texas	677
b. How Is a Waiver After the Assertion of Rights Treated?	682
Michigan v. Mosley	682
Edwards v. Arizona	685
Minnick v. Mississippi	687
Maryland v. Shatzer	692
Davis v. United States	698
6. What Are the Exceptions to <i>Miranda</i> ?	702
a. Impeachment	702
Harris v. New York	703
b. Emergencies	705
New York v. Quarles	705
c. Booking Exception	712
C. The Sixth Amendment Right to Counsel and Police Interrogation	s 712
1. The Sixth Amendment Right to Counsel During Interrogations	s 713
Massiah v. United States	713
Brewer v. Williams	718
2. The Sixth Amendment Right to Counsel Is Offense Specific	723
Texas v. Cobb	724

Coı	ntents	XIX
	3. Waivers	728
	Montejo v. Louisiana	728
	4. What Is Impermissible Police Eliciting of Statements?	736
	United States v. Henry	737
	Kuhlmann v. Wilson	740
D.	The Privilege Against Self-Incrimination in Other Contexts	744
	1. What Are the Requirements for the Privilege Against Self-Incrimination to Apply?	744
	a. Only Individuals May Invoke the Privilege	745
	b. The Privilege Applies Only to That Which Is Testimonial	745
	Schmerber v. California	745
	c. There Must Be Compulsion	748
	d. There Must Be the Possibility of Incrimination	749
	2. When May the Government Require the Production	
	of Documents and Other Things?	752
	Fisher v. United States	752
	3. May the Government Require Testimony If It Provides Immunity?	757
	Kastigar v. United States	758
	United States v. Hubbell	762
Ch	napter 5 Identification Procedures	767
A.	The Right to Counsel	768
	1. The Right to Counsel in Lineups	768
	United States v. Wade	768
	2. Limits on the Right to Counsel in Identification Procedures	778
	Kirby v. Illinois	778
	United States v. Ash	782
В.	Due Process Protection for Identification Procedures	788
	1. Unnecessarily Suggestive Identification Procedures by Police Violate Due Process	788
	Foster v. California	790
	2. Limits on the Ability of Courts to Find That Identification	100
	Procedures Violate Due Process	792
	Simmons v. United States	793
	Neil v. Biggers	795
	Manson v. Brathwaite	799
	3. Requirement That Police Be Involved in Creating	
	the Suggestive Identification Procedure	805
	Perry 11 Nezu Hampshire	80'

XX	Contents
Chapter 6 Initiating Prosecution	811
A. The Charging Decision	812
People v. Robert Denny	814
Inmate Convicted of Indecent Exposure	815
Mandatory 55-Year Sentence "Extreme"?	815
Inmates of Attica Correctional Facility v. Rockefeller	816
B. Limits on Prosecutorial Discretion	817
1. Statutory and Administrative Limits	817
2. Ethical Limits	818
3. Constitutional Limits	820
a. Selective or Discriminatory Enforcement	821
Wayte v. United States	821
United States v. Armstrong	824
b. Vindictive Prosecution	828
Blackledge v. Perry	828
C. Formal Charging Mechanisms	830
1. The Grand Jury	830
a. Operation of the Grand Jury	832
b. Screening Function of the Grand Jury	833
Costello v. United States	833
United States v. Williams	835
c. Grand Jury Reform	838
2. Preliminary Hearing	839
D. Severance and Joinder	840
1. Federal Rules of Criminal Procedure 8 and 14	841
2. Irreconcilable Conflicts and Bruton Problems	841
a. Conflicting Defenses	841
Zafiro v. United States	841
b. Bruton Problems	844
Bruton v. United States	844
Richardson v. Marsh	846
Gray v. Maryland	848
Samia v. United States	851
E. Amendments and Variances	857
F. Dismissing Cases	858
Chapter 7 Bail and Pretrial Release	859
A. Introduction	859
B Preventive Detention	861

Contents	XXI
1. Pretrial Detention	861
United States v. Salerno	861
2. Other Types of Preventive Detention	867
a. Detention of Material Witnesses	867
United States v. Awadallah	868
b. Preventive Detention of Sexual Predators	872
Kansas v. Hendricks	<i>873</i>
c. Preventive Detention for Immigration Detainees	878
d. Enemy Combatants	878
Chapter 8 Discovery	881
A. Introduction	881
B. Statutory and Rule Discovery: A Two-Way Street	884
Williams v. Florida	885
C. Constitutional Discovery: A One-Way Street	887
Brady v. Maryland	888
Giglio v. United States	889
United States v. Bagley	891
Kyles v. Whitley	899
Banks v. Dretke	907
D. Discovery for Guilty Pleas	909
E. Duty to Preserve Evidence	910
Arizona v. Youngblood	910
F. Final Note	914
Chapter 9 Plea Bargaining and Guilty Pleas	915
A. Introduction	915
B. Plea Bargaining	916
1. History of Plea Bargaining	916
2. The Pros and Cons of Plea Bargaining	917
a. Support for Plea Bargaining	917
b. Criticisms of Plea Bargaining	917
c. Evaluating a Plea Bargain	919
3. Bans on Plea Bargaining	919
4. The Legality of Plea Bargaining	920
Brady 11 United States	920

ХХ	ii	Contents
	5. Effective Assistance of Counsel for Plea Bargaining	928
	Missouri v. Frye	928
	Lafler v. Cooper	932
C.	Guilty Pleas	935
	Boykin v. Alabama	935
	Henderson v. Morgan	937
	Hill v. Lockhart	940
	Padilla v. Kentucky	942
D.	Rule 11 and the Procedural Requirements for Entering Guilty Pleas	944
E.	Remedies for Violations of Plea Agreements	946
	Santobello v. New York	946
	Ricketts v. Adamson	948
F.	Withdrawal of Guilty Pleas	951
Ch	apter 10 Speedy Trial Rights	95 3
A.	Introduction	953
В.	Why Speedy Trial Rights Matter	953
	People v. Kramer: Speedy Trial Rights and Justice Delayed	954
	State Loses Appeal in Child-Rape Case	954
	Judge Dismisses Molestation Case—Again	955
	1. Impact on the Defendant	955
	2. Impact on the Prosecution and Witnesses	956
	3. Impact on the Public	956
	4. Covid-19 Pandemic and Unavoidable Delays	956
C.	Due Process and Speedy Trial Rights	957
	1. Pre-Charging Delay, Due Process Rights, and Statutes of Limitations	957
	United States v. Marion	957
	Federal Statutes of Limitation	961
	United States v. Lovasco	962
	2. Post-Charging Delay and Speedy Trial Rights	965
	a. Statutory Protections	965
	b. Constitutional Protection	966
	Barker v. Wingo	966
	Doggett v. United States	971
	Vermont v. Brillon	974
	c. Other Speedy Trial Rules and Laws	977
D.	Remedies for Speedy Trial Violations	978

Contents	xxiii
E. Speedy Trial Rights and Sentencing	978
Betterman v. Montana	978
Chapter 11 Right to Counsel	981
A. Introduction	981
B. Appointment of Counsel	982
Gideon v. Wainwright	982
C. When the Right to Counsel Applies	985
Argersinger v. Hamlin	986
D. Standard for "Effective Assistance" of Co	unsel 989
Strickland v. Washington	989
1. Conflicts of Interest	999
2. Complete Denial of Counsel	1001
3. Strategic Decisions by Defense Counse	el 1001
Florida v. Nixon	1001
McCoy v. Louisiana	1005
4. Right to Retain Counsel	1010
5. Right to Retain Experts	1011
E. Right of Self-Representation	1012
Faretta v. California	1012
Indiana v. Edwards	1020
F. Right of Counsel for Enemy Combatants	1024
Chapter 12 Trial	1025
A. Trial by Jury	1025
1. Role of the Jury	1025
Duncan v. Louisiana	1026
2. When Is There a Right to a Jury Trial?	1029
3. Composition of the Jury	1030
a. Number of Jurors	1030
Williams v. Florida	1030
Ballew v. Georgia	1034
b. Unanimity	1037
Ramos v. Louisiana	1037
B. Jury Composition and Selection	1042
1. Selecting the Jury Venire	1042
Taylor v. Louisiana	1042
2. Selecting the Petit Jury	1046
Batson v. Kentucky	1047

1st proof 02-09-2025 21:44:38

XX	iv	Contents
	3. Applying <i>Batson</i>	1057
	a. Standing to Raise Batson Challenges	1057
	b. Batson Challenges in Civil Cases	1058
	c. Discriminatory Use of Peremptory Challenges by the Defense	1059
	d. Batson Challenges to Other Types of Discrimination	1060
	e. The Mechanics of Bringing Batson Challenges	1062
	Snyder v. Louisiana	1063
	Rivera v. Illinois	1067
C.	Pretrial Publicity and the Right to a Fair Trial	1070
	1. When Does Pretrial Publicity Interfere with	
	a Defendant's Right to a Fair Trial?	1070
	Irvin v. Dowd	1070
	Skilling v. United States	1074
	2. Remedies for Prejudicial Pretrial Publicity	1079
	a. Closure of Courtrooms	1079
	b. Other Remedies	1081
	Sheppard v. Maxwell	1082
	c. Ethical Limitations on Lawyers' Extrajudicial Comments	1085
	Gentile v. State Bar of Nevada	1086
	United States v. Cutler	1088
	d. Prior Restraints	1091
	Nebraska Press Association v. Stuart	1091
	3. Cameras in the Courtroom	1096
	Chandler v. Florida	1097
D.	Trial Rights: Due Process, Right of Confrontation, and Privilege	
	Against Self-Incrimination	1101
	1. Right of Confrontation	1101
	a. Right to Be Present at Trial	1102
	Illinois v. Allen	1102
	Deck v. Missouri	1104
	b. Right to Confront Witnesses	1105
	Maryland v. Craig	1106
	Crawford v. Washington	1109
	Michigan v. Bryant	1112
	Ohio v. Clark	1117
	c. Due Process Rights	1123
	2. Privilege Against Self-Incrimination and Improper Closing Argument	s 1124
	Griffin v. California	1124
	Darden v. Wainwright	1126

Contents		XXV
E.	Defendant's Right to Present a Defense	1128
	Chambers v. Mississippi	1129
	Holmes v. South Carolina	1131
F.	Role of the Jury and Proof Beyond a Reasonable Doubt	1134
	In re Winship	1134
	Tanner v. United States	1138
Ch	apter 13 Sentencing	1141
A.	Introduction	1141
В.	Indeterminate Versus Determinate Sentencing	1143
	1. Indeterminate Sentencing	1143
	2. Determinate Sentencing	1144
	3. Mandatory Minimum Sentences	1146
	4. Apprendi and Its Progeny	1146
	Apprendi v. New Jersey	1147
	Blakely v. Washington	1153
	United States v. Booker	1160
C.	Eighth Amendment: When Does a Sentence Constitute Cruel and Unusual Punishment?	1166
	1. Determining When a Sentence Is Proportional	1166
	Solem v. Helm	1166
	2. Proportionality and Three Strikes Laws	1172
	Ewing v. California	1172
	3. Juveniles and Sentencing	1179
	Graham v. Florida	1179
	Miller v. Alabama	1184
	4. Excessive Fines and Forfeitures	1188
	United States v. Bajakajian	1188
D.	The Death Penalty	1192
	1. Is the Death Penalty Unconstitutional?	1193
	Furman v. Georgia	1193
	2. Standards for Constitutional Implementation of the Death Penalty	1202
	3. Recent Limits on the Scope of the Death Penalty	1205
	a. Prohibition of the Death Penalty for Mentally	
	Retarded Defendants	1205
	Atkins v. Virginia	120
	b. Prohibition of the Death Penalty for Crimes	101
	Committed by Minors	1214
	Roper v. Simmons	1214

xxv	i	Contents
	c. Prohibition of the Death Penalty for Non-Homicide Offenses	1223
	Kennedy v. Louisiana	1223
	d. Method of Execution	1225
	Baze v. Rees	1225
	Glossip v. Gross	1233
E.	Pardons and Clemency	1246
	1. Offenses for Which a Pardon May Be Issued	1246
	2. Form of Pardon or Clemency	1246
	3. Conditions on Pardons	1247
	4. Self-Pardon	1247
Cha	apter 14 Double Jeopardy	1249
A.	Introduction	1250
	United States v. Scott	1250
В.	The Basics	1252
	1. What Is a Criminal Offense?	1252
	Hudson v. United States	1252
	2. What Is the "Same Offense"?	1256
	Blockburger v. United States	1256
	3. When Does Jeopardy Attach?	1258
C.	No Retrial Following Conviction or Acquittal	1258
	1. No Retrial After Acquittal	1258
	Burks v. United States	1259
	2. No Retrial After Conviction	1262
D.	Exceptions to the Double Jeopardy Rule	1262
	1. Retrial After Mistrials	1262
	a. Retrial After Mistrial for Hung Jury	1262
	United States v. Sanford	1263
	b. Retrials After Other Mistrials	1265
	United States v. Dinitz	1265
	Oregon v. Kennedy	1268
	2. Dual Sovereignty	1272
	Bartkus v. Illinois	1272
	3. Retrial After Trial in Improper Venue	1275
	Smith v. United States	1275
E.	Multiple Charges and Cumulative Punishments	1278
	Rutledge v. United States	1279
F.	Collateral Estoppel	1281
	Ashe v. Swenson	1282
	Yeager v. United States	1285

Chapter 15 Habeas Corpus (online)	
B. The Issues That Must Be Addressed in Order for a Federal Court to	
Grant Habeas Corpus Relief	1291
1. Is the Petition Time Barred?	1292
Holland v. Florida	1295
McQuiggin v. Perkins	1303
2. Is It a First or a Successive Habeas Corpus Petition?	1309
Tyler v. Cain	1310
Magwood v. Patterson	1316
3. Has There Been Exhaustion of All of the Claims Raised in the Habeas Petition?	1322
Rose v. Lundy	1325
4. Does the Petition Rely on Existing Rules or Seek Recognition	1,72,7
of a New Rule of Constitutional Law?	1332
Teague v. Lane	1332
Edwards v. Vannoy	1339
5. Is It an Issue That Can Be Raised on Habeas Corpus?	1343
Stone v. Powell	1344
6. Has There Been a Procedural Default, and If So, Is There Either	105
Cause and Prejudice or an Adequate Showing of Actual Innocence?	1357
Wainwright v. Sykes	1358
Maples v. Thomas	1368
Herrera v. Collins	1377
House v. Bell	1388
7. May the Federal Court Hold an Evidentiary Hearing?	1401
Cullen v. Pinholster	1402
8. May the Federal Court Grant the Habeas Corpus Petition?	1409
C. Statutes and Rules Governing Habeas Corpus	1413
D. Habeas Corpus and the War on Terrorism	1416
Rasul v. Bush	1416
Boumediene v. Bush	1421
Table of Cases	000
Index	