

Preface

Ensure student success with the Focus Casebook Series.

THE FOCUS APPROACH

In a law office, when a new associate attorney is being asked to assist a supervising attorney with a legal matter in which the associate has no prior experience, it is common for the supervising attorney to provide the associate with a recently-closed case file involving the same legal issues so that the associate can see and learn from the closed file to assist more effectively with the new matter. This experiential approach is at the heart of the *Focus Casebook Series*.

Additional hands-on features, such as Real Life Applications, Applying the Concepts, and Federal Income Taxation in Practice provide more opportunities for critical analysis and application of concepts covered in the chapters. Professors can assign problem-solving questions as well as exercises on drafting documents and preparing appropriate filings.

CONTENT SNAPSHOT

This text is intended to provide readers with a thorough understanding of both investigative and adjudicative criminal procedure. The book is divided into three parts. Part I provides a general overview criminal procedure, Part II addresses investigative criminal procedure, and Part III covers the study of adjudicative criminal procedure.

Part I, which consists of the book's first two chapters, provides a general introduction to the world of criminal procedure. Chapter 1 sets the stage for our study by explaining the difference between substantive criminal law and criminal procedure as well as the difference between the investigative and adjudicative stages of the criminal justice process. This chapter concludes by discussing competing values in criminal procedure as well as the roles of race, class, and gender in criminal law. Chapter 2 focuses on the sources of law that regulate criminal procedure.

Part II of the text begins our study of investigative criminal procedure. Chapters 3 to 6 each focus on a specific aspect of Fourth Amendment jurisprudence. What constitutes a Fourth Amendment search and seizure, who is covered by the Fourth Amendment, the state action and standing requirements (Chapter 3), probable cause and warrants (Chapter 4), exceptions to the warrant requirement

(Chapter 5), and the exclusionary rule (Chapter 6). Chapter 7 focuses on three separate aspects of interrogation law — the Fifth and Fourteenth Amendment due process voluntariness requirement, the Fifth amendment privilege against self-incrimination in the context of Miranda warnings, and the Sixth Amendment right to counsel. Chapter 8 addresses eyewitness identifications.

Part III of the text, which begins our study of adjudicative criminal procedure, starts at Chapter 9. Chapter 9 discusses charging decisions. Chapter 10 covers pre-trial release. Chapter 11 explores two concepts related to case screening (the role of the judge in preliminary hearing systems, as well as the grand jury's case screening and investigative functions). Chapter 12 covers the right to counsel, including the right to effective assistance of counsel in the criminal justice system. Chapter 13 focuses on the defendant's and the prosecution's right to discovery. Chapter 14 covers three specific types of issues commonly argued in pretrial motions — the appropriate venue and vicinage for the trial, joinder and severance of defendants, and the right to a speedy trial. In Chapter 15, the text addresses guilty pleas and the plea-bargaining process. Chapter 16 explores several aspects of the criminal trial, including the right to trial by jury, the voir dire and jury selection process, the right to confrontation, and the right against self-incrimination. Sentencing law is addressed in Chapter 17, and Chapter 18 covers the right against double jeopardy. The study of adjudicative criminal procedure concludes with the right to appeal and seek collateral review in Chapter 19.

RESOURCES

Other resources to enrich your class include:

- Bloom/Brodin, *Examples & Explanations: Criminal Procedure: The Constitution and the Police*, 10E
- Singer/Williams, *Examples & Explanations: Criminal Procedure II: From Bail to Jail*, 5E
- Cook/Cook, *Inside Adjudicative Criminal Procedure: What Matters and Why*
- Newton, *Criminal Litigation and Legal Issues in Criminal Procedure Readings and Hypothetical Exercises*, 5E

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