

Preface

Thank you for buying this book.

This new edition includes full coverage through the Supreme Court term that ended in June 2025, as well as one 2026 Supreme Court case. It features extensive coverage of several important recent cases and developments, including:

- ❑ Recent lower-court cases interpreting the 2018 decision in *Carpenter v. U.S.*, under which government demands for a **suspect's personal data** held by a **non-governmental third party** (e.g., a cellphone company) must sometimes be supported by a **search warrant** and **probable cause**.
- ❑ *Mitchell v. Wisconsin*, holding that police **do not require a search warrant** before performing a **blood-alcohol test** of a driver who is **so drunk as to be unconscious**.
- ❑ **42 U.S.C. §1983**, a statute that sometimes allows people whose Fourth Amendment or other constitutional rights have been **violated by a police officer** to bring a **civil suit for money damages** against the officer.
- ❑ *Samia v. U.S.*, covering the situation in which D1 and D2 are **tried together** for the same crime, and the prosecution wants to present to the jury **a confession by D1** (who doesn't take the stand) that also **implicates D2**. *Samia* makes it much easier for prosecutors to present D1's confession with only **slight redactions** of the portions that implicate D2, without thereby violating D2's **Confrontation Clause rights**.
- ❑ Claims of **"selective prosecution,"** including why it's **virtually impossible** for a defendant to successfully assert such claims.

The *CrunchTime*® Series is intended for people who want Emanuel quality but don't have the time or money to buy and use the full-length *Emanuel Law Outline*® on a subject. We've designed the series to be used in the last few weeks (or even less) before your final exams.

This book includes the following features, most of which have been extracted from the corresponding *Emanuel Law Outline*®:

- ❑ **Flow Charts** — We've reduced many of the principles of *Criminal Procedure* to a series of six Flow Charts, created specially for this book and never published elsewhere. We think these will be especially

useful on open-book exams. The Flow Charts begin on p. 1.

- ❑ **Capsule Summary** — This is a 118-page summary of the subject. We've carefully crafted it to cover the things you're most likely to be asked on an exam. The Capsule Summary starts on p. 49.
- ❑ **Exam Tips** — We've compiled these by reviewing dozens of actual essay and multiple-choice questions asked in past law-school and bar exams, and extracting the issues and fine distinctions that surface most often on exams. The Exam Tips start on p. 171.
- ❑ **Short-Answer** questions and answers — The questions are generally in a Yes/No format, with a "mini-essay" explaining each one. The questions start on p. 213. The answers begin on p. 255.
- ❑ **Essay** questions — These questions are actual ones asked on law school exams. They start on p. 287. A sample answer follows each question.

My deep thanks to my colleagues Barbara Roth and Troy Froebe for their help in assuring the reliability and readability of this and my other books.

Good luck in your *Criminal Procedure* course. If you'd like any other Aspen publication, you can find it at your bookstore or at

www.AspenPublishing.com.

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