

Prej Tab	face le of Cases	xiii xv		
Cr	Criminal Procedures: The Police			
1 Th	e Border of Criminal Procedure	1		
A.	Police as Providers of Service	1		
2 Sea	arch and Seizure Defined	3		
A. C.	What Is a Search? State Action Requirement	3 12		
3 Lir	nited Searches and Seizures	13		
A. B.	1. Grounds for Stops	13 13 21 21 23		

4 Ful	ll Searches of People and Places: Basic Concepts	27
A. D.	Warrants 2. Particularity in Warrants 3. Probable Cause Special Needs Searches	27 27 30 30
	Special recess scarciles	50
5 Arı	rests	33
D. E.	Paper Arrests: Citations Use of Force in Making Arrests	33 34
6 Sea	arches in Recurring Contexts	41
A. D.	"Persons"  2. Body Searches at the Jail Effects	41 41 44
7	3. Containers, In and Out of Cars	44
Re	medies for Unreasonable Searches and Seizures	45
B.	Limitations on the Exclusionary Rule  1. Evidence Obtained in "Good Faith"  2. Covertion Limits Inquitable Discovery and	45 45
C.	<ol> <li>Causation Limits: Inevitable Discovery and Independent Source</li> <li>Additions and Alternatives to the Exclusionary Rule</li> <li>Tort Actions and Criminal Prosecutions</li> </ol>	46 47 47
8 Int	errogations	49
Α.	Voluntariness of Confessions	49
В.	3. Police Lies  Miranda Warnings	49

		Contents
	<ol> <li>The <i>Miranda</i> Revolution</li> <li>The "Custody" Precondition for <i>Miranda</i></li> </ol>	51
	Warnings	52
	4. Form of Warnings	54
C.	Invocation and Waiver of Miranda Rights	55
D.	Post-Invocation Activity by Police	56
E.	Sixth Amendment Right to Counsel During	
	Investigations	56
9		
Íde	entifications	57
B.	Exclusion of Identification Evidence	57
	2. Exclusion on Due Process Grounds	57
C.	* *	
	Procedures	60
	1. Jury Instructions	60
10		
Co	mplex Investigations	63
A.	The Investigative Grand Jury	63
	1. Grand Jury Secrecy	63
	2. Immunity for Witnesses and the Scope of the	
	Privilege Against Self-Incrimination	65
_	3. Document Subpoenas	65
B.	Undercover Investigations	69
C.	Wiretapping	70
	2. Statutory Wiretapping Procedures	70

## **Criminal Procedures: Prosecution and Adjudication**

1 De	fense Counsel	75
A.	When Will Counsel Be Provided?	75
	2. Type of Proceedings	75
В.	3	76
C. D.	Adequacy of Counsel Systems for Providing Counsel	77 80
	Systems for Froviding Counser	80
2	(	01
Pre	etrial Release and Detention	81
A.	Pretrial Release	81
	1. Standard Release Practices	81
	2. Bail Reform Efforts	82
3		
	arging	87
C.	Policies to Discourage Charges	87
	Selective Prosecution	92
4		
Jed	pardy and Joinder	95
Α.	Double Jeopardy	95
	2. "Same Offence"	95
	3. Collateral Estoppel	96
	Problem 4-3A. Serial Fight Trials	96
5		
	scovery and Speedy Trial	97
A.	Discovery	97
	1. Prosecution Disclosure of Exculpatory Information	97

		Contents
В.	<ol> <li>Defense Disclosures</li> <li>Speedy Trial Preparation</li> <li>Constitutional Protections for Speedy Trial After</li> </ol>	99 100
	Accusation 3. Statutory Protections for Speedy Trial After	100
6	Accusation	100
-	as and Bargains	101
B.	Validity of Guilty Pleas 2. Involuntary Pleas	101 101
7 Dec	cisionmakers at Trial	103
B.	Selecting Jurors	103
C.	Problem 7-2A. Unvaccinated and Unavailable Jury Deliberations and Verdicts	103 104
8 Wit	tnesses and Proof	105
A.	Confrontation of Witnesses  1. The Value of Confrontation  2. Out-of-Court Statements by Unavailable Witnesses  3. Statements by Co-Defendants  Samia v. United States (2023)	105 105 s 105 106 106
B. D.	Self-Incrimination Privilege at Trial Burden of Proof	122 123
9		
Sen	tencing	125
A.	Who Sentences? 2. Legislative Sentencing 3. Sentencing Commissions	125 125 125

C.	Revisiting Points in the Criminal Process	126
	3. Revisiting Proof at Trial	126
D.	Race and Sentencing	127
10		
Appeals		129
A.	Who Appeals?	129
D	Retroactivity	129