CONSTITUTIONAL CRIMINAL PROCEDURE OUTLINE INTRODUCTION:

- Balance b/t state powers and individual autonomy is essential
- Tip the scale too far one way → Totalitarianism too far the other way → Anarchy.
- The discussion must be framed in the context of the Constitution.
- Course focuses on the 4th, 5th, and 6th Amendments and their application to the States through the 14th
 - o 4th, 5th, and 6th go through 3 stages of interaction b/t individual and criminal law enforcement.

Three Stages of Interaction:

A.

- 1. 4th Amendment- Governs investigation process through search and seizure.
- 2 5th Amendment- Custodial interrogation—state has custody over individual and attempts to obtain information.
- 6TH Amendment—Adjudication—Individual no longer a suspect, but a defendant, & is entitled to competent counsel.

Brown v. Mississippi: Confussions obtained by (violent) coercion violate due process. The Due Process clause of the 14th Amendment requires that state actions be consistent with fundamental principles of liberty and justice.

Confessions obtained by violent coercion violate DP.

B. EXCLUSIONARY RULE:

RULE: Evidence that is obtained in a way that violates constitutionally protected rights will not be admitted in a prosecutor's case in chief.

- This rule was created to take away any incentive for law enforcement officials to violate a suspect's constitutional rights.
- Exclusionary Rule = ER

Weeks v. United States. The U.S. and Federal officials are prohibited from performing intreasonable searches and secures.

 This case only applied to federal courts. Evidence obtained in violation of the 4th Amendment could not be admitted into <u>federal court</u>.

Wolfv Colorado: Evidence gathered by violating the due process clause through imreasonable search and setting can be admitted in state criminal proceedings.

Rochin v. California: Law enforcement may not procure physical evidence by fordable extraction of a 3's stomach contents.

Conduct that shocks the conscience → violation of the DP clause

Mapp v. Ohio: Evidence obtained through unreasonable search and seizure in violation of the 4^{ex} Amendment is inadmissible in <u>state</u> criminal proceedings.

- Mapp is the case that the exclusionary rule DOES apply to the states!
- The Court found that the exclusionary rule is w/in the 4th Amendment itself, and is not just a police decision, or rule of evidence.

Constitutional Criminal Procedure

Jerold H. Israel, Wayne R. LaFave

Constitutional Criminal Procedure:

Constitutional Criminal Procedure Ronald Jay Allen, Richard B. Kuhns, 1991 Constitutional Criminal Procedure Aspen Law & Business, Ronald Jay Allen, Richard B. Kuhns, Henry J. Friendly Professor of Law William J. Stuntz, 1999-08-30

Constitutional Criminal Procedure Robert M. Bloom, Mark S. Brodin, 1992 Criminal Procedure Jerold H. Israel, Wayne R. LaFave, 2006 Intended for use by law students of criminal procedure It is a succinct analysis of the constitutional standards of major current significance. This is not a text on criminal procedure but rather about constitutional criminal procedure It avoids describing the non constitutional standards applied in each state and federally The text provides the scope and highlights you need to excel in understanding this field This will enable you to answer exam guestions more quickly and accurately and enhance your skills as an attorney Constitutional Criminal Procedure Andrew E. Taslitz, Margaret L. Paris, 2003 About Guilt and Innocence Donald A. Dripps, 2002-12-30 This remarkably original and vital work argues that the problems are rooted in a disjunction between prevailing values and the prevailing doctrinal regime in constitutional law Dripps asserts that the Fourteenth Amendment's more general standards of due process and equal protection encompass the values that ought to govern the criminal process Why does the American criminal justice system punish too many innocent people failing to punish so many guilty parties and imposing a disproportionate burden on blacks This remarkably original and vital work argues that the problems are rooted in a disjunction between prevailing values and the prevailing doctrinal regime in constitutional law Dripps asserts that the Fourteenth Amendment's more general standards of due process and equal protection encompass the values that ought to govern the criminal process Criminal procedure ought to be about protecting the innocent punishing the guilty and doing equal justice Modern legal doctrine however hinders these pursuits by concentrating on the specific procedural safeguards contained in the Bill of Rights Dripps argues that a renewed focus on the Fourteenth Amendment would be more consistent than current law with both our values and with the legitimate sources of Constitutional law and will promote the instrumental values the criminal process ought to serve Legal and constitutional scholars will find his account of our criminal system's disarray compelling and his argument as to how it may be reconstructed important and provoking **Criminal Procedure** Jerold H. Israel, Wayne R. LaFave, 2001 Intended for use by law students of criminal procedure It is a succinct analysis of the constitutional standards of major current significance. This is not a text on criminal procedure but rather about constitutional criminal procedure. It avoids describing the non constitutional standards applied in each state and federally The text provides the scope and highlights you need to excel in understanding this field This will enable you to answer exam questions more quickly and accurately and enhance your skills as an attorney Criminal Procedure Marvin Zalman, 2007-06 For courses in Criminal Procedure Using a blend of text and edited cases this book provides up to date coverage of constitutional criminal procedure It covers all relevant Fourth Amendment topics incorporation confessions right to counsel identification and entrapment and separate

chapters on the pre trial and trial process Important cases are highlighted using a case and comment approach and this edition includes all new legal puzzles and updated Supreme Court biographies With an emphasis on law and society it provides essential information about the law of constitutional criminal procedure the most meaningful Supreme Court cases and discussion of criminal procedure in its social political and historical contexts **Criminal Procedure** Robert M. Bloom, Mark S. Brodin, 2006-01-01 Updated to reflect important current events Examples Explanations Criminal Procedure The Constitution And The Police Fifth Edition retains its proven format of presenting criminal procedure as a sequence of procedures mirroring real life events in law enforcement Well written and user friendly this concise paperback is an asset to any criminal procedure course Carefully crafted to aid students understanding this study aid gives students a sense of the theoretical flow and logic of law enforcement by following police procedural order graphically demonstrates legal standards and concepts through the use of Charts and illustrations starts with easy confidence building examples and gradually moves on to more challenging examples that test students knowledge and analytical skills utilizes the proven Examples and Explanations format to explain concepts and allow students to develop analytical and problem solving skills Special features of the Fifth Edition include terrorism in the United States And The Fourth Amendment ramifications Please visit the new companion website to learn more about this book Website http www aspenlawschool com bloombrodin5 Criminal Procedure Phillip E. Johnson, Morgan Cloud, 2005 Johnson and Cloud's Constitutional Criminal Procedure From Investigation to Trial has been redesigned to provide teachers and students with a sophisticated presentation of fundamental issues in constitutional criminal procedure in a succinct and efficient text In addition to presenting the rules currently governing each topic of constitutional law this completely revised edition also covers the historical and jurisprudential contexts which produced current doctrine It includes comprehensive coverage of fundamental topics of constitutional criminal procedure and excerpts from scholarly writings and author commentary to provide guidance when necessary

Criminal Procedure and the Constitution Jerold H. Israel, Yale Kamisar, Wayne R. LaFave, 1994 The Constitution and Criminal Procedure Akhil Reed Amar, 1997-01-01 Under the banner of the Fourth Fifth and Sixth Amendments the Supreme Court of America has constitutionalized vast areas of criminal procedure law in ways that often reward the guilty whilst hurting the innocent This book reconceptualizes the basic foundations of the criminal procedure field New York

Criminal Procedure Christopher J. Morse, 2001 This book presents an analysis of New York criminal procedure law that integrates the three sources of the law statutory law case law and constitutional law It is difficult if not impossible for anyone without formal legal education to acquire a reasonable understanding of the criminal procedure process without such integration and analysis New York Criminal Procedure covers the criminal procedure statute in its entirety from arrest arraignment pleadings hearings motions discovery evidence trial and appeal to special procedures such as immunity jurisdiction wiretapping the death penalty and extradition Morse integrates and analyzes the statute with court decisions and

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Welsh S. White, James J. Tomkovicz, 2004 Criminal Procedure and the Constitution, Leading Supreme Court Cases

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