

CONSTITUTIONAL CRIMINAL PROCEDURE OUTLINE

A. 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.
 - 4th, 5th, and 6th go through 3 stages of interaction b/t individual and criminal law enforcement.

Three Stages of Interaction:

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.
3. 6th Amendment—Adjudication—Individual no longer a suspect, but a defendant, & is entitled to competent counsel.

Brown v. Mississippi: Confessions 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 unreasonable searches and seizures.

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

Wolf v. Colorado: Evidence gathered by violating the due process clause through unreasonable search and seizure can be admitted in state criminal proceedings.

Rochin v. California: Law enforcement may not procure physical evidence by forcible extraction of a S'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 4th Amendment is inadmissible in state 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, Yale Kamisar, 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 questions 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> **Constitutional 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. LaFare, 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

constitutional considerations presenting the reader with a ready knowledge of the criminal procedure process The book contains over eighty edited illustrative cases illustrating various aspects of criminal procedure law such as stop and frisk search warrants no knock entry grand jury proceedings plea bargaining bail admission at trial of previous statements of witnesses bodily intrusions DNA testing suppression of evidence jury trial sentencing and sex offender registration This book may be used in any jurisdiction in order to enable one to acquire a working knowledge and understanding of basic criminal procedure law

Constitutional Law for Criminal Justice Jacqueline R. Kanovitz,Jefferson L. Ingram,Christopher J. Devine,2024-01-22 Constitutional Law for Criminal Justice Sixteenth Edition offers criminal justice professionals the training they need to recognize the constitutional principles that apply to their daily work Jacqueline R Kanovitz Jefferson L Ingram and Christopher J Devine provide a comprehensive well organized and up to date analysis of constitutional issues that affect the U S justice system Chapter 1 of Part I summarizes the organization and content of the Constitution the Bill of Rights and the Fourteenth Amendment The next eight chapters cover the constitutional principles that regulate investigatory detentions traffic stops arrests use of force search and seizure technologically assisted surveillance the Wiretap Act interrogations and confessions self incrimination witness identification procedures the right to counsel procedural safeguards during criminal trials First Amendment issues relevant to law enforcement and capital punishment The final chapter covers the constitutional rights of criminal justice professionals in the workplace their protection under Title VII of the Civil Rights Act and their accountability under 42 U S C 1983 for violating the constitutional rights of others Part II contains abstracts of key judicial decisions exemplifying how the doctrines covered in earlier chapters are being applied by the courts The combination of text and cases creates flexibility in structuring class time This book makes complex concepts accessible to students in all levels of criminal justice education The chapters begin with an outline and end with a summary Key Terms and Concepts are defined in the Glossary Tables figures and charts are used to synthesize and simplify information The result is an incomparably clear student friendly textbook that has remained a leader in criminal justice education for more than 50 years The accompanying Instructor and Student Resource website provides free digital materials designed to test student knowledge and save time when preparing lessons Resources include Student access to practical quizzes including multiple choice and true or false questions and case studies with interactive questions and answers to test and apply knowledge A downloadable comprehensive study guide glossary and appendix including the text of the United States Constitution to enhance understanding of each chapter alongside study Step by step Instructor Guides and premade lesson slides that correspond to the chapters in an editable format to saving valuable time on lesson preparation Instructor access to test bank questions for further exam practice Password protected instructor resources available on the Instructor Resources Download Hub

Constitutional Criminal Procedure Handbook Shelvin Singer,Marshall J. Hartman,1986 Criminal Procedure
Welsh S. White,James J. Tomkovicz,2004 **Criminal Procedure and the Constitution, Leading Supreme Court Cases**

and Introductory Text 2019 Jerold H. Israel, Yale Kamisar, Wayne R. LaFave, Nancy J. King, Eve Brensike Primus, 2019-08-14

This title is the work of nationally renowned experts on the subject of constitutional criminal procedure. It is ideally suited for a survey course designed to explore and critically examine how the U.S. Supreme Court has dealt with a wide range of highly controversial issues that arise at various stages of the criminal process. Considerable effort has been made to set forth the views of all members of the Court in landmark and important recent cases. The modest size of this volume has been attained not by collecting snippets of many opinions but by the judicious selection of leading cases. An outstanding feature is the illuminating introductory commentary that appears throughout the book and places the selected cases in general historical and doctrinal perspective. *Constitutional Criminal Procedure: Volume Two - Fourth Ed* John Schmolesky, 2017-12-22

Constitutional Criminal Procedure explores constitutional constraints on state or government investigation of crime under the 4th, 5th, 6th, and 14th Amendments. The American constitutional law of search and seizure is the primary subject of volume one. A second volume concentrates on the constitutional law of interrogation and confession as well as eyewitness identification. *Constitutional Criminal Procedure* Andrew Taslitz, Margaret L. Paris, Howard Lenese, Lenese C. Herbert, 2016-08-12. This supplement brings the principal text current with recent developments in the law.

Constitutional Criminal Procedure John Schmolesky, 2014-11-11. A casebook designed for a law school course in criminal procedure that describes constitutional constraints on law enforcement investigation of crime. Volume one deals with the law of search and seizure under the 4th Amendment. Volume two deals with confession and identification law under the 5th, 6th, and 14th Amendments.

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