

## **Criminal Procedure chronology, Spring 2005. Professor R. Miller.**

### **The criminal process: failure and legitimacy**

#### Failures

Jame Goodman: *Stories of Scottsboro*

*Powell v. Alabama*

*Betts v. Brady*

#### Seeking legitimacy in the Fourteenth Amendment

Akhil Reed Amar: *The Bill of Rights and the Fourteenth Amendment*

Joshua Dressler: *Understanding Criminal Procedure*

*Duncan v. Louisiana*

George C. Thomas, III: *When Constitutional Worlds Collide...*

David Cole: *Introduction*, in NO EQUAL JUSTICE

### **The Fourth Amendment: an overview**

#### The text and its mysteries

#### The Fourth Amendment and the states

*Wolf v. Colorado*

#### The reach of the Fourth Amendment

#### The birth of the exclusionary rule

*Weeks v. United States*

*Mapp v. Ohio*

### **Passing the threshold of the Fourth Amendment**

#### What is a “search”?

##### General principles

*Katz v. United States*

##### The *Katz* doctrine in application

*United States v. White*

*Smith v. Maryland*

“Open fields,” “curtilages,” and beyond

*Kyllo v. United States*

#### What is a “seizure”?

*United States v. Karo*

### **The substance of the Fourth Amendment**

#### Probable cause

*Spinelli v. United States*

*Illinois v. Gates*

#### Arrest warrants

*Payton v. New York*

#### Search warrants

##### The constitutional debate

Akhil Reed Amar: *Fourth Amendment First Principles*

Tracey Mallin: *When the Cure . . . is Worse than the Disease*  
 Thomas Y. Davies: *Recovering the Original Fourth Amendment*

Elements of a valid search warrant  
*Lo-Ji Sales, Inc. v. New York*

Execution of a search warrant  
*Richards v. Wisconsin*

Warrant Clause: when are warrants required?  
 Exigent circumstances  
*Warren v. Hayden*  
*Welsh v. Wisconsin*

Searches incident to an arrest  
 General principles  
*Chimel v. California*  
*United States v. Robinson*

Arrests of automobile occupants: a special rule?  
*New York v. Belton*

Pretextual stops and arrests (particularly in automobiles)  
*Whren v. United States*

Cars and containers  
*Chambers v. Maroney*  
*California v. Carney*  
*United States v. Chadwick*  
*California v. Acevedo*

Plain view (and touch) doctrines  
*Horton v. California*  
*Arizona v. Hicks*

Consent  
*Schneckloth v. Bustamonte*  
*United States v. Matlock*  
*Illinois v. Rodriguez*

Reasonableness Clause: the diminishing role of warrants and probable cause  
 The Terry Doctrine  
*Terry v. Ohio*: the opinion  
 Scott E. Sundby: *A Return to Fourth Amendment Basics*  
 Joshua Dressler: *Understanding Criminal Procedure*  
*Terry v. Ohio*

Drawing lines: “Terry seizures” versus de facto arrests  
*Dunaway v. New York*

Drawing lines: seizure versus non-seizure encounters  
*United States v. Mendenhall*  
*Florida v. Bostick*  
*California v. Hodari D.*

David Cole: *Policing Race and Class*, in NO EQUAL JUSTICE  
 “Reasonable suspicion”  
*Alabama v. White*

*Illinois v. Wardlaw*  
Extending the *Terry* doctrine  
*United States v. Place*  
*Michigan v. Long*  
*Maryland v. Buie*  
Reasonableness in a “special needs” (and non-criminal?) context  
*Michigan Department of State Police v. Sitz*

### **Remedies for Fourth Amendment violations**

#### Standing

The starting point

*Rakas v. Illinois*

*Minnesota v. Carter*

#### Exclusionary rule

The nature of the rule

*Mapp v. Ohio*

Should the rule be abolished?

Joshua Dressler: *Understanding Criminal Procedure*

The “good-faith” exception to the exclusionary rule

*United States v. Leon*

“Fruit of the poisonous tree” doctrine

In general

*Silverthorne Lumber Company v. United States*

“Attenuation” (or “dissipation of taint”) doctrine

*Wong Sun v. United States*

“Independent source” doctrine

*Murray v. United States*

### **Confessions: the voluntariness requirement**

Torture and confessions

*Brown v. Mississippi*

*Public Committee Against Torture in Israel v. The State of Israel*

Police interrogation without torture

*Lisenba v. California*

*Spano v. New York*

Can God coerce a confession?

*Colorado v. Connelly*

### **Police interrogation: the Self-Incrimination Clause**

The road to *Miranda*

*Bram v. United States*

*Miranda* spawns a new law of confession

*Miranda v. Arizona*

Stormy seas for *Miranda*

*Miranda* custody

*Oregon v. Mathiason*  
*Berkemer v. McCarty*  
*Miranda* interrogation  
*Rhode Island v. Innis*  
Waiver and invocation of *Miranda* rights  
*North Carolina v. Butler*  
*Edwards v. Arizona*  
*Missouri v. Seibert*  
Exceptions to *Miranda*  
*New York v. Quarles*  
*Miranda* survives the stormy seas  
*Dickerson v. United States*  
Steven D. Klymer: *Miranda's Demise?*  
Police interrogation survives *Miranda*  
David Simon: *Homicide, A Year on the Killing Streets*