

# CRIMINAL PROCEDURE

*An Analysis of Cases and Concepts*  
SECOND EDITION

CHARLES H. WHITEBREAD  
CHRISTOPHER SLOBOGIN

*University Textbook Series*

# CRIMINAL PROCEDURE

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## AN ANALYSIS OF CASES AND CONCEPTS SECOND EDITION

By

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## PREFACE

The first edition of this book was published in 1980. This edition represents a complete reworking of that effort. Several new chapters have been added and existing chapters have been substantially revised and reorganized to include intervening developments (through July, 1986) and to clarify the material. Those familiar with the first edition will hopefully find that this edition retains the helpful aspects of the former work and its 1982 and 1984 supplements at the same time it adds significantly to them.

This book is designed for students of criminal procedure, whether they are in the classroom or in practice. We have aimed at accomplishing three objectives. First, we describe the present law of criminal procedure. In doing so, an effort is made to provide in appropriate detail the *facts* as well as the holdings of the relevant United States Supreme Court and leading lower court decisions; an understanding of a case's context is often indispensable to an understanding of its holding. Second, we explain how the law became what it is. Knowledge of the steps and missteps of the courts in developing the law can only improve comprehension of present rules; thus, with most topics covered in this book, we take a historical perspective. Third, again in virtually every area, we suggest an analytical framework. The effort here is to facilitate grappling with complex issues by providing a step-by-step method of structuring the relevant inquiry.

Several additional features of this book are worth pointing out. We continue to provide concluding sections at the end of each chapter designed to summarize the salient black letter principles discussed. Each chapter also continues to include a bibliography meant to sample the pertinent literature. Finally, two stylistic points. First, for reasons of economy we no longer cite the relevant page number for each quotation from a court decision but rather provide only the citation to the case; we hope this will not cause any undue inconvenience to the reader. Second, the reader will find that rather than use the male or female pronoun throughout the book or resort to cumbersome conjunctions we have used the male pronoun in some chapters and the female pronoun in others.

Of course, a work of this magnitude rests on the labor of many besides the two of us. We would like to thank our respective law schools, the University of Southern California Law Center and the University of Florida College of Law, for their financial and staff assistance in preparing this book. As we did in the first edition, we also express our appreciation to Peter W. Low, of the University of Virginia Law School, and Stephen J. Morse, at Southern

## *PREFACE*

California, for their help on parts of the manuscript. Finally, in an area of the law which changes so rapidly, we would have been helpless without the aid of numerous students. Because of his tireless work on the first edition, we would like to continue to recognize David Sfara, a graduate of the University of Virginia Law School. For their work on the second edition, the following University of Florida students deserve our thanks: Lesley Blackner, Mark Jones, Kenneth Komara, Christina Riotte, Susan Seigle, Jodi Siegel, Paula Sicard, Claudene Stetzer, Phillip Tomberlin, Jr., and Wendy Witten.

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