

AMERICAN
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CRIMINAL PROCEDURE

CASES, PROBLEMS AND EXERCISES

Fifth Edition



Russell L. Weaver, John M. Burkoff,
Catherine Hancock, Janet C. Hoeffel,
Stephen Singer & Steven I. Friedland

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■ ■ ■

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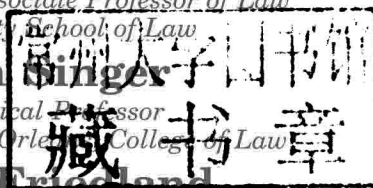
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To Laurence, Ben and Kate, with love, RLW

*Dedicated with love to Nancy, Amy & Sean,
David & Emmy, Emma, Molly,
Hannah, and Cyrus, JMB*

For Elizabeth, Caitlin & Margaret, CH

To Ben & Sam, JCH

To Shelvin and Gloria, SS

To my wife, Jennifer, SIF

PREFACE TO FIFTH EDITION

In creating the fifth edition of this book, our primary goal remained the same as it was when we created the first edition: to create a “teacher’s book”—a book that is easy to use and that produces rewarding and insightful classroom discussion. This fifth edition includes many more problems and exercises all designed to stimulate and encourage thought and discussion.

A subsidiary objective was to help students understand and evaluate the competing policy considerations that underlie the law. Over the last thirty years, so many criminal procedure cases have been decided that it is impossible to thoroughly discuss and do justice to all of them. In this book, we include modern cases that reflect the current state of the law. In addition, we include older cases (e.g., *Spinelli v. United States*) because they help students understand and evaluate the modern approach, and in any event should lead to interesting classroom discussions.

A second subsidiary objective was to create a book that helps students develop skills that they will need in practice. While we recognize that the MacCrate Report was focused on clinics and other more active forms of skills training, substantive classes can be an effective forum for skills development. As a result, we frequently put students in real-life situations, and ask them how they would argue a case for a client (e.g., what facts might they use to make a particular type of argument).

Of course, in any book, space limitations make tradeoffs necessary. One choice that we made was to limit the scope and extent of notes. Rather than deal with criminal procedure in an encyclopedic way, we wanted to include more problems and exercises.

We give thanks to the many people who assisted us in the creation and revision of this book, including our research assistants and secretaries. We are particularly grateful to students who helped us find and correct errors. Finally, we are thankful to our spouses, significant others, and children who supported us through the various stages of this project.

RLW, JMB, CH, JCH, SS, SIF

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TABLE OF CASES

The principal cases are in bold type. Cases cited or discussed in the text are in roman type. References are to pages. Cases cited in principal cases and within other quoted materials are not included.

-
- Abbate v. United States, 359 U.S. 187, 79 S.Ct. 666, 3 L.Ed.2d 729 (1959), 1138
- Abdul-Kabir v. Quarterman, 550 U.S. 233, 127 S.Ct. 1654, 167 L.Ed.2d 585 (2007), 1213
- A Blue in Color, 1993 Chevrolet Pickup, 2-Door, MT 14T-D899 VIN/2GCEC19KOP1153371, State v., 328 Mont. 10, 116 P.3d 800 (Mont.2005), 173
- Abu Ali, United States v., 528 F.3d 210 (4th Cir.2008), 595
- Adams v. Williams, 407 U.S. 143, 92 S.Ct. 1921, 32 L.Ed.2d 612 (1972), 345
- Aguilar v. State of Tex., 378 U.S. 108, 84 S.Ct. 1509, 12 L.Ed.2d 723 (1964), 20
- Ake v. Oklahoma**, 470 U.S. 68, 105 S.Ct. 1087, 84 L.Ed.2d 53 (1985), **122**
- Alabama v. Shelton, 535 U.S. 654, 122 S.Ct. 1764, 152 L.Ed.2d 888 (2002), 45
- Alabama v. Smith, 490 U.S. 794, 109 S.Ct. 2201, 104 L.Ed.2d 865 (1989), 1163
- Alabama v. White, 496 U.S. 325, 110 S.Ct. 2412, 110 L.Ed.2d 301 (1990), 374, 405
- Alameh, United States v., 341 F.3d 167 (2nd Cir.2003), 854
- Albright v. Oliver, 510 U.S. 266, 114 S.Ct. 807, 127 L.Ed.2d 114 (1994), 19
- Alderman v. United States, 394 U.S. 165, 89 S.Ct. 961, 22 L.Ed.2d 176 (1969), 733
- Allen v. Thomas, 161 F.3d 667 (11th Cir.1998), 1219
- Allen v. United States, 164 U.S. 492, 17 S.Ct. 154, 41 L.Ed. 528 (1896), 999, 1160
- Al Nasser, United States v., 555 F.3d 722 (9th Cir.2009), 363
- Alvarez-Manzo, United States v., 570 F.3d 1070 (8th Cir.2009), 427
- Alvarez-Sanchez, United States v., 511 U.S. 350, 114 S.Ct. 1599, 128 L.Ed.2d 319 (1994), 804
- Alvarez-Tejeda, United States v., 491 F.3d 1013 (9th Cir.2007), 272
- Amadeo v. Zant, 486 U.S. 214, 108 S.Ct. 1771, 100 L.Ed.2d 249 (1988), 1228
- Amador, People v., 100 Cal.Rptr.2d 617, 9 P.3d 993 (Cal.2000), 146
- Amanuel, United States v., 615 F.3d 117 (2nd Cir.2010), 723
- Ambrose, United States v., 668 F.3d 943 (7th Cir.2012), 542
- Anders v. State of Cal., 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), 1182
- Anderson v. Creighton, 483 U.S. 635, 107 S.Ct. 3034, 97 L.Ed.2d 523 (1987), 676
- Anonymous Nos. 6 and 7 v. Baker, 360 U.S. 287, 79 S.Ct. 1157, 3 L.Ed.2d 1234 (1959), 881
- Apodaca v. Oregon**, 406 U.S. 404, 92 S.Ct. 1628, 32 L.Ed.2d 184 (1972), **994**
- Apperson, United States v., 441 F.3d 1162 (10th Cir.2006), 957
- Apprendi v. New Jersey**, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000), 991, **1122**
- Archer, United States v., 486 F.2d 670 (2nd Cir.1973), 502
- Argersinger v. Hamlin**, 407 U.S. 25, 92 S.Ct. 2006, 32 L.Ed.2d 530 (1972), **42**
- Arizona v. Evans, 514 U.S. 1, 115 S.Ct. 1185, 131 L.Ed.2d 34 (1995), 707
- Arizona v. Fulminante**, 499 U.S. 279, 111 S.Ct. 1246, 113 L.Ed.2d 302 (1991), **612**, 775
- Arizona v. Gant**, 556 U.S. 332, 129 S.Ct. 1710, 173 L.Ed.2d 485 (2009), **248**
- Arizona v. Hicks, 480 U.S. 321, 107 S.Ct. 1149, 94 L.Ed.2d 347 (1987), 232
- Arizona v. Johnson, 555 U.S. 323, 129 S.Ct. 781, 172 L.Ed.2d 694 (2009), 342, 344
- Arizona v. Mauro, 481 U.S. 520, 107 S.Ct. 1931, 95 L.Ed.2d 458 (1987), 550
- Arizona v. Roberson, 486 U.S. 675, 108 S.Ct. 2093, 100 L.Ed.2d 704 (1988), 586
- Arizona v. Rumsey, 467 U.S. 203, 104 S.Ct. 2305, 81 L.Ed.2d 164 (1984), 1154, 1163
- Arizona v. Youngblood**, 488 U.S. 51, 109 S.Ct. 333, 102 L.Ed.2d 281 (1988), **912**
- Arkansas v. Sullivan, 532 U.S. 769, 121 S.Ct. 1876, 149 L.Ed.2d 994 (2001), 238
- Armstrong v. Manzo, 380 U.S. 545, 85 S.Ct. 1187, 14 L.Ed.2d 62 (1965), 898, 899
- Armstrong, United States v.**, 517 U.S. 456, 116 S.Ct. 1480, 134 L.Ed.2d 687 (1996), **848**
- Arnold, United States v., 523 F.3d 941 (9th Cir.2008), 431
- Arrellano-Rios, United States v., 799 F.2d 520 (9th Cir.1986), 1164
- Ash, United States v.**, 413 U.S. 300, 93 S.Ct. 2568, 37 L.Ed.2d 619 (1973), **636**

- Ashbaugh, *State v.*, 349 Or. 297, 244 P.3d 360 (Or.2010), 364, 386
- Ashcraft v. *State of Tenn.*, 322 U.S. 143, 64 S.Ct. 921, 88 L.Ed. 1192 (1944), 520
- Ashcroft v. *al-Kidd*, — U.S. —, 131 S.Ct. 2074, 179 L.Ed.2d 1149 (2011), 241
- Ashe v. Swenson**, 397 U.S. 436, 90 S.Ct. 1189, 25 L.Ed.2d 469 (1970), 1144
- Askin, *In re*, 47 F.3d 100 (4th Cir.1995), 167
- Athan, *State v.*, 160 Wash.2d 354, 158 P.3d 27 (Wash.2007), 175
- Atwater v. *City of Lago Vista*, 532 U.S. 318, 121 S.Ct. 1536, 149 L.Ed.2d 549 (2001), 237
- Austin v. *State*, 327 Md. 375, 609 A.2d 728 (Md.1992), 117
- Austin v. *United States*, 509 U.S. 602, 113 S.Ct. 2801, 125 L.Ed.2d 488 (1993), 1112
- Ayers v. *Hudson*, 623 F.3d 301 (6th Cir.2010), 602
- Bacon, *People v.*, 116 Cal.Rptr.3d 723, 240 P.3d 204 (Cal.2010), 579
- Bagley, United States v.**, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985), 901
- Bailey, *United States v.*, 652 F.3d 197 (2nd Cir.2011), 395
- Bajakajian, *United States v.*, 524 U.S. 321, 118 S.Ct. 2028, 141 L.Ed.2d 314 (1998), 1120
- Baker, *State v.*, 112 N.J.Super. 351, 271 A.2d 435 (N.J.Super.A.D.1970), 400
- Baker v. *State*, 157 Md.App. 600, 853 A.2d 796 (Md.App.2004), 604
- Baldasar v. *Illinois*, 446 U.S. 222, 100 S.Ct. 1585, 64 L.Ed.2d 169 (1980), 45
- Ballew v. *Georgia*, 435 U.S. 223, 98 S.Ct. 1029, 55 L.Ed.2d 234 (1978), 993
- Banks, United States v.**, 540 U.S. 31, 124 S.Ct. 521, 157 L.Ed.2d 343 (2003), 156
- Barker v. Wingo**, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972), 942
- Barnes v. *State*, 2010 WL 375049 (Fla.2010), 70
- Barnes, *United States v.*, 278 F.3d 644 (6th Cir.2002), 966
- Barone, *United States v.*, 968 F.2d 1378 (1st Cir.1992), 583
- Barone, *United States v.*, 330 F.2d 543 (2nd Cir.1964), 469
- Barrows v. *United States*, 2011 WL 765553 (D.C.2011), 1105
- Bartelt, *People v.*, 241 Ill.2d 217, 349 Ill.Dec. 949, 948 N.E.2d 52 (Ill.2011), 406
- Bartkus v. *Illinois*, 359 U.S. 121, 79 S.Ct. 676, 3 L.Ed.2d 684 (1959), 1138, 1139
- Bass, United States v.**, 536 U.S. 862, 122 S.Ct. 2389, 153 L.Ed.2d 769 (2002), 853
- Batchelder, United States v.**, 442 U.S. 114, 99 S.Ct. 2198, 60 L.Ed.2d 755 (1979), 833
- Batson v. *Kentucky*, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986), 1008
- Bauldwin, *State v.*, 283 Neb. 678, 811 N.W.2d 267 (Neb.2012), 582
- Baxter v. *State*, 238 P.3d 934 (Okla.Crim.App. 2010), 287
- Bearden v. *Georgia*, 461 U.S. 660, 103 S.Ct. 2064, 76 L.Ed.2d 221 (1983), 1112
- Bell v. *Cone*, 535 U.S. 685, 122 S.Ct. 1843, 152 L.Ed.2d 914 (2002), 102
- Benchimol, *United States v.*, 471 U.S. 453, 105 S.Ct. 2103, 85 L.Ed.2d 462 (1985), 966
- Bender, *People v.*, 452 Mich. 594, 551 N.W.2d 71 (Mich.1996), 572
- Bennett, *United States v.*, 555 F.3d 962 (11th Cir.2009), 399
- Bennis v. *Michigan*, 516 U.S. 442, 116 S.Ct. 994, 134 L.Ed.2d 68 (1996), 1113
- Benton v. *Maryland*, 395 U.S. 784, 89 S.Ct. 2056, 23 L.Ed.2d 707 (1969), 20, 1138
- Berger v. *State of N.Y.*, 388 U.S. 41, 87 S.Ct. 1873, 18 L.Ed.2d 1040 (1967), 165
- Berghuis v. Thompkins**, — U.S. —, 130 S.Ct. 2250, 176 L.Ed.2d 1098 (2010), 565, 576
- Berkemer v. *McCarty*, 468 U.S. 420, 104 S.Ct. 3138, 82 L.Ed.2d 317 (1984), 539
- Berry v. *State*, 381 S.C. 630, 675 S.E.2d 425 (S.C.2009), 108
- Best, *State v.*, 201 N.J. 100, 987 A.2d 605 (N.J.2010), 441
- Betts v. Brady**, 316 U.S. 455, 62 S.Ct. 1252, 86 L.Ed. 1595 (1942), 16, 34
- Bivens v. *Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971), 676, 682
- Blackledge v. *Perry*, 417 U.S. 21, 94 S.Ct. 2098, 40 L.Ed.2d 628 (1974), 1163, 1166
- Blakely v. *Washington*, 542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004), 1127
- Blanco, *State v.*, 896 So.2d 900 (Fla.App. 4 Dist.2005), 501
- Blanton v. City of North Las Vegas, Nev.**, 489 U.S. 538, 109 S.Ct. 1289, 103 L.Ed.2d 550 (1989), 987
- Bloate v. *United States*, 559 U.S. 196, 130 S.Ct. 1345, 176 L.Ed.2d 54 (2010), 956
- Blockburger v. *United States*, 284 U.S. 299, 52 S.Ct. 180, 76 L.Ed. 306 (1932), 599, 1141
- Blok, *United States v.*, 188 F.2d 1019, 88 U.S.App.D.C. 326 (D.C.Cir.1951), 307
- Blueford v. *Arkansas*, — U.S. —, 132 S.Ct. 2044, 182 L.Ed.2d 937 (2012), 1138, 1160
- Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls**, 536 U.S. 822, 122 S.Ct. 2559, 153 L.Ed.2d 735 (2002), 433
- Bobby v. *Van Hook*, 558 U.S. 4, 130 S.Ct. 13, 175 L.Ed.2d 255 (2009), 103
- Bond v. *United States*, 529 U.S. 334, 120 S.Ct. 1462, 146 L.Ed.2d 365 (2000), 172
- Booker, United States v.**, 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005), 1128
- Bordenkircher v. *Hayes*, 434 U.S. 357, 98 S.Ct. 663, 54 L.Ed.2d 604 (1978), 971
- Borg, *State v.*, 806 N.W.2d 535 (Minn.2011), 594
- Boumediene v. *Bush*, 553 U.S. 723, 128 S.Ct. 2229, 171 L.Ed.2d 41 (2008), 1191
- Bousley v. *United States*, 523 U.S. 614, 118 S.Ct. 1604, 140 L.Ed.2d 828 (1998), 1229, 1233
- Boutin, *State v.*, 161 N.H. 139 (N.H.2010), 458

- Bowles, United States v., 405 F.3d 634 (7th Cir.2005), 964
- Boyce, United States v., 351 F.3d 1102 (11th Cir.2003), 406
- Boyd, State v., 295 Conn. 707, 992 A.2d 1071 (Conn.2010), 278
- Boykin v. Alabama**, 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969), 969
- Bradford, Commonwealth v., 2012 WL 2125881 (Pa.2012), 958
- Bradley v. Duncan, 315 F.3d 1091 (9th Cir. 2002), 501
- Bradshaw v. Stumpf, 545 U.S. 175, 125 S.Ct. 2398, 162 L.Ed.2d 143 (2005), 972
- Brady v. Maryland**, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), 899, 900
- Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463, 25 L.Ed.2d 747 (1970), 975
- Branzburg v. Hayes, 408 U.S. 665, 92 S.Ct. 2646, 33 L.Ed.2d 626 (1972), 877, 1103
- Braswell v. United States, 487 U.S. 99, 108 S.Ct. 2284, 101 L.Ed.2d 98 (1988), 887
- Bravo v. City of Santa Maria, 665 F.3d 1076 (9th Cir.2011), 137
- Brecht v. Abrahamson, 507 U.S. 619, 113 S.Ct. 1710, 123 L.Ed.2d 353 (1993), 593, 1170
- Brendlin v. California, 551 U.S. 249, 127 S.Ct. 2400, 168 L.Ed.2d 132 (2007), 360
- Brewer v. Quarterman, 550 U.S. 286, 127 S.Ct. 1706, 167 L.Ed.2d 622 (2007), 1213
- Brewer v. Williams**, 430 U.S. 387, 97 S.Ct. 1232, 51 L.Ed.2d 424 (1977), 595, 635
- Brigham City, Utah v. Stuart, 547 U.S. 398, 126 S.Ct. 1943, 164 L.Ed.2d 650 (2006), 455
- Brignoni-Ponce, United States v., 422 U.S. 873, 95 S.Ct. 2574, 45 L.Ed.2d 607 (1975), 430, 431
- Brobst, United States v., 558 F.3d 982 (9th Cir.2009), 146
- Brower v. County of Inyo, 489 U.S. 593, 109 S.Ct. 1378, 103 L.Ed.2d 628 (1989), 369
- Brown v. Illinois**, 422 U.S. 590, 95 S.Ct. 2254, 45 L.Ed.2d 416 (1975), 754
- Brown v. Ohio, 432 U.S. 161, 97 S.Ct. 2221, 53 L.Ed.2d 187 (1977), 1141
- Brown, People v., 97 N.Y.2d 500, 743 N.Y.S.2d 374, 769 N.E.2d 1266 (N.Y.2002), 1017
- Brown v. State, 290 Ga. 865, 725 S.E.2d 320 (Ga.2012), 615
- Brown v. State of Mississippi**, 297 U.S. 278, 56 S.Ct. 461, 80 L.Ed. 682 (1936), 515
- Brown, United States v., 913 F.2d 570 (8th Cir.1990), 378
- Brown, United States v., 862 F.Supp.2d 1276 (N.D.Ala.2012), 856
- Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1620, 20 L.Ed.2d 476 (1968), 775
- Bryant, State v., 183 Vt. 355, 950 A.2d 467 (Vt.2008), 180
- Bullcoming v. New Mexico, — U.S. —, 131 S.Ct. 2705, 180 L.Ed.2d 610 (2011), 1051
- Bullington v. Missouri, 451 U.S. 430, 101 S.Ct. 1852, 68 L.Ed.2d 270 (1981), 1163
- Bumper v. North Carolina, 391 U.S. 543, 88 S.Ct. 1788, 20 L.Ed.2d 797 (1968), 298, 318
- Burch v. Louisiana, 441 U.S. 130, 99 S.Ct. 1623, 60 L.Ed.2d 96 (1979), 998
- Burger v. Kemp, 483 U.S. 776, 107 S.Ct. 3114, 97 L.Ed.2d 638 (1987), 113
- Burleson, United States v., 657 F.3d 1040 (10th Cir.2011), 386
- Burton v. Stewart, 549 U.S. 147, 127 S.Ct. 793, 166 L.Ed.2d 628 (2007), 1219
- Butler v. McKellar**, 494 U.S. 407, 110 S.Ct. 1212, 108 L.Ed.2d 347 (1990), 25
- Butterworth v. Smith, 494 U.S. 624, 110 S.Ct. 1376, 108 L.Ed.2d 572 (1990), 869
- Buza, People v., 129 Cal.Rptr.3d 753 (Cal.App. 1 Dist.2011), 449
- Byrd v. State, 2011 WL 3524420 (Del. Supr.2011), 657
- Byrne, State v., 972 A.2d 633 (R.I.2009), 202
- Cable, State v., 2010 WL 4977491 (Fla.2010), 159, 691
- Calandra, United States v., 414 U.S. 338, 94 S.Ct. 613, 38 L.Ed.2d 561 (1974), 728, 874
- Calderon v. United States Dist. Court for Cent. Dist. of California, 163 F.3d 530 (9th Cir. 1998), 1218
- California v. Acevedo**, 500 U.S. 565, 111 S.Ct. 1982, 114 L.Ed.2d 619 (1991), 272
- California v. Carney**, 471 U.S. 386, 105 S.Ct. 2066, 85 L.Ed.2d 406 (1985), 266
- California v. Ciraolo, 476 U.S. 207, 106 S.Ct. 1809, 90 L.Ed.2d 210 (1986), 179
- California v. Greenwood**, 486 U.S. 35, 108 S.Ct. 1625, 100 L.Ed.2d 30 (1988), 170
- California v. Hodari D.**, 499 U.S. 621, 111 S.Ct. 1547, 113 L.Ed.2d 690 (1991), 364
- Callender, Commonwealth v., 81 Mass.App.Ct. 153, 960 N.E.2d 910 (Mass.App.Ct.2012), 582
- Camara v. Municipal Court of City and County of San Francisco**, 387 U.S. 523, 87 S.Ct. 1727, 18 L.Ed.2d 930 (1967), 319
- Campbell v. Louisiana, 523 U.S. 392, 118 S.Ct. 1419, 140 L.Ed.2d 551 (1998), 868
- Cantwell v. State of Connecticut, 310 U.S. 296, 60 S.Ct. 900, 84 L.Ed. 1213 (1940), 20
- Capers, United States v., 627 F.3d 470 (2nd Cir.2010), 563
- Cardwell v. Commonwealth, 639 S.W.2d 549 (Ky.App.1982), 284
- Carey v. Musladin**, 549 U.S. 70, 127 S.Ct. 649, 166 L.Ed.2d 482 (2006), 1210
- Carey v. Saffold, 536 U.S. 214, 122 S.Ct. 2134, 153 L.Ed.2d 260 (2002), 1192
- Carlson v. Green, 446 U.S. 14, 100 S.Ct. 1468, 64 L.Ed.2d 15 (1980), 676
- Carr v. State, 934 N.E.2d 1096 (Ind.2010), 577
- Carroll v. United States**, 267 U.S. 132, 45 S.Ct. 280, 69 L.Ed. 543 (1925), 199
- Carter, State v., 697 N.W.2d 199 (Minn.2005), 177
- Cartwright, United States v., 630 F.3d 610 (7th Cir.2010), 770
- Carty, State v., 170 N.J. 632, 790 A.2d 903 (N.J.2002), 297
- Carvajal, State v., 202 N.J. 214, 996 A.2d 1029 (N.J.2010), 749

- Castaneda v. Partida, 430 U.S. 482, 97 S.Ct. 1272, 51 L.Ed.2d 498 (1977), 1006
- Ceccolini, United States v., 435 U.S. 268, 98 S.Ct. 1054, 55 L.Ed.2d 268 (1978), 761
- Center for Bio-Ethical Reform, Inc. v. City of Springboro, 477 F.3d 807 (6th Cir.2007), 469
- Cervantes, United States v., 678 F.3d 798 (9th Cir.2012), 227
- Chadwick, United States v., 433 U.S. 1, 97 S.Ct. 2476, 53 L.Ed.2d 538 (1977), 130
- Chaffin v. Stynchcombe, 412 U.S. 17, 93 S.Ct. 1977, 36 L.Ed.2d 714 (1973), 1163
- Chambers v. Maroney, 399 U.S. 42, 90 S.Ct. 1975, 26 L.Ed.2d 419 (1970), 270
- Chambers v. State of Florida, 309 U.S. 227, 60 S.Ct. 472, 84 L.Ed. 716 (1940), 535
- Chandler v. Florida**, 449 U.S. 560, 101 S.Ct. 802, 66 L.Ed.2d 740 (1981), **1106**
- Chandler v. Freitag, 348 U.S. 3, 75 S.Ct. 1, 99 L.Ed. 4 (1954), 46
- Chapman v. California**, 386 U.S. 18, 87 S.Ct. 824, 17 L.Ed.2d 705 (1967), **771, 1170**
- Chavez v. Martinez, 538 U.S. 760, 123 S.Ct. 1994, 155 L.Ed.2d 984 (2003), 535
- Chen, State v., 208 N.J. 307 (N.J.2011), 669
- Chicago, B. & Q.R. Co. v. City of Chicago, 166 U.S. 226, 17 S.Ct. 581, 41 L.Ed. 979 (1897), 20
- Chimel v. California**, 395 U.S. 752, 89 S.Ct. 2034, 23 L.Ed.2d 685 (1969), **242**
- City of (see name of city)**
- Clark v. Commonwealth, 868 S.W.2d 101 (Ky. App.1993), 287
- Clark, Commonwealth v., 611 Pa. 601 (Pa. 2011), 226
- Clark, United States v., 638 F.3d 89 (2nd Cir. 2011), 147
- Clarke, Commonwealth v., 461 Mass. 336, 960 N.E.2d 306 (Mass.2012), 580
- Claypool, People v., 470 Mich. 715, 684 N.W.2d 278 (Mich.2004), 514
- Codispoti v. Pennsylvania, 418 U.S. 506, 94 S.Ct. 2687, 41 L.Ed.2d 912 (1974), 990
- Coleman v. Alabama, 399 U.S. 1, 90 S.Ct. 1999, 26 L.Ed.2d 387 (1970), 46, 862
- Coleman v. Johnson, — U.S. —, 132 S.Ct. 2060, 182 L.Ed.2d 978 (2012), 1214
- Coleman v. Thompson, 501 U.S. 722, 111 S.Ct. 2546, 115 L.Ed.2d 640 (1991), 1226
- Colorado v. Bertine**, 479 U.S. 367, 107 S.Ct. 738, 93 L.Ed.2d 739 (1987), **279**
- Colorado v. Connelly**, 479 U.S. 157, 107 S.Ct. 515, 93 L.Ed.2d 473 (1986), 571, **610**
- Colorado v. Spring, 479 U.S. 564, 107 S.Ct. 851, 93 L.Ed.2d 954 (1987), 570
- Colten v. Kentucky, 407 U.S. 104, 92 S.Ct. 1953, 32 L.Ed.2d 584 (1972), 1163, 1166
- Colvin v. Taylor, 324 F.3d 583 (8th Cir.2003), 966
- Commonwealth v. — (see opposing party)**
- Connecticut v. Barrett, 479 U.S. 523, 107 S.Ct. 828, 93 L.Ed.2d 920 (1987), 570
- Connell v. Commonwealth, 144 Va. 553, 131 S.E. 196 (Va.1926), 1167
- Connick v. Thompson, — U.S. —, 131 S.Ct. 1350, 179 L.Ed.2d 417 (2011), 910
- Cooke, United States v., 674 F.3d 491 (5th Cir.2012), 317
- Coolidge v. New Hampshire, 403 U.S. 443, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971), 271, 317
- Corley v. United States, 556 U.S. 303, 129 S.Ct. 1558, 173 L.Ed.2d 443 (2009), 522
- Corsair Special Situations Fund, L.P. v. Engineered Framing Systems, Inc., 2011 WL 3651821 (D.Md.2011), 197
- Cortez, United States v., 449 U.S. 411, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981), 374, 404
- Costello v. United States, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397 (1956), 874
- Cotterman, State v., 544 S.W.2d 322 (Mo.App. 1976), 378
- Couch v. United States, 409 U.S. 322, 93 S.Ct. 611, 34 L.Ed.2d 548 (1973), 174
- County of (see name of county)**
- Craighead, United States v., 539 F.3d 1073 (9th Cir.2008), 542
- Crain, United States v., 33 F.3d 480 (5th Cir. 1994), 971
- Crapser, United States v., 472 F.3d 1141 (9th Cir.2007), 346
- Crawford v. Washington**, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004), 771, 863, 1022, **1024**
- Crews, United States v., 445 U.S. 463, 100 S.Ct. 1244, 63 L.Ed.2d 537 (1980), 760
- Crist v. Bretz, 437 U.S. 28, 98 S.Ct. 2156, 57 L.Ed.2d 24 (1978), 1139
- Cronic, United States v., 466 U.S. 648, 104 S.Ct. 2039, 80 L.Ed.2d 657 (1984), 80
- Crooker v. State of Cal., 357 U.S. 433, 78 S.Ct. 1287, 2 L.Ed.2d 1448 (1958), 520
- Crosby, United States v., 397 F.3d 103 (2nd Cir.2005), 1137
- Cullen v. Pinholster, — U.S. —, 131 S.Ct. 1388, 179 L.Ed.2d 557 (2011), 102, 1213
- Cupp v. Murphy, 412 U.S. 291, 93 S.Ct. 2000, 36 L.Ed.2d 900 (1973), 474
- Curlin, United States v., 638 F.3d 562 (7th Cir.2011), 749
- Curtis, United States v., 635 F.3d 704 (5th Cir.2011), 278
- Cuyler v. Sullivan**, 446 U.S. 335, 100 S.Ct. 1708, 64 L.Ed.2d 333 (1980), **110**
- Cyr, State v., 588 A.2d 753 (Me.1991), 940
- Dailey, State v., 2010 WL 3836204 (Ohio App. 3 Dist.2010), 750
- D'Andrea, United States v., 648 F.3d 1 (1st Cir.2011), 226
- Davis v. Alaska, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed.2d 347 (1974), 908
- Davis v. Mississippi, 394 U.S. 721, 89 S.Ct. 1394, 22 L.Ed.2d 676 (1969), 375
- Davis, People v., 94 Cal.Rptr.3d 322, 208 P.3d 78 (Cal.2009), 551
- Davis, State v., 350 Or. 440, 256 P.3d 1075 (Or.2011), 577
- Davis, State v., 711 N.W.2d 841 (Minn.App. 2006), 177

- Davis v. United States**, 512 U.S. 452, 114 S.Ct. 2350, 129 L.Ed.2d 362 (1994), **574**
- Davis v. United States**, — U.S. —, 131 S.Ct. 2419, 180 L.Ed.2d 285 (2011), **712**
- Davis v. Washington**, 547 U.S. 813, 126 S.Ct. 2266, 165 L.Ed.2d 224 (2006), 1023, **1033**
- De Jonge v. State of Oregon, 299 U.S. 353, 57 S.Ct. 255, 81 L.Ed. 278 (1937), 20
- Delaware v. Prouse**, 440 U.S. 648, 99 S.Ct. 1391, 59 L.Ed.2d 660 (1979), **401**
- Delker v. State, 2010 WL 3911329 (Miss.2010), 723
- Denney, State v., 152 Wash.App. 665, 218 P.3d 633 (Wash.App. Div. 2 2009), 551
- Desist v. United States, 394 U.S. 244, 89 S.Ct. 1030, 22 L.Ed.2d 248 (1969), 23
- Devega v. State, 286 Ga. 448, 689 S.E.2d 293 (Ga.2010), 196
- Devenpeck v. Alford, 543 U.S. 146, 125 S.Ct. 588, 160 L.Ed.2d 537 (2004), 240
- Devone, People v., 15 N.Y.3d 106, 905 N.Y.S.2d 101, 931 N.E.2d 70 (N.Y.2010), 406
- Dickerson v. United States, 530 U.S. 428, 120 S.Ct. 2326, 147 L.Ed.2d 405 (2000), 535
- Dickey v. Florida, 398 U.S. 30, 90 S.Ct. 1564, 26 L.Ed.2d 26 (1970), 941
- DiFrancesco, United States v., 449 U.S. 117, 101 S.Ct. 426, 66 L.Ed.2d 328 (1980), 1163
- Diggs, United States v., 544 F.2d 116 (3rd Cir.1976), 307
- Digiovanni, United States v., 650 F.3d 498 (4th Cir.2011), 201, 202, 378, 379
- Dillard, United States v., 214 F.3d 88 (2nd Cir.2000), 829
- Dion, United States v., 762 F.2d 674 (8th Cir. 1985), 486, 512
- Dionisio, United States v., 410 U.S. 1, 93 S.Ct. 764, 35 L.Ed.2d 67 (1973), 627, 876, 887
- Dodd v. United States, 545 U.S. 353, 125 S.Ct. 2478, 162 L.Ed.2d 343 (2005), 1192
- Doe, State v., 149 Idaho 353, 233 P.3d 1275 (Idaho 2010), 450
- Doe v. United States**, 487 U.S. 201, 108 S.Ct. 2341, 101 L.Ed.2d 184 (1988), **882**
- Doggett v. United States**, 505 U.S. 647, 112 S.Ct. 2686, 120 L.Ed.2d 520 (1992), **948**
- Domenech, United States v., 623 F.3d 325 (6th Cir.2010), 748, 750
- Donato, United States v., 269 F.Supp. 921 (E.D.Pa.1967), 307
- Doody v. Schriro, 548 F.3d 847 (9th Cir.2008), 614
- Doolin, People v., 87 Cal.Rptr.3d 209, 198 P.3d 11 (Cal.2009), 118
- Doran v. Eckold, 409 F.3d 958 (8th Cir.2005), 154
- Dorsey v. United States, 2010 WL 3256378 (D.C.2010), 590
- Douglas v. California, 372 U.S. 353, 83 S.Ct. 814, 9 L.Ed.2d 811 (1963), 118, 1168
- Dow Chemical Co. v. United States, 476 U.S. 227, 106 S.Ct. 1819, 90 L.Ed.2d 226 (1986), 180
- Dowling v. United States, 493 U.S. 342, 110 S.Ct. 668, 107 L.Ed.2d 708 (1990), 1147
- Doyle v. Ohio, 426 U.S. 610, 96 S.Ct. 2240, 49 L.Ed.2d 91 (1976), 592
- Draper v. United States, 358 U.S. 307, 79 S.Ct. 329, 3 L.Ed.2d 327 (1959), 208
- Dunavan, United States v., 485 F.2d 201 (6th Cir.1973), 457
- Dunaway v. New York, 442 U.S. 200, 99 S.Ct. 2248, 60 L.Ed.2d 824 (1979), 375, 759
- Duncan v. State of La., 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491 (1968), 17, 20, 986
- Dunn, United States v., 480 U.S. 294, 107 S.Ct. 1134, 94 L.Ed.2d 326 (1987), 169, 170
- Duren v. Missouri**, 439 U.S. 357, 99 S.Ct. 664, 58 L.Ed.2d 579 (1979), **1001**
- Dye v. Hofbauer, 546 U.S. 1, 126 S.Ct. 5, 163 L.Ed.2d 1 (2005), 1214
- Edwards v. Arizona**, 451 U.S. 477, 101 S.Ct. 1880, 68 L.Ed.2d 378 (1981), **584**
- Edwards v. Carpenter, 529 U.S. 446, 120 S.Ct. 1587, 146 L.Ed.2d 518 (2000), 1226
- Edwards, United States v., 415 U.S. 800, 94 S.Ct. 1234, 39 L.Ed.2d 771 (1974), 247
- Edwards, United States v., 666 F.3d 877 (4th Cir.2011), 479
- Eisfeldt, State v., 163 Wash.2d 628, 185 P.3d 580 (Wash.2008), 209
- Elliott, People v., 295 Mich.App. 623, 815 N.W.2d 575 (Mich.App.2012), 591
- Elmarr, People v., 181 P.3d 1157 (Colo.2008), 542
- Engle v. Isaac, 456 U.S. 107, 102 S.Ct. 1558, 71 L.Ed.2d 783 (1982), 1227
- Erickson, United States v., 561 F.3d 1150 (10th Cir.2009), 877
- Escobedo v. State of Ill., 378 U.S. 478, 84 S.Ct. 1758, 12 L.Ed.2d 977 (1964), 524
- Estep v. Dallas County, Tex., 310 F.3d 353 (5th Cir.2002), 344
- Estes v. State of Tex., 381 U.S. 532, 85 S.Ct. 1628, 14 L.Ed.2d 543 (1965), 1080, 1105
- Evans, People v., 491 Mich. 1, 810 N.W.2d 535 (Mich.2012), 1154
- Everson v. Board of Ed. of Ewing Tp., 330 U.S. 1, 67 S.Ct. 504, 91 L.Ed. 711 (1947), 20
- Ewing v. California**, 538 U.S. 11, 123 S.Ct. 1179, 155 L.Ed.2d 108 (2003), **1114**
- Ex parte (see name of party)**
- Faretta v. California**, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975), **47**
- Fay v. Noia, 372 U.S. 391, 83 S.Ct. 822, 9 L.Ed.2d 837 (1963), 1185
- Felix, United States v., 503 U.S. 378, 112 S.Ct. 1377, 118 L.Ed.2d 25 (1992), 1141
- Felker v. Turpin, 518 U.S. 651, 116 S.Ct. 2333, 135 L.Ed.2d 827 (1996), 1197
- Fellers v. United States, 540 U.S. 519, 124 S.Ct. 1019, 157 L.Ed.2d 1016 (2004), 598
- Ferguson v. City of Charleston**, 532 U.S. 67, 121 S.Ct. 1281, 149 L.Ed.2d 205 (2001), **443**
- Fernandez, Commonwealth v., 458 Mass. 137, 934 N.E.2d 810 (Mass.2010), 272
- Ferro, People v., 63 N.Y.2d 316, 482 N.Y.S.2d 237, 472 N.E.2d 13 (N.Y.1984), 550

- Fields v. Swenson, 459 F.2d 1064 (8th Cir. 1972), 344
- Fisher, State v., 283 Kan. 272, 154 P.3d 455 (Kan.2007), 233
- Fisher v. United States, 425 U.S. 391, 96 S.Ct. 1569, 48 L.Ed.2d 39 (1976), 895
- Flanagan, State v., 293 Conn. 406, 978 A.2d 64 (Conn.2009), 53
- Fleming, United States v., 397 F.3d 95 (2nd Cir.2005), 1137
- Fletcher v. Weir, 455 U.S. 603, 102 S.Ct. 1309, 71 L.Ed.2d 490 (1982), 593
- Flippo v. West Virginia, 528 U.S. 11, 120 S.Ct. 7, 145 L.Ed.2d 16 (1999), 456
- Florence v. Board of Chosen Freeholders of County of Burlington**, — U.S. —, 132 S.Ct. 1510, 182 L.Ed.2d 566 (2012), **256**
- Flores-Montano, United States v.**, 541 U.S. 149, 124 S.Ct. 1582, 158 L.Ed.2d 311 (2004), **427**
- Florida v. Bostick, 501 U.S. 429, 111 S.Ct. 2382, 115 L.Ed.2d 389 (1991), 360
- Florida v. Jimeno, 500 U.S. 248, 111 S.Ct. 1801, 114 L.Ed.2d 297 (1991), 296
- Florida v. J.L., 529 U.S. 266, 120 S.Ct. 1375, 146 L.Ed.2d 254 (2000), 341
- Florida v. Nixon**, 543 U.S. 175, 125 S.Ct. 551, 160 L.Ed.2d 565 (2004), **89**
- Florida v. Powell**, 559 U.S. 50, 130 S.Ct. 1195, 175 L.Ed.2d 1009 (2010), **552**
- Florida v. Riley, 488 U.S. 445, 109 S.Ct. 693, 102 L.Ed.2d 835 (1989), 179
- Florida v. Royer**, 460 U.S. 491, 103 S.Ct. 1319, 75 L.Ed.2d 229 (1983), **370**
- Florida v. Wells, 495 U.S. 1, 110 S.Ct. 1632, 109 L.Ed.2d 1 (1990), 284
- Florida v. White, 526 U.S. 559, 119 S.Ct. 1555, 143 L.Ed.2d 748 (1999), 285
- FNU LNU, United States v., 653 F.3d 144 (2nd Cir.2011), 552
- Fofana, United States v., 666 F.3d 985 (6th Cir.2012), 692
- Fong Foo v. United States, 369 U.S. 141, 82 S.Ct. 671, 7 L.Ed.2d 629 (1962), 1155
- Ford, United States v., 986 F.2d 57 (4th Cir. 1993), 287
- Ford, United States v., 548 F.3d 1 (1st Cir. 2008), 362
- Foster v. California**, 394 U.S. 440, 89 S.Ct. 1127, 22 L.Ed.2d 402 (1969), **642**
- Foster, United States v., 634 F.3d 243 (4th Cir.2011), 385
- Frady, United States v., 456 U.S. 152, 102 S.Ct. 1584, 71 L.Ed.2d 816 (1982), 1226
- Fraire, United States v., 575 F.3d 929 (9th Cir.2009), 419
- Franco, State v., 133 P.3d 164 (Kan.App.2006), 608
- Franks v. Delaware**, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978), **133**
- Frazier v. United States, 18 F.3d 778 (9th Cir. 1994), 107
- Frazier, People v., 2008 WL 782593 (Mich.App. 2008), 82
- Fried, In re, 161 F.2d 453 (2nd Cir.1947), 874
- Friedman v. Boucher, 568 F.3d 1119 (9th Cir. 2009), 449
- Galbraith v. Commonwealth, 18 Va.App. 734, 446 S.E.2d 633 (Va.App.1994), 919
- Gallegos v. Colorado, 370 U.S. 49, 82 S.Ct. 1209, 8 L.Ed.2d 325 (1962), 521, 535
- Galloway, State v., 198 Or.App. 585, 109 P.3d 383 (Or.App.2005), 172
- Gamache v. California, — U.S. —, 131 S.Ct. 591, 178 L.Ed.2d 514 (2010), 1174
- Gannett Co., Inc. v. DePasquale, 443 U.S. 368, 99 S.Ct. 2898, 61 L.Ed.2d 608 (1979), 1098, 1104
- Garcia, State v., 147 N.M. 134, 217 P.3d 1032 (N.M.2009), 355
- Garcia-Perlera v. State, 197 Md.App. 534 (Md. App.2011), 148
- Garlotte v. Fordice**, 515 U.S. 39, 115 S.Ct. 1948, 132 L.Ed.2d 36 (1995), **1192**
- Garner v. Mitchell, 557 F.3d 257 (6th Cir. 2009), 573
- Garritty, State v., 765 N.W.2d 592 (Iowa 2009), 536
- Garry, People v., 67 Cal.Rptr.3d 849 (Cal.App. 1 Dist.2007), 369
- Gaskin, United States v., 364 F.3d 438 (2nd Cir.2004), 957
- Gendron, United States v., 18 F.3d 955 (1st Cir.1994), 486, 498
- George, United States v., 444 F.2d 310 (6th Cir.1971), 881
- Georgia v. McCollum, 505 U.S. 42, 112 S.Ct. 2348, 120 L.Ed.2d 33 (1992), 1009
- Georgia v. Randolph**, 547 U.S. 103, 126 S.Ct. 1515, 164 L.Ed.2d 208 (2006), **309**
- Gerace, United States v., 997 F.2d 1293 (9th Cir.1993), 966
- Gerstein v. Pugh**, 420 U.S. 103, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975), **804**
- Gibson, State v., 267 P.3d 645 (Alaska 2012), 460
- Gibson v. State, 117 S.W.3d 567 (Tex.App.- Corpus Christi 2003), 1019
- Gideon v. Wainwright**, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963), 20, **38**, 1170, 1197
- Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972), 908
- Gilbert v. California, 388 U.S. 263, 87 S.Ct. 1951, 18 L.Ed.2d 1178 (1967), 22, 627, 634
- Gilbert, United States v., 266 F.3d 1180 (9th Cir.2001), 940
- Gilchrist v. Maryland, 340 Md. 606, 667 A.2d 876 (Md.1995), 1017
- Giles v. California, 554 U.S. 353, 128 S.Ct. 2678, 171 L.Ed.2d 488 (2008), 1041
- Ginter v. Stallcup, 869 F.2d 384 (8th Cir.1989), 159
- Gitlow v. New York, 268 U.S. 652, 45 S.Ct. 625, 69 L.Ed. 1138 (1925), 20
- Globe Newspaper Co. v. Superior Court for Norfolk County**, 457 U.S. 596, 102 S.Ct. 2613, 73 L.Ed.2d 248 (1982), 1098, **1099**

- Glover v. United States**, 531 U.S. 198, 121 S.Ct. 696, 148 L.Ed.2d 604 (2001), **104**
- Gobert, *State v.*, 275 S.W.3d 888 (Tex.Crim. App.2009), 579
- Godinez v. Moran, 509 U.S. 389, 113 S.Ct. 2680, 125 L.Ed.2d 321 (1993), 971
- Goforth v. State, 2011 WL 4089967 (Miss. 2011), 1161
- Goldman v. United States, 316 U.S. 129, 62 S.Ct. 993, 86 L.Ed. 1322 (1942), 161, 193
- Gomez, *People v.*, 5 N.Y.3d 416, 805 N.Y.S.2d 24, 838 N.E.2d 1271 (N.Y.2005), 299, 309
- Gomez v. Toledo, 446 U.S. 635, 100 S.Ct. 1920, 64 L.Ed.2d 572 (1980), 675
- Gonzales, *State v.*, 147 N.M. 735, 228 P.3d 519 (N.M.App.2009), 151
- Gonzalez, *United States v.*, 719 F.Supp.2d 167 (D.Mass.2010), 573
- Gonzalez-Lopez, *United States v.*, 548 U.S. 140, 126 S.Ct. 2557, 165 L.Ed.2d 409 (2006), 46
- Gooding v. United States, 416 U.S. 430, 94 S.Ct. 1780, 40 L.Ed.2d 250 (1974), 156
- Goodman, *United States v.*, 165 F.3d 169 (2nd Cir.1999), 1219
- Goodwin, United States v.**, 457 U.S. 368, 102 S.Ct. 2485, 73 L.Ed.2d 74 (1982), **856**
- Gorup, *State v.*, 279 Neb. 841, 782 N.W.2d 16 (Neb.2010), 248, 394
- Goss, *State v.*, 150 N.H. 46, 834 A.2d 316 (N.H.2003), 172
- Gouled v. United States, 255 U.S. 298, 41 S.Ct. 261, 65 L.Ed. 647 (1921), 166
- Goulet, *State v.*, 2011 WL 2433651 (R.I.2011), 234, 460
- Graham v. Florida, ___ U.S. ___, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010), 1121
- Graham, *United States v.*, 846 F.Supp.2d 384 (D.Md.2012), 197
- Grahame, *Commonwealth v.*, 607 Pa. 389 (Pa. 2010), 394
- Granberry v. Greer, 481 U.S. 129, 107 S.Ct. 1671, 95 L.Ed.2d 119 (1987), 1214
- Grande, *State v.*, 164 Wash.2d 135, 187 P.3d 248 (Wash.2008), 201
- Grand Jury Subpoena, Dated April 18, 2003, In re, 383 F.3d 905 (9th Cir.2004), 896
- Grant, *State v.*, 2010 WL 4226652 (La.App. 5 Cir.2010), 146
- Gray v. Mississippi, 481 U.S. 648, 107 S.Ct. 2045, 95 L.Ed.2d 622 (1987), 1170
- Gray, *United States v.*, 669 F.3d 556 (5th Cir. 2012), 478, 479
- Green, *United States v.*, 648 F.3d 569 (7th Cir.2011), 776
- Greene v. Fisher, ___ U.S. ___, 132 S.Ct. 38, 181 L.Ed.2d 336 (2011), 1213
- Greer v. Miller, 483 U.S. 756, 107 S.Ct. 3102, 97 L.Ed.2d 618 (1987), 593
- Griffin v. Illinois, 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891 (1956), 118
- Griffin v. Wisconsin, 483 U.S. 868, 107 S.Ct. 3164, 97 L.Ed.2d 709 (1987), 440
- Griffith v. Kentucky, 479 U.S. 314, 107 S.Ct. 708, 93 L.Ed.2d 649 (1987), 24
- Groh v. Ramirez**, 540 U.S. 551, 124 S.Ct. 1284, 157 L.Ed.2d 1068 (2004), 146, **707**
- Groppi v. Wisconsin, 400 U.S. 505, 91 S.Ct. 490, 27 L.Ed.2d 571 (1971), 1073
- Grubbs, United States v.**, 547 U.S. 90, 126 S.Ct. 1494, 164 L.Ed.2d 195 (2006), **138**
- Guerra, *United States v.*, 237 F.Supp.2d 795 (E.D.Mich.2003), 582
- Gugino, *United States v.*, 860 F.2d 546 (2nd Cir.1988), 1141
- Guijon-Ortiz, *United States v.*, 660 F.3d 757 (4th Cir.2011), 387
- Guillen, *State v.*, 223 Ariz. 314, 223 P.3d 658 (Ariz.2010), 761
- Gurski v. New Jersey State Police Dept., 242 N.J.Super. 148, 576 A.2d 292 (N.J.Super.A.D.1990), 160
- Gustafson v. Florida, 414 U.S. 260, 94 S.Ct. 488, 38 L.Ed.2d 456 (1973), 247
- Guzman, *United States v.*, 318 F.3d 1191 (10th Cir.2003), 964
- Guzman-Padilla, *United States v.*, 573 F.3d 865 (9th Cir.2009), 431
- Hackney v. Commonwealth, 28 Va.App. 288, 504 S.E.2d 385 (Va.App.1998), 1173
- Halbert v. Michigan**, 545 U.S. 605, 125 S.Ct. 2582, 162 L.Ed.2d 552 (2005), **118**
- Hale v. Henkel, 201 U.S. 43, 26 S.Ct. 370, 50 L.Ed. 652 (1906), 732
- Hall, *United States v.*, 473 F.3d 1295 (10th Cir.2007), 932
- Hamling v. United States, 418 U.S. 87, 94 S.Ct. 2887, 41 L.Ed.2d 590 (1974), 1006
- Hammon v. Indiana**, 547 U.S. 813, 126 S.Ct. 2266, 165 L.Ed.2d 224 (2006), **1033**
- Hampton v. United States**, 425 U.S. 484, 96 S.Ct. 1646, 48 L.Ed.2d 113 (1976), **506**
- Han, *United States v.*, 181 F.Supp.2d 1039 (N.D.Cal.2002), 1181
- Handy, *State v.*, 191 Vt. 311 (Vt.2012), 451
- Hang Le-Thy Tran, *United States v.*, 433 F.3d 472 (6th Cir.2006), 146
- Hanning, *State v.*, 296 S.W.3d 44 (Tenn.2009), 363
- Harden v. State, 2011 WL 1532149 (Miss. 2011), 579
- Harper v. State, 722 So.2d 1267 (Miss.App. 1998), 615
- Harrington v. California, 395 U.S. 250, 89 S.Ct. 1726, 23 L.Ed.2d 284 (1969), 776
- Harrington v. Richter, ___ U.S. ___, 131 S.Ct. 770, 178 L.Ed.2d 624 (2011), 103, 1213
- Harris v. New York, 401 U.S. 222, 91 S.Ct. 643, 28 L.Ed.2d 1 (1971), 592
- Harris, *People v.*, 228 Ill.2d 222, 319 Ill.Dec. 823, 886 N.E.2d 947 (Ill.2008), 379
- Harris v. State, 2011 WL 1496470 (Fla.2011), 176
- Harris, *State v.*, 266 Wis.2d 200, 667 N.W.2d 813 (Wis.App.2003), 979
- Harris v. Superior Court, 140 Cal.Rptr. 318, 567 P.2d 750 (Cal.1977), 47
- Harris v. United States, 536 U.S. 545, 122 S.Ct. 2406, 153 L.Ed.2d 524 (2002), 1126

- Hartley, *State v.*, 103 N.J. 252, 511 A.2d 80 (N.J.1986), 583
- Hasan, *United States v.*, 747 F.Supp.2d 642 (E.D.Va.2010), 552
- Haskell v. Harris, 669 F.3d 1049 (9th Cir. 2012), 449
- Hassock, *United States v.*, 631 F.3d 79 (2nd Cir.2011), 394
- Hayes v. Florida, 470 U.S. 811, 105 S.Ct. 1643, 84 L.Ed.2d 705 (1985), 375, 627
- Hayes, *State v.*, 809 N.W.2d 309 (N.D.2012), 301
- Haynes v. State of Wash.**, 373 U.S. 503, 83 S.Ct. 1336, 10 L.Ed.2d 513 (1963), **517**
- Heath v. Alabama, 474 U.S. 82, 106 S.Ct. 433, 88 L.Ed.2d 387 (1985), 1139
- Hedgcock, *State v.*, 277 Neb. 805, 765 N.W.2d 469 (Neb.2009), 415
- Helm v. Commonwealth, 813 S.W.2d 816 (Ky. 1991), 287
- Henderson v. Morgan, 426 U.S. 637, 96 S.Ct. 2253, 49 L.Ed.2d 108 (1976), 972
- Henderson, *State v.*, 208 N.J. 208 (N.J.2011), 656
- Henderson v. State, 416 Md. 125 (Md.2010), 406
- Henderson v. United States, 476 U.S. 321, 106 S.Ct. 1871, 90 L.Ed.2d 299 (1986), 956
- Hendrix, *State v.*, 782 S.W.2d 833 (Tenn.1989), 470
- Hendrix, *United States v.*, 595 F.2d 883, 194 U.S.App.D.C. 76 (D.C.Cir.1979), 318
- Hennemeyer v. Commonwealth, 580 S.W.2d 211 (Ky.1979), 1141
- Henry, *United States v.*, 48 F.3d 1282, 310 U.S.App.D.C. 431 (D.C.Cir.1995), 400
- Henry, *United States v.*, 447 U.S. 264, 100 S.Ct. 2183, 65 L.Ed.2d 115 (1980), 602
- Henry, *United States v.*, 519 F.3d 68 (1st Cir. 2008), 1140
- Hensley v. Municipal Court, San Jose Milpitas Judicial Dist., Santa Clara County, California, 411 U.S. 345, 93 S.Ct. 1571, 36 L.Ed.2d 294 (1973), 1192
- Hensley, *United States v.*, 469 U.S. 221, 105 S.Ct. 675, 83 L.Ed.2d 604 (1985), 392, 407
- Hernandez v. New York, 500 U.S. 352, 111 S.Ct. 1859, 114 L.Ed.2d 395 (1991), 1010
- Herrera v. Collins, 506 U.S. 390, 113 S.Ct. 853, 122 L.Ed.2d 203 (1993), 1229
- Herring v. United States, 555 U.S. 135, 129 S.Ct. 695, 172 L.Ed.2d 496 (2009), 722
- Hester v. United States, 265 U.S. 57, 44 S.Ct. 445, 68 L.Ed. 898 (1924), 168, 367
- Hiibel v. Sixth Judicial Dist. Court of Nevada, Humboldt County**, 542 U.S. 177, 124 S.Ct. 2451, 159 L.Ed.2d 292 (2004), **380**
- Hill v. Brigano, 199 F.3d 833 (6th Cir.1999), 589
- Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985), 985
- Hill v. State, 418 Md. 62 (Md.2011), 616
- Hilton v. Braunskill, 481 U.S. 770, 107 S.Ct. 2113, 95 L.Ed.2d 724 (1987), 1190
- Hirsch, *United States v.*, 360 F.3d 860 (8th Cir.2004), 855
- Hoffa v. United States, 385 U.S. 293, 87 S.Ct. 408, 17 L.Ed.2d 374 (1966), 165
- Hoffman v. United States**, 341 U.S. 479, 71 S.Ct. 814, 95 L.Ed. 1118 (1951), **877**
- Hogan, *State v.*, 144 N.J. 216, 676 A.2d 533 (N.J.1996), 875
- Hogan, *State v.*, 336 N.J.Super. 319, 764 A.2d 1012 (N.J.Super.A.D.2001), 875
- Holland v. Illinois, 493 U.S. 474, 110 S.Ct. 803, 107 L.Ed.2d 905 (1990), 1001
- Hollingsworth, *United States v.*, 27 F.3d 1196 (7th Cir.1994), 497, 500
- Holmes, *State v.*, 302 S.W.3d 831 (Tenn.2010), 47
- Hoppe, *State v.*, 261 Wis.2d 294, 661 N.W.2d 407 (Wis.2003), 615
- Horton v. California**, 496 U.S. 128, 110 S.Ct. 2301, 110 L.Ed.2d 112 (1990), **227**
- Howell v. Barker, 904 F.2d 889 (4th Cir.1990), 940
- Howes v. Fields, — U.S. —, 132 S.Ct. 1181, 182 L.Ed.2d 17 (2012), 541
- Hsu, *United States v.*, 364 F.3d 192 (4th Cir. 2004), 501
- Hubbell, United States v.**, 530 U.S. 27, 120 S.Ct. 2037, 147 L.Ed.2d 24 (2000), **889**
- Hudson v. Michigan**, 547 U.S. 586, 126 S.Ct. 2159, 165 L.Ed.2d 56 (2006), 151, **683**
- Hurst, *State v.*, 151 Idaho 430, 258 P.3d 950 (Idaho App.2011), 577
- Hurtado v. California, 110 U.S. 516, 4 S.Ct. 111, 28 L.Ed. 232 (1884), 866
- Hyde, *United States v.*, 520 U.S. 670, 117 S.Ct. 1630, 137 L.Ed.2d 935 (1997), 975, 984
- Ibarra, *United States v.*, 948 F.2d 903 (5th Cir.1991), 318
- Illinois v. Caballes, 543 U.S. 405, 125 S.Ct. 834, 160 L.Ed.2d 842 (2005), 176, 405
- Illinois v. Gates**, 462 U.S. 213, 103 S.Ct. 2317, 76 L.Ed.2d 527 (1983), **209**
- Illinois v. Krull, 480 U.S. 340, 107 S.Ct. 1160, 94 L.Ed.2d 364 (1987), 704
- Illinois v. Lafayette, 462 U.S. 640, 103 S.Ct. 2605, 77 L.Ed.2d 65 (1983), 246
- Illinois v. Lidster**, 540 U.S. 419, 124 S.Ct. 885, 157 L.Ed.2d 843 (2004), **416**
- Illinois v. McArthur, 531 U.S. 326, 121 S.Ct. 946, 148 L.Ed.2d 838 (2001), 390
- Illinois v. Perkins, 496 U.S. 292, 110 S.Ct. 2394, 110 L.Ed.2d 243 (1990), 548
- Illinois v. Rodriguez**, 497 U.S. 177, 110 S.Ct. 2793, 111 L.Ed.2d 148 (1990), **301**
- Illinois v. Wardlow, 528 U.S. 119, 120 S.Ct. 673, 145 L.Ed.2d 570 (2000), 345
- Indiana v. Edwards**, 554 U.S. 164, 128 S.Ct. 2379, 171 L.Ed.2d 345 (2008), **56**
- Indianapolis, City of v. Edmond**, 531 U.S. 32, 121 S.Ct. 447, 148 L.Ed.2d 333 (2000), 176, **408**
- Ingle, *United States v.*, 454 F.3d 1082 (10th Cir.2006), 829
- Inmates of Attica Correctional Facility v. Rockefeller*, 477 F.2d 375 (2nd Cir.1973), 834
- In re (see name of party)**

- I.N.S. v. Delgado*, 466 U.S. 210, 104 S.Ct. 1758, 80 L.Ed.2d 247 (1984), 360
- I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 104 S.Ct. 3479, 82 L.Ed.2d 778 (1984), 726
- International Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 114 S.Ct. 2552, 129 L.Ed.2d 642 (1994), 990
- Iowa v. Tovar***, 541 U.S. 77, 124 S.Ct. 1379, 158 L.Ed.2d 209 (2004), 53
- Irvin v. Dowd*, 366 U.S. 717, 81 S.Ct. 1639, 6 L.Ed.2d 751 (1961), 1079
- Jackson v. Denno*, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 (1964), 613, 654
- Jackson, People v.*, 389 Ill.App.3d 283, 329 Ill.Dec. 211, 906 N.E.2d 56 (Ill.App. 1 Dist. 2009), 363
- Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979), 1180, 1200
- Jacobson v. United States***, 503 U.S. 540, 112 S.Ct. 1535, 118 L.Ed.2d 174 (1992), 488
- Jagodinsky, State v.*, 209 Wis.2d 577, 563 N.W.2d 188 (Wis.App.1997), 1021
- James, United States v.*, 257 F.3d 1173 (10th Cir.2001), 855
- James Daniel Good Real Property, United States v.*, 510 U.S. 43, 114 S.Ct. 492, 126 L.Ed.2d 490 (1993), 1113
- Jamison, United States v.*, 509 F.3d 623 (4th Cir.2007), 543
- Janis, United States v.***, 428 U.S. 433, 96 S.Ct. 3021, 49 L.Ed.2d 1046 (1976), 723
- Jardines v. State*, 2011 WL 1405080 (Fla.2011), 176
- J.D.B., In re*, 363 N.C. 664, 686 S.E.2d 135 (N.C.2009), 544
- J.D.B. v. North Carolina*, — U.S. —, 131 S.Ct. 2394, 180 L.Ed.2d 310 (2011), 539, 544
- J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 114 S.Ct. 1419, 128 L.Ed.2d 89 (1994), 1010
- Jeffers v. United States*, 432 U.S. 137, 97 S.Ct. 2207, 53 L.Ed.2d 168 (1977), 1142
- Jefferson, United States v.*, 566 F.3d 928 (9th Cir.2009), 426
- Jencks v. United States*, 353 U.S. 657, 77 S.Ct. 1007, 1 L.Ed.2d 1103 (1957), 920
- Jenkins v. Anderson*, 447 U.S. 231, 100 S.Ct. 2124, 65 L.Ed.2d 86 (1980), 593
- Jenkins v. Delaware*, 395 U.S. 213, 89 S.Ct. 1677, 23 L.Ed.2d 253 (1969), 22
- Jenkins, State v.*, 298 Conn. 209 (Conn.2010), 299
- Johns, United States v.*, 469 U.S. 478, 105 S.Ct. 881, 83 L.Ed.2d 890 (1985), 270
- Johnson v. Louisiana*, 406 U.S. 356, 92 S.Ct. 1620, 32 L.Ed.2d 152 (1972), 998
- Johnson, State v.*, 68 N.J. 349, 346 A.2d 66 (N.J.1975), 296
- Johnson v. State*, 851 N.E.2d 372 (Ind.App. 2006), 608
- Johnson v. United States*, 333 U.S. 10, 68 S.Ct. 367, 92 L.Ed. 436 (1948), 130, 297, 468
- Johnson v. United States*, 544 U.S. 295, 125 S.Ct. 1571, 161 L.Ed.2d 542 (2005), 1191
- Johnson, United States v.*, 351 F.3d 254 (6th Cir.2003), 615
- Johnson v. Zerbst*, 304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 1461 (1938), 34
- Johnston, State v.*, 336 S.W.3d 649 (Tex.Crim. App.2011), 478
- Johnston v. Tampa Sports Authority*, 442 F.Supp.2d 1257 (M.D.Fla.2006), 441
- Jones v. Cunningham*, 371 U.S. 236, 83 S.Ct. 373, 9 L.Ed.2d 285 (1963), 1192
- Jones, State v.*, 290 Kan. 373, 228 P.3d 394 (Kan.2010), 775
- Jones v. Thomas*, 491 U.S. 376, 109 S.Ct. 2522, 105 L.Ed.2d 322 (1989), 1164
- Jones v. United States*, 362 U.S. 257, 80 S.Ct. 725, 4 L.Ed.2d 697 (1960), 733
- Jones, United States v.***, — U.S. —, 132 S.Ct. 945, 181 L.Ed.2d 911 (2012), 187
- Jones, United States v.*, 584 F.3d 1083, 388 U.S.App.D.C. 251 (D.C.Cir.2009), 370
- Jones, United States v.*, 562 F.3d 768 (6th Cir.2009), 369
- Joyce, State v.*, 159 N.H. 440, 986 A.2d 642 (N.H.2009), 370
- Justices of Boston Mun. Court v. Lydon*, 466 U.S. 294, 104 S.Ct. 1805, 80 L.Ed.2d 311 (1984), 1166
- Justus v. Murray*, 897 F.2d 709 (4th Cir.1990), 1220
- Kahan, United States v.*, 415 U.S. 239, 94 S.Ct. 1179, 39 L.Ed.2d 297 (1974), 741
- Kansas v. Ventris*, 556 U.S. 586, 129 S.Ct. 1841, 173 L.Ed.2d 801 (2009), 603
- Karo, United States v.*, 468 U.S. 705, 104 S.Ct. 3296, 82 L.Ed.2d 530 (1984), 178
- Kastigar v. United States*, 406 U.S. 441, 92 S.Ct. 1653, 32 L.Ed.2d 212 (1972), 888
- Katz v. United States***, 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967), 130, 162, 227
- Keenom v. State*, 349 Ark. 381, 80 S.W.3d 743 (Ark.2002), 233
- Kelly, United States v.*, 707 F.2d 1460, 228 U.S.App.D.C. 55 (D.C.Cir.1983), 514
- Kentucky v. King***, — U.S. —, 131 S.Ct. 1849, 179 L.Ed.2d 865 (2011), 461
- Khalil, United States v.*, 214 F.3d 111 (2nd Cir.2000), 551
- Kimmelman v. Morrison*, 477 U.S. 365, 106 S.Ct. 2574, 91 L.Ed.2d 305 (1986), 81, 1200
- Kincade, United States v.*, 345 F.3d 1095 (9th Cir.2003), 449
- Kirby v. Illinois*, 406 U.S. 682, 92 S.Ct. 1877, 32 L.Ed.2d 411 (1972), 46, 524, 628, 635
- Klopfert v. State of N.C.*, 386 U.S. 213, 87 S.Ct. 988, 18 L.Ed.2d 1 (1967), 20
- Knapp, State v.*, 285 Wis.2d 86, 700 N.W.2d 899 (Wis.2005), 594
- Knights, United States v.*, 534 U.S. 112, 122 S.Ct. 587, 151 L.Ed.2d 497 (2001), 440
- Knotts, United States v.***, 460 U.S. 276, 103 S.Ct. 1081, 75 L.Ed.2d 55 (1983), 177
- Knowles v. Iowa*, 525 U.S. 113, 119 S.Ct. 484, 142 L.Ed.2d 492 (1998), 246
- Knowles v. Mirzayance*, 556 U.S. 111, 129 S.Ct. 1411, 173 L.Ed.2d 251 (2009), 94, 102

- Korematsu v. United States, 584 F.Supp. 1406 (N.D.Cal.1984), 1196
- Korematsu v. United States, 323 U.S. 214, 65 S.Ct. 193, 89 L.Ed. 194 (1944), 1196
- Kuhlmann v. Wilson**, 477 U.S. 436, 106 S.Ct. 2616, 91 L.Ed.2d 364 (1986), **600**
- Kurokawa-Lasciak, State v., 249 Or.App. 435, 278 P.3d 38 (Or.App.2012), 318
- Kurokawa-Lasciak, State v., 351 Or. 179, 263 P.3d 336 (Or.2011), 271
- Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995), 908
- Kyllo v. United States**, 533 U.S. 27, 121 S.Ct. 2038, 150 L.Ed.2d 94 (2001), **181**
- Lafferty, United States v., 503 F.3d 293 (3rd Cir.2007), 590
- Lafler v. Cooper, — U.S. —, 132 S.Ct. 1376, 182 L.Ed.2d 398 (2012), 88
- Landis, State v., 281 Neb. 139, 794 N.W.2d 151 (Neb.2011), 543
- Lane, United States v., 474 U.S. 438, 106 S.Ct. 725, 88 L.Ed.2d 814 (1986), 931, 1169
- Lange, Ex parte, 85 U.S. 163, 21 L.Ed. 872 (1873), 1163
- Lanier v. City of Woodburn, 518 F.3d 1147 (9th Cir.2008), 443
- Lavallee v. Justices In Hampden Superior Court, 442 Mass. 228, 812 N.E.2d 895 (Mass.2004), 108
- Lazar, United States v., 604 F.3d 230 (6th Cir.2010), 770
- Lee, United States v., 274 U.S. 559, 47 S.Ct. 746, 71 L.Ed. 1202 (1927), 178, 186
- Lego v. Twomey, 404 U.S. 477, 92 S.Ct. 619, 30 L.Ed.2d 618 (1972), 613
- Leis v. Flynt, 439 U.S. 438, 99 S.Ct. 698, 58 L.Ed.2d 717 (1979), 46
- Leon, United States v.**, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984), 130, 198, **692**
- Leroy M., In re, 16 N.Y.3d 243, 919 N.Y.S.2d 484, 944 N.E.2d 1123 (N.Y.2011), 306
- Levy, Commonwealth v., 76 Mass.App.Ct. 617, 924 N.E.2d 771 (Mass.App.Ct.2010), 202
- Lewis v. United States, 518 U.S. 322, 116 S.Ct. 2163, 135 L.Ed.2d 590 (1996), 990
- Lewis v. United States, 408 A.2d 303 (D.C. 1979), 909
- Lewis v. United States, 385 U.S. 206, 87 S.Ct. 424, 17 L.Ed.2d 312 (1966), 165, 298
- Libretti v. United States, 516 U.S. 29, 116 S.Ct. 356, 133 L.Ed.2d 271 (1995), 970
- Lilly v. State, 365 S.W.3d 321 (Tex.Crim.App. 2012), 1105
- Lindh, United States v.**, 212 F.Supp.2d 541 (E.D.Va.2002), **1073**
- Linkletter v. Walker, 381 U.S. 618, 85 S.Ct. 1731, 14 L.Ed.2d 601 (1965), 21
- Lisenba v. California, 314 U.S. 219, 62 S.Ct. 280, 86 L.Ed. 166 (1941), 517
- Lively, State v., 130 Wash.2d 1, 921 P.2d 1035 (Wash.1996), 509, 513
- Lockhart v. McCree, 476 U.S. 162, 106 S.Ct. 1758, 90 L.Ed.2d 137 (1986), 1001
- Lockhart v. Nelson**, 488 U.S. 33, 109 S.Ct. 285, 102 L.Ed.2d 265 (1988), **1155**
- Lopez v. City of Chicago, 464 F.3d 711 (7th Cir.2006), 808
- Lopez, Commonwealth v., 458 Mass. 383, 937 N.E.2d 949 (Mass.2010), 306
- Lopez, United States v., 706 F.2d 108 (2nd Cir.1983), 1164
- Lopez-Rodriguez v. Mukasey, 536 F.3d 1012 (9th Cir.2008), 728
- Los Angeles County, California v. Rettele**, 550 U.S. 609, 127 S.Ct. 1989, 167 L.Ed.2d 974 (2007), 155, **396**
- Loud Hawk, United States v., 474 U.S. 302, 106 S.Ct. 648, 88 L.Ed.2d 640 (1986), 947
- Louthan, State v., 275 Neb. 101, 744 N.W.2d 454 (Neb.2008), 380
- Lovasco, United States v.**, 431 U.S. 783, 97 S.Ct. 2044, 52 L.Ed.2d 752 (1977), **935**
- Lowenfield v. Phelps, 484 U.S. 231, 108 S.Ct. 546, 98 L.Ed.2d 568 (1988), 1000
- Lucas, United States v., 640 F.3d 168 (6th Cir.2011), 300, 301
- Luckett, State v., 413 Md. 360, 993 A.2d 25 (Md.2010), 558
- Lupfer v. State, 420 Md. 111 (Md.2011), 594
- Lussier, State v., 770 N.W.2d 581 (Minn.App. 2009), 477
- Lynch v. City of New York, 589 F.3d 94 (2nd Cir.2009), 443
- Lynumn v. Illinois, 372 U.S. 528, 83 S.Ct. 917, 9 L.Ed.2d 922 (1963), 517
- MacDonald, United States v., 456 U.S. 1, 102 S.Ct. 1497, 71 L.Ed.2d 696 (1982), 947
- MacWade v. Kelly, 460 F.3d 260 (2nd Cir. 2006), 442
- Magwood v. Patterson, — U.S. —, 130 S.Ct. 2788, 177 L.Ed.2d 592 (2010), 1219
- Maine v. Moulton, 474 U.S. 159, 106 S.Ct. 477, 88 L.Ed.2d 481 (1985), 602, 603, 607
- Majors, State v., 318 S.W.3d 850 (Tenn.2010), 151
- Maldonado, Commonwealth v., 439 Mass. 460, 788 N.E.2d 968 (Mass.2003), 1017
- Maldonado, State v., 259 S.W.3d 184 (Tex. Crim.App.2008), 604
- Malley v. Briggs, 475 U.S. 335, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986), 706
- Mallory v. United States, 354 U.S. 449, 77 S.Ct. 1356, 1 L.Ed.2d 1479 (1957), 521, 804
- Malloy v. Hogan, 378 U.S. 1, 84 S.Ct. 1489, 12 L.Ed.2d 653 (1964), 18, 20
- Mancusi v. DeForte, 392 U.S. 364, 88 S.Ct. 2120, 20 L.Ed.2d 1154 (1968), 747
- Mandujano, United States v., 425 U.S. 564, 96 S.Ct. 1768, 48 L.Ed.2d 212 (1976), 881
- Manson v. Brathwaite**, 432 U.S. 98, 97 S.Ct. 2243, 53 L.Ed.2d 140 (1977), **646**
- Mantecon-Zayas, United States v., 949 F.2d 548 (1st Cir.1991), 816
- Manuel, State v., 229 Ariz. 1, 270 P.3d 828 (Ariz.2011), 395
- Manzo, People v., 121 Cal.Rptr.3d 207 (Cal. App. 4 Dist.2011), 579