

CRIMINAL LAW

CASES AND COMMENTS

EIGHTH EDITION.

ANDRE A. MOENSSENS

RONALD J. BACIGAL

GERALD G. ASHDOWN

VIRGINIA E. HENCH

FOUNDATION PRESS

75TH ANNIVERSARY

CASES AND COMMENTS

CRIMINAL LAW

EIGHTH EDITION

by

ANDRE A. MOENSSENS

Professor of Law Emeritus
University of Richmond, Virginia
Douglas Stripp Professor of Law Emeritus
University of Missouri at Kansas City

RONALD J. BACIGAL

Professor of Law
University of Richmond, Virginia

GERALD G. ASHDOWN

James A. and June M. Harless Professor of Law
West Virginia University

VIRGINIA E. HENCH

Associate Professor of Law
University of Hawai'i

FOUNDATION PRESS

75TH ANNIVERSARY

THOMSON



This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Nothing contained herein is intended or written to be used for the purposes of 1) avoiding penalties imposed under the federal Internal Revenue Code, or 2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

© 1973, 1979, 1983, 1987, 1992, 1998, 2003 FOUNDATION PRESS

© 2008 By THOMSON/FOUNDATION PRESS

395 Hudson Street
New York, NY 10014
Phone Toll Free 1-877-888-1330
Fax (212) 367-6799
foundation-press.com

Printed in the United States of America

ISBN 978-1-59941-315-0



TEXT IS PRINTED ON 10% POST
CONSUMER RECYCLED PAPER



*To my children Monique, Jacqueline, Michele,
Suzanne, and Mark*

A.A.M.

To the memory of Helen Yeager

R.J.B.

To my wife, Marcia, and daughter, Brett

G.G.A.

To my father, Miles Ellsworth Hench, 1919–2001

V.E.H.

*

PREFACE

The 2008 eighth edition of *Cases and Comments on Criminal Law* continues the format of subject-matter structure that was introduced several editions before and has proven successful and eminently workable in the classroom. At the same time, the eighth edition strikes several new themes designed to modernize the book and make it more meaningful in today's justice system as well as more accessible to the students. First, some older cases have been removed and new cases added to address conceptual issues in a contemporary setting. For example, the 7th and 8th editions have added thirteen new cases to Chapter 2 (four in the 8th edition) including recent United States Supreme Court decisions that have impressed themselves onto the national legal framework. Second, the Notes and Questions have been updated where desirable to reflect variations on the principal cases in modern factual circumstances. Additionally, problems (with citations to the cases they reflect) have been added to the Notes to permit exploration of conceptual nuances in a context less directive than case analysis.

Most importantly, in the 8th edition we have added a new chapter on "Crimes Against Governmental Authority." Although the impetus for this chapter was provided by the government's response to the recent terrorist threat, the chapter covers how the state historically has dealt with both physical and sociopolitical challenges to its authority and the welfare of its citizens. After a brief history of governmental acts to defend itself, beginning with sedition at the end of the 18th Century, the chapter covers how traditional crimes have been used by the state in this capacity, and then takes up statutes that have been enacted explicitly to deal with threats to governmental authority, such as crimes aimed at communism, the USA PATRIOT Act, and at material support of terrorist organizations. We have developed this chapter to provide a contemporary setting for showing how the criminal law is utilized to combat threats in a nontraditional area of the first-year course of criminal law, and we hope it appeals to those who prefer both the contemporary and the nontraditional.

A few areas of subject matter have been shifted in a slightly different organizational framework in accordance with helpful suggestions received by the authors from other law professors. The basic structure, that begins the study of criminal law by focusing on general concepts of criminality, has been maintained. The coverage and organization of these materials have been geared carefully to the goals of the first year class in criminal law.

Thus, we begin with a study of act, intent, lack of intent, proximate cause, and burdens of proof.

The difficulty of defining conduct that constitutes an offense is developed from a number of perspectives. As an example: the conceptual battles that surround crimes which require an intent-to-cause-death in cases where an AIDS sufferer seeks to transmit the disease by biting a victim, as well as whether the act of biting in that case constitutes use of a "deadly weapon" is addressed; the assisted suicide and right-to-die cases address similar yet different issues; the concept of whether the "born alive" rule should be retained when criminal homicide charges are brought after injuries to the fetus causing stillbirth have been inflicted; etc. Once these basic concepts have been developed in the cases and materials we reach the study of specific crimes and defenses to criminal liability.

We continue to believe that it is important for beginning law students to quickly gain an in-depth understanding of the pervasiveness of constitutional restraints upon criminal law legislation. While some of these issues pervade the entire book, we nevertheless have kept the bulk of the materials on due process, the right of privacy, equal protection under the law, and on cruel and unusual punishment, in one chapter, to permit easy omission of the materials if adequate study time is not available or if their use in a separate course is desired.

In the selection of current cases for inclusion as new principal cases and in the notes, the authors have sought to focus on those dealing with criminal law developments in modern code states, which frequently liberally discuss the Model Penal Code's suggested revisions of the law, while at the same time not neglecting coverage of traditional common law concepts, which are important both for their historical perspective and because they are still very much the law in a number of jurisdictions.

Following the increasing emphasis that continues to be given to the crime of conspiracy and the expansion of accountability provisions, the materials in that area of the law have been strengthened, particularly in connection with RICO and other federal conspiracy statutes. In the defenses to crime we have also seen an expansion of new evidentiary concepts such as the "syndrome" defenses, including the "battered spouse" syndrome in self defense, and, among the special defenses seeking to diminish criminal responsibility, the "post-traumatic stress disorder" and a whole host of diminished capacity-type defenses to which psychiatric and psychological experts offer to testify. The materials on the insanity defense also reflect the impact of recent movements to abolish, limit, or modify that defense and the United States Supreme Court's view of one such modern statute. The many changes which have transformed the common law concepts of rape into modern criminal sexual assault offenses have expanded in coverage, and include discussions of spousal rape, and the use of "rape shield," "rape trauma" and "child sexual abuse accommodation syndrome" evidence by prosecutors seeking to bolster their cases. Sexual predator statutes and cases are also updated, as are the burgeoning mass of regulatory and property offenses.

As in the past, our book starts with a brief outline of criminal procedure. We believe it essential that a beginning student have an insight into the criminal justice process as a prerequisite to a proper understanding of the cases on substantive criminal law. As in prior editions, the book ends with an Appendix containing pertinent provisions of the United States Constitution and its Amendments. Since these provisions are liberally referred to in many cases, the student has ready access to their precise wording.

We express our appreciation to the American Law Institute for permitting us to reprint extensive portions of the Model Penal Code, and to the many authors of law review articles and treatises who gave us permission to use excerpts from their thoughtful and scholarly publications.

Many of the court opinions reproduced in this casebook have been condensed, and their footnotes were either omitted completely or reduced in number, as were most internal citations of authorities; otherwise the book would be of unmanageable size. The omissions of case opinion textual material are indicated by either of two symbols: . . . (generally for omissions of parts of paragraphs) and * * * (generally indicative of omitted paragraphs).

In our notes and comments, and indeed in the reported cases themselves, whenever the word “he” and other masculine pronouns, or “she” and other feminine pronouns appear, they are mostly used strictly for the sake of brevity and should be considered, in appropriate instances, to include persons of the other gender as well.

A. A. M.
R. J. B.
G. G. A.
V. E. H.

January, 2008

TABLE OF CASES

Principal cases are in bold type. Non-principal cases are in roman type. References are to Pages.

- Aaron, *People v.*, 409 Mich. 672, 299 N.W.2d 304 (Mich.1980), 493
- Abu Marzook, *United States v.*, 412 F.Supp.2d 913 (N.D.Ill.2006), 1194, 1256
- Achin v. State, 387 So.2d 375 (Fla.App. 4 Dist.1980), 815
- Adams v. Murphy, 653 F.2d 224 (5th Cir. 1981), 814
- Adams, State v., 78 Iowa 292, 43 N.W. 194 (Iowa 1889), 534
- Adkins, People v.**, 272 Mich.App. 37, 724 N.W.2d 710 (Mich.App.2006), **810**
- Afshari, United States v.**, 426 F.3d 1150 (9th Cir.2005), **1256**
- Airhart v. Commonwealth, 2007 WL 88747 (Va.App.2007), 171
- Al-Arian, *United States v.*, 308 F.Supp.2d 1322 (M.D.Fla.2004), 1226, 1227, 1256
- Aldridge, State v., 1999 WL 632299 (Tenn. Crim.App.1999), 621
- Aleskerova, *United States v.*, 300 F.3d 286 (2nd Cir.2002), 746, 876
- Allred, State v., 165 Or.App. 226, 995 P.2d 1210 (Or.App.2000), 855
- al-Marri v. Wright, 487 F.3d 160 (4th Cir. 2007), 1288
- Almeida, Commonwealth v.**, 362 Pa. 596, 68 A.2d 595 (Pa.1949), **457**
- Almeida, *Commonwealth ex rel. v. Rundle*, 409 Pa. 460, 187 A.2d 266 (Pa.1963), 461
- Almeida, *United States ex rel. v. Baldi*, 104 F.Supp. 321 (E.D.Pa.1951), 461
- Almeida, *United States ex rel. v. Rundle*, 383 F.2d 421 (3rd Cir.1967), 461
- Alvarez-Machain, United States v.**, 504 U.S. 655, 112 S.Ct. 2188, 119 L.Ed.2d 441 (1992), **1294**
- Amsden, State v., 300 N.W.2d 882 (Iowa 1981), 720
- Anderson, State v., 654 N.W.2d 367 (Minn. App.2002), 471
- Anderson, State v., 10 Neb.App. 163, 626 N.W.2d 627 (Neb.App.2001), 855
- Antwine v. Delo, 54 F.3d 1357 (8th Cir.1995), 1181
- Apao, State v., 59 Haw. 625, 586 P.2d 250 (Hawai'i 1978), 844
- Aparo, State v., 223 Conn. 384, 614 A.2d 401 (Conn.1992), 844
- Aptheker v. Secretary of State, 378 U.S. 500, 84 S.Ct. 1659, 12 L.Ed.2d 992 (1964), 1186, 1243
- Arar v. Ashcroft, 414 F.Supp.2d 250 (E.D.N.Y.2006), 1193
- ASARCO Inc. v. Kadish, 490 U.S. 605, 109 S.Ct. 2037, 104 L.Ed.2d 696 (1989), 1110
- Ashburn, *Commonwealth v.*, 459 Pa. 625, 331 A.2d 167 (Pa.1975), 421
- Ashcroft v. American Civil Liberties Union, 535 U.S. 564, 122 S.Ct. 1700, 152 L.Ed.2d 771 (2002), 279
- Ashcroft v. Free Speech Coalition, 535 U.S. 234, 122 S.Ct. 1389, 152 L.Ed.2d 403 (2002), 181, 280
- Atencio, *Commonwealth v.*, 345 Mass. 627, 189 N.E.2d 223 (Mass.1963), 122
- Atkins v. Virginia**, 536 U.S. 304, 122 S.Ct. 2242, 153 L.Ed.2d 335 (2002), **342**
- Auld, *People v.*, 815 P.2d 956 (Colo.App. 1991), 1024
- Austin, *People v.*, 370 Mich. 12, 120 N.W.2d 766 (Mich.1963), 469
- Autocephalous Greek-Orthodox Church v. Goldberg & Feldman Fine Arts Inc.**, 717 F.Supp. 1374 (S.D.Ind.1989), **727**
- Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg and Feldman Fine Arts, Inc., 917 F.2d 278 (7th Cir.1990), 744
- Avery, *Regina v.*, 8 Cox C.C. 184, 169 Eng. Rep. 1207 (1859), 712
- Azure, *United States v.*, 801 F.2d 336 (8th Cir.1986), 1096
- Baby v. State of Maryland**, 172 Md.App. 588, 916 A.2d 410 (Md.App.2007), **607**
- Baca, State v., 123 N.M. 124, 934 P.2d 1053 (N.M.1997), 720
- Bailey, United States v.**, 444 U.S. 394, 100 S.Ct. 624, 62 L.Ed.2d 575 (1980), **1032**
- Bair, State v., 112 W.Va. 655, 166 S.E. 369 (W.Va.1932), 774
- Baker, *People v.*, 365 Ill. 328, 6 N.E.2d 665 (Ill.1936), 684
- Baker, State v., 598 S.W.2d 540 (Mo.App. W.D.1980), 1045
- Baldi, *United States ex rel. Almeida v.*, 104 F.Supp. 321 (E.D.Pa.1951), 461

- Baldwin, Commonwealth v., 348 Pa.Super. 368, 502 A.2d 253 (Pa.Super.1985), 650
- Banks v. State, 211 S.W. 217 (Tex.Crim.App. 1919), 421
- Barenblatt v. United States, 360 U.S. 109, 79 S.Ct. 1081, 3 L.Ed.2d 1115 (1959), 1207
- Barney, People v., 294 A.D.2d 811, 742 N.Y.S.2d 451 (N.Y.A.D. 4 Dept.2002), 789
- Barr, State v., 11 Wash. 481, 39 P. 1080 (Wash.1895), 535
- Barraza, People v., 153 Cal.Rptr. 459, 591 P.2d 947 (Cal.1979), 990
- Barrett v. United States, 377 A.2d 62 (D.C. 1977), 1069
- Barthell, State v., 554 So.2d 17 (Fla.App. 3 Dist.1989), 720
- Bassett, State v., 151 Conn. 547, 200 A.2d 473 (Conn.1964), 748
- Baxter v. State, 586 So.2d 1196 (Fla.App. 2 Dist.1991), 873, 911
- Baxter, United States v., 342 F.2d 773 (6th Cir.1965), 993
- Baylor v. United States, 407 A.2d 664 (D.C. 1979), 115
- Beal v. Doe, 432 U.S. 438, 97 S.Ct. 2366, 53 L.Ed.2d 464 (1977), 302
- Bean, State v., 171 Vt. 290, 762 A.2d 1259 (Vt.2000), 1180
- Beasley v. State, 64 Miss. 518, 8 So. 234 (Miss.1886), 499
- Beck v. Commonwealth, 216 Va. 1, 216 S.E.2d 8 (Va.1975), 558
- Beckham, State v., 306 Mo. 566, 267 S.W. 817 (Mo.1924), 535
- Beeley, State v.**, 653 A.2d 722 (R.I.1995), 524
- Bell v. Ohio, 438 U.S. 637, 98 S.Ct. 2977, 57 L.Ed.2d 1010 (1978), 331
- Bell, People v., 264 Ill.App.3d 753, 201 Ill. Dec. 182, 636 N.E.2d 614 (Ill.App. 1 Dist. 1993), 771
- Bellotti v. Baird, 443 U.S. 622, 99 S.Ct. 3035, 61 L.Ed.2d 797 (1979), 303
- Beltran v. United States, 302 F.2d 48 (1st Cir.1962), 1139
- Benesch, Commonwealth v., 290 Mass. 125, 194 N.E. 905 (Mass.1935), 909
- Benoit, State v., 650 A.2d 1230 (R.I.1994), 122
- Berggren, Commonwealth v., 398 Mass. 338, 496 N.E.2d 660 (Mass.1986), 122
- Berry, Commonwealth v., 461 Pa. 233, 336 A.2d 262 (Pa.1975), 501
- Beverly, Commonwealth v., 237 Ky. 35, 34 S.W.2d 941 (Ky.1931), 536
- Billings, State v., 242 N.W.2d 726 (Iowa 1976), 784
- Bin Laden, United States v., 92 F.Supp.2d 225 (S.D.N.Y.2000), 1223
- Bishop v. United States, 107 F.2d 297 (D.C.Cir.1939), 1061
- 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), 216
- Bivens v. Commonwealth, 19 Va.App. 750, 454 S.E.2d 741 (Va.App.1995), 769
- Blackburn, Commonwealth v., 354 Mass. 200, 237 N.E.2d 35 (Mass.1968), 770
- Blair, People v., 1 Ill.App.3d 6, 272 N.E.2d 404 (Ill.App. 5 Dist.1971), 774
- Blake v. United States, 407 F.2d 908 (5th Cir.1969), 1139
- Blakely v. Washington, 542 U.S. 296, 124 S.Ct. 2531, 159 L.Ed.2d 403 (2004), 145
- Blanco, State v.**, 896 So.2d 900 (Fla.App. 4 Dist.2005), 1008
- Blaue, Regina v., [1975] 3 All E.R. 446 (Eng.Crim.App.1975), 115
- Blumenthal v. United States, 332 U.S. 539, 68 S.Ct. 248, 92 L.Ed. 154 (1947), 903
- Bohannon, Commonwealth v., 376 Mass. 90, 378 N.E.2d 987 (Mass.1978), 629
- Boles, State v., 223 Conn. 535, 613 A.2d 770 (Conn.1992), 844
- Bolish, Commonwealth v., 391 Pa. 550, 138 A.2d 447 (Pa.1958), 460
- Bonadio, Commonwealth v.**, 490 Pa. 91, 415 A.2d 47 (Pa.1980), 241
- Booker, United States v., 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005), 146
- Boon, State v., 35 N.C. 244 (N.C.1852), 773
- Booth, Commonwealth v., 564 Pa. 228, 766 A.2d 843 (Pa.2001), 413
- Boumediene v. Bush, 476 F.3d 981 (D.C.Cir. 2007), 1288
- Bourne, Rex v., 3 All E.R. 615 (CCA 1938), 10452
- Bowers v. Hardwick, 478 U.S. 186, 106 S.Ct. 2841, 92 L.Ed.2d 140 (1986), 651
- Bradley v. W.A. Duncan, 315 F.3d 1091 (9th Cir.2002), 1023
- Brancaccio v. State, 698 So.2d 597 (Fla.App. 4 Dist.1997), 1068
- Brandenburg v. Ohio, 395 U.S. 444, 89 S.Ct. 1827, 23 L.Ed.2d 430 (1969), 271, 1234
- Brannon v. State, 296 S.W.2d 760 (Tex.Crim. App.1956), 748
- Braverman v. United States**, 317 U.S. 49, 63 S.Ct. 99, 87 L.Ed. 23 (1942), 873, 903
- Brawner, United States v., 471 F.2d 969 (D.C.Cir.1972), 1136, 1139, 1140
- Brinkley v. United States, 560 F.2d 871 (8th Cir.1977), 769
- Briscoe, United States v., 896 F.2d 1476 (7th Cir.1990), 905
- Brooks v. State, 35 Ohio St. 46 (Ohio 1878), 715
- Brown v. Commonwealth, 934 S.W.2d 242 (Ky.1996), 1171
- Brown v. State, 550 So.2d 142 (Fla.App. 1 Dist.1989), 911
- Brown v. State, 143 Ga.App. 678, 239 S.E.2d 556 (Ga.App.1977), 716
- Brown, State v., 284 S.C. 407, 326 S.E.2d 410 (S.C.1985), 386
- Brown, State v., 205 S.C. 514, 32 S.E.2d 825 (S.C.1945), 552
- Bryant, United States v., 454 F.2d 248 (4th Cir.1972), 716

- Buckwalter v. State, 23 P.3d 81 (Alaska App. 2001), 720
- Bugely, State v.**, 408 N.W.2d 394 (Iowa App.1987), **700**
- Bullock v. United States, 122 F.2d 213 (D.C.Cir.1941), 439
- Bunyard, State v., 281 Kan. 392, 133 P.3d 14 (Kan.2006), 619
- Burnett, State v., 354 Mo. 45, 188 S.W.2d 51 (Mo.1945), 501
- Burns, Commonwealth v., 409 Pa. 619, 187 A.2d 552 (Pa.1963), 400
- Burton, Commonwealth v., 16 Pa. D. & C.3d 90, 1980 WL 575 (Pa.Com.Pl.1980), 832
- Butler, State v., 331 So.2d 425 (La.1976), 304
- Cabbler v. Commonwealth, 212 Va. 520, 184 S.E.2d 781 (Va.1971), 747
- Cage v. Louisiana, 498 U.S. 39, 111 S.Ct. 328, 112 L.Ed.2d 339 (1990), 126
- Calhoun v. State, 820 P.2d 819 (Okla.Crim. App.1991), 713
- Call, People v., 176 Ill.App.3d 571, 126 Ill. Dec. 156, 531 N.E.2d 451 (Ill.App. 4 Dist. 1988), 402
- Calloway v. State, 176 Ga.App. 674, 337 S.E.2d 397 (Ga.App.1985), 713
- Cam v. State, 433 So.2d 38 (Fla.App. 1 Dist. 1983), 898
- Caminetti v. United States**, 242 U.S. 470, 37 S.Ct. 192, 61 L.Ed. 442 (1917), **171**
- Camodeca, People v., 52 Cal.2d 142, 338 P.2d 903 (Cal.1959), 748
- Carpenter v. State, 62 Ark. 286, 36 S.W. 900 (Ark.1896), 536
- Carr, People v., 255 Ill. 203, 99 N.E. 357 (Ill.1912), 775
- Carson, State v., 941 S.W.2d 518 (Mo.1997), 27
- Carter v. United States, 530 U.S. 255, 120 S.Ct. 2159, 147 L.Ed.2d 203 (2000), 769
- Cartwright v. Commonwealth, 223 Va. 368, 288 S.E.2d 491 (Va.1982), 876
- Cary, Commonwealth v.**, 271 Va. 87, 623 S.E.2d 906 (Va.2006), **510**
- Case of the Peacocks, Y.B. 18 Hen. 8, f. 9, p. 11 (K.B.1526), 703
- Cash, People v., 419 Mich. 230, 351 N.W.2d 822 (Mich.1984), 81
- Cass, Commonwealth v., 392 Mass. 799, 467 N.E.2d 1324 (Mass.1984), 557
- Ceballos, People v., 116 Cal.Rptr. 233, 526 P.2d 241 (Cal.1974), 535
- Cedric Kushner Promotions, Ltd. v. King**, 533 U.S. 158, 121 S.Ct. 2087, 150 L.Ed.2d 198 (2001), **911**
- Chandler, United States v., 393 F.2d 920 (4th Cir.1968), 1139
- Chaplinsky v. New Hampshire, 315 U.S. 568, 62 S.Ct. 766, 86 L.Ed. 1031 (1942), 271
- Chapman v. California, 386 U.S. 18, 87 S.Ct. 824, 17 L.Ed.2d 705 (1967), 152
- Charlton v. Wainwright, 588 F.2d 162 (5th Cir.1979), 809
- Chavers, State v., 294 So.2d 489 (La.1974), 124
- Checoura, United States v., 176 F.Supp.2d 310 (D.N.J.2001), 1147
- Cheek v. United States, 498 U.S. 192, 111 S.Ct. 604, 112 L.Ed.2d 617 (1991), 99
- Cheeks, Commonwealth v., 423 Pa. 67, 223 A.2d 291 (Pa.1966), 123
- Cheema v. Ashcroft, 383 F.3d 848 (9th Cir. 2004), 1260
- Chicago, City of v. Morales**, 527 U.S. 41, 119 S.Ct. 1849, 144 L.Ed.2d 67 (1999), **252**
- Chicago, City of v. Wilson, 75 Ill.2d 525, 27 Ill.Dec. 458, 389 N.E.2d 522 (Ill.1978), 287
- Childers, State v., 133 Ohio St. 508, 14 N.E.2d 767 (Ohio 1938), 535
- Churchill, State v., 4 Haw.App. 276, 664 P.2d 757 (Hawai'i App.1983), 844
- Cisneros, Commonwealth v., 381 Pa. 447, 113 A.2d 293 (Pa.1955), 499, 501
- City of (see name of city)**
- Clark v. Arizona**, 548 U.S. 735, 126 S.Ct. 2709, 165 L.Ed.2d 842 (2006), **1150**
- Clarke v. Commonwealth, 66 Va. 908 (Va. 1874), 775
- Cleveland v. Municipality of Anchorage, 631 P.2d 1073 (Alaska 1981), 1053
- Cody v. State, 361 P.2d 307 (Okla.Crim.App. 1961), 621
- Cohen, State ex rel. Woods v., 173 Ariz. 497, 844 P.2d 1147 (Ariz.1992), 908
- Coker v. Georgia, 433 U.S. 584, 97 S.Ct. 2861, 53 L.Ed.2d 982 (1977), 331
- Colbert v. State, 91 Ga. 705, 17 S.E. 840 (Ga.1893), 785
- Coleman v. Balkcom, 451 U.S. 949, 101 S.Ct. 2031, 68 L.Ed.2d 334 (1981), 331
- Colon, State v.**, 257 Conn. 587, 778 A.2d 875 (Conn.2001), **877**
- Commonwealth v. _____ (see opposing party)**
- Commonwealth ex rel. v. _____ (see opposing party and relator)**
- Communist Party of United States v. Subversive Activities Control Bd., 367 U.S. 1, 81 S.Ct. 1357, 6 L.Ed.2d 625 (1961), 1186
- Connecticut v. Johnson, 460 U.S. 73, 103 S.Ct. 969, 74 L.Ed.2d 823 (1983), 152
- Connecticut Dept. of Public Safety v. Doe, 538 U.S. 1, 123 S.Ct. 1160, 155 L.Ed.2d 98 (2003), 666
- Conyer v. United States, 80 F.2d 292 (6th Cir.1935), 1030
- Cooper v. United States, 512 A.2d 1002 (D.C. 1986), 535
- Cooper, State v., 286 N.C. 549, 213 S.E.2d 305 (N.C.1975), 1181
- Corcoran, State v., 82 Wash. 44, 143 P. 453 (Wash.1914), 772
- Cordeiro, Commonwealth v., 401 Mass. 843, 519 N.E.2d 1328 (Mass.1988), 630
- Corona v. State, 814 So.2d 1184 (Fla.App. 4 Dist.2002), 911

- Corrow, United States v., 119 F.3d 796 (10th Cir.1997), 745
- Costner, United States v., 359 F.2d 969 (6th Cir.1966), 993
- County Court of Ulster County, N. Y. v. Allen**, 442 U.S. 140, 99 S.Ct. 2213, 60 L.Ed.2d 777 (1979), **153**
- Coxwell v. State, 397 So.2d 335 (Fla.App. 1 Dist.1981), 857
- Crimmins, United States v., 123 F.2d 271 (2nd Cir.1941), 909
- Crims, State v., 540 N.W.2d 860 (Minn.App. 1995), 621
- Cruciani, People v., 70 Misc.2d 528, 334 N.Y.S.2d 515 (N.Y.Co.Ct.1972), 556
- Cruz, Commonwealth v.**, 61 Mass.App.Ct. 1110, 809 N.E.2d 1100 (Mass.App.Ct. 2004), **767**
- Cuellar v. State, 957 S.W.2d 134 (Tex.App.-Corpus Christi 1997), 413
- Culbert, United States v., 548 F.2d 1355 (9th Cir.1977), 769
- Cullen v. United States, 886 A.2d 870 (D.C. 2005), 648
- Curl v. State, 40 Wis.2d 474, 162 N.W.2d 77 (Wis.1968), 1180
- Currens, United States v., 290 F.2d 751 (3rd Cir.1961), 1106, 1139
- Curry, United States v., 284 F.Supp. 458 (N.D.Ill.1968), 993
- Dabney v. State**, 159 Md.App. 225, 858 A.2d 1084 (Md.App.2004), **798**
- Damiano, State v., 322 N.J.Super. 22, 730 A.2d 376 (N.J.Super.A.D.1999), 720
- Daniel M'Naghten's Case**, 10 Cl. & F. 200, 8 Eng.Rep. 718 (H.L.1843), **1104**
- Davidson v. State, 216 S.W. 624 (Tex.Crim. App.1919), 772
- Davidson v. United States, 61 F.2d 250 (8th Cir.1932), 909
- Davis v. Commonwealth, 252 S.W.2d 9 (Ky. 1952), 534
- Davis v. Commonwealth, 132 Va. 521, 110 S.E. 356 (Va.1922), 772
- Davis, Commonwealth v.**, 10 Mass.App.Ct. 190, 406 N.E.2d 417 (Mass.App.Ct.1980), **233**
- Davis, People v., 30 Cal.Rptr.2d 50, 872 P.2d 591 (Cal.1994), 413
- Davis, People v., 351 N.Y.S.2d 663, 306 N.E.2d 787 (N.Y.1973), 1080
- Davis, Regina v., 6 Cox C.C. 369 (1854), 773
- Davis, State v., 34 S.W.2d 133 (Mo.1930), 501
- Davis, United States v., 562 F.2d 681 (D.C.Cir.1977), 26
- Dawkins v. State, 313 Md. 638, 547 A.2d 1041 (Md.1988), 27
- Debs, United States v., 949 F.2d 199 (6th Cir.1991), 754
- Debs v. United States**, 249 U.S. 211, 39 S.Ct. 252, 63 L.Ed. 566 (1919), 1185, **1228**
- Decina, People v., 157 N.Y.S.2d 558, 138 N.E.2d 799 (N.Y.1956), 20
- Dege, United States v., 364 U.S. 51, 80 S.Ct. 1589, 4 L.Ed.2d 1563 (1960), 886
- De Moss, Commonwealth v., 401 Pa. 395, 165 A.2d 14 (Pa.1960), 491
- Dennis v. United States**, 341 U.S. 494, 71 S.Ct. 857, 95 L.Ed. 1137 (1951), **1237**
- Desantos, State v., 233 Wis.2d 274, 610 N.W.2d 230 (Wis.App.2000), 903
- Desimone, State v., 241 Conn. 439, 696 A.2d 1235 (Conn.1997), 720
- Dethlefsen v. Stull, 86 Cal.App.2d 499, 195 P.2d 56 (Cal.App. 1 Dist.1948), 711
- DeVincent, Commonwealth v., 358 Mass. 592, 266 N.E.2d 314 (Mass.1971), 747
- Dewald, People v.**, 267 Mich.App. 365, 705 N.W.2d 167 (Mich.App.2005), **695**
- Diggs v. United States**, 242 U.S. 470, 37 S.Ct. 192, 61 L.Ed. 442 (1917), **171**
- DiMaio v. Commonwealth**, 272 Va. 504, 636 S.E.2d 456 (Va.2006), **716**
- Director of Public Prosecutions v. Camplin**, 2 W.L.R. 679 (H.L. 1978), **494**
- Director of Public Prosecutions v. Lynch, [1975] A.C. 653, [1975] 2 W.L.R. 641, [1975] 1 All E.R. 913 (H.L. 1975), 1146
- Director of Public Prosecutions v. Morgan, 2 All E.R. 347 (H.L. 1975), 93
- Disanto, State v.**, 688 N.W.2d 201 (S.D. 2004), **857**
- Dixon v. United States**, 548 U.S. 1, 126 S.Ct. 2437, 165 L.Ed.2d 299 (2006), **137**, 1030
- Dlugash, People v.**, 395 N.Y.S.2d 419, 363 N.E.2d 1155 (N.Y.1977), **101**, 814
- Doe v. Bolton, 410 U.S. 179, 93 S.Ct. 739, 35 L.Ed.2d 201 (1973), 302
- Donaldson, State v.**, 663 N.W.2d 882 (Iowa 2003), **685**
- Donato-Morales, United States v.**, 382 F.3d 42 (1st Cir.2004), **676**
- Donelson, People v., 45 Ill.App.3d 609, 4 Ill. Dec. 273, 359 N.E.2d 1225 (Ill.App. 4 Dist. 1977), 855
- Doris, Commonwealth v., 287 Pa. 547, 135 A. 313 (Pa.1926), 491
- Dorsey, State v., 118 N.H. 844, 395 A.2d 855 (N.H.1978), 1053
- Drew, People v., 149 Cal.Rptr. 275, 583 P.2d 1318 (Cal.1978), 1139, 1149
- Dubose v. State, 563 So.2d 18 (Ala.Crim.App. 1990), 49
- Dudley & Stephens, Queen v., 14 Q.B.D. 273, 15 Cox C.C. 624 (1884), 1045
- Durham v. United States, 214 F.2d 862 (D.C.Cir.1954), 1135, 1140
- Duvallon v. State, 404 So.2d 196 (Fla.App. 1 Dist.1981), 43
- Dye, State v., 14 Ohio App.2d 7, 235 N.E.2d 250 (Ohio App. 9 Dist.1968), 770
- Dyer, Commonwealth v., 243 Mass. 472, 138 N.E. 296 (Mass.1923), 909
- Eby v. State, 702 P.2d 1047 (Okla.Crim.App. 1985), 122

- Edelin, *Commonwealth v.*, 371 Mass. 497, 359 N.E.2d 4 (Mass.1976), 557
- Edens v. State, 197 Ga.App. 146, 397 S.E.2d 612 (Ga.App.1990), 754
- E.E.O.C. v. Arabian American Oil Co., 499 U.S. 244, 111 S.Ct. 1227, 113 L.Ed.2d 274 (1991), 1227
- Eichel, *State v.*, 495 So.2d 787 (Fla.App. 2 Dist.1986), 1023
- Eichman, *United States v.*, 496 U.S. 310, 110 S.Ct. 2404, 110 L.Ed.2d 287 (1990), 1217
- Eisenstadt v. Baird, 405 U.S. 438, 92 S.Ct. 1029, 31 L.Ed.2d 349 (1972), 287
- El-Masri v. *United States*, 479 F.3d 296 (4th Cir.2007), 1194
- Elsmore v. State, 104 S.W.2d 493 (Tex.Crim. App.1937), 501
- Enmons, *United States v.*, 410 U.S. 396, 93 S.Ct. 1007, 35 L.Ed.2d 379 (1973), 754
- Epperly v. *Commonwealth*, 224 Va. 214, 294 S.E.2d 882 (Va.1982), 399
- Esquibel v. State, 91 N.M. 498, 576 P.2d 1129 (N.M.1978), 1044
- Essex v. *Commonwealth*, 228 Va. 273, 322 S.E.2d 216 (Va.1984), 445
- Evans v. *United States*, 504 U.S. 255, 112 S.Ct. 1881, 119 L.Ed.2d 57 (1992), 199
- Evans, *People v.*, 58 A.D.2d 919, 396 N.Y.S.2d 727 (N.Y.A.D. 3 Dept.1977), 851
- Everett, *United States v.*, 700 F.2d 900 (3rd Cir.1983), 814
- Ewing v. California, 538 U.S. 11, 123 S.Ct. 1179, 155 L.Ed.2d 108 (2003), 385
- Ex parte (see name of party)**
- Falcone, *United States v.***, 311 U.S. 205, 61 S.Ct. 204, 85 L.Ed. 128 (1940), **905**
- Fanfan, *United States v.*, 543 U.S. 220, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005), 146
- Farr v. State, 54 Ala.App. 80, 304 So.2d 898 (Ala.Crim.App.1974), 502
- Faulkner v. State, 54 Md.App. 113, 458 A.2d 81 (Md.App.1983), 510
- Faulkner, *State v.*, 301 Md. 482, 483 A.2d 759 (Md.1984), 510
- Fearon, *State v.*, 283 Minn. 90, 166 N.W.2d 720 (Minn.1969), 1080
- Feinberg, *Commonwealth v.***, 211 Pa.Super. 100, 234 A.2d 913 (Pa.Super.1967), **554**
- Feltes v. *People*, 178 Colo. 409, 498 P.2d 1128 (Colo.1972), 26
- Feola, *United States v.*, 420 U.S. 671, 95 S.Ct. 1255, 43 L.Ed.2d 541 (1975), 909
- Ferrell v. *Commonwealth*, 11 Va.App. 380, 399 S.E.2d 614 (Va.App.1990), 747
- Fields, *State v.*, 324 N.C. 204, 376 S.E.2d 740 (N.C.1989), 21
- Fierer, *People v.*, 124 Ill.2d 176, 124 Ill.Dec. 855, 529 N.E.2d 972 (Ill.1988), 1172
- Filer v. State, 285 So.2d 669 (Fla.App. 2 Dist.1973), 886
- Finger v. State, 117 Nev. 548, 27 P.3d 66 (Nev.2001), 1171
- Fisher v. *United States***, 328 U.S. 463, 66 S.Ct. 1318, 90 L.Ed. 1382 (1946), **1142**
- Flenon, *People v.*, 42 Mich.App. 457, 202 N.W.2d 471 (Mich.App.1972), 115
- Flory, *State v.*, 40 Wyo. 184, 276 P. 458 (Wyo.1929), 501
- Floyd, *State v.*, 253 Conn. 700, 756 A.2d 799 (Conn.2000), 844
- Foley Bros. v. Filardo, 336 U.S. 281, 69 S.Ct. 575, 93 L.Ed. 680 (1949), 1228
- Foster v. *Commonwealth*, 96 Va. 306, 31 S.E. 503 (Va.1898), 815
- Fox, *State v.***, 709 P.2d 316 (Utah 1985), **21**
- Fraley, *Ex parte*, 3 Okla.Crim. 719, 109 P. 295 (Okla.Crim.App.1910), 501
- Francis v. Franklin, 471 U.S. 307, 105 S.Ct. 1965, 85 L.Ed.2d 344 (1985), 152
- Franco v. State, 42 Tex. 276 (Tex.1875), 773
- Frazier, *State v.*, 339 Mo. 966, 98 S.W.2d 707 (Mo.1936), 115
- Freddo v. State, 127 Tenn. 376, 155 S.W. 170 (Tenn.1913), 501
- Frederick, *United States v.*, 3 M.J. 230 (C.M.A. 1977), 1139
- Free, *People v.*, 37 Ill.App.3d 1050, 347 N.E.2d 505 (Ill.App. 1 Dist.1976), 501
- Freeman, *United States v.*, 357 F.2d 606 (2nd Cir.1966), 1107, 1139
- Frysig, *People v.*, 628 P.2d 1004 (Colo.1981), 831
- Fulcher v. State**, 633 P.2d 142 (Wyo.1981), **1081**
- Furby, *People v.*, 138 Ill.2d 434, 150 Ill.Dec. 534, 563 N.E.2d 421 (Ill.1990), 401
- Gaither, *State v.*, 236 Ga. 497, 224 S.E.2d 378 (Ga.1976), 304
- Gallo, *People v.*, 54 Ill.2d 343, 297 N.E.2d 569 (Ill.1973), 747
- Gamache, *United States v.*, 156 F.3d 1 (1st Cir.1998), 1023
- Gamble, *State v.*, 27 Conn.App. 1, 604 A.2d 366 (Conn.App.1992), 844
- Garcia, *Commonwealth v.*, 403 Pa.Super. 280, 588 A.2d 951 (Pa.Super.1991), 650
- Garguilo, *United States v.*, 310 F.2d 249 (2nd Cir.1962), 850
- Garman, *State v.*, 100 Wash.App. 307, 984 P.2d 453 (Wash.App. Div. 1 1999), 720
- Garner, *People v.*, 781 P.2d 87 (Colo.1989), 122
- Garnett v. State**, 332 Md. 571, 632 A.2d 797 (Md.1993), **575**
- Garrison, *State v.*, 2004 WL 1506125 (Ohio App. 2 Dist.2004), 648
- G. C. v. State, 407 So.2d 639 (Fla.App. 3 Dist.1981), 844
- Gitlow v. *New York***, 268 U.S. 652, 45 S.Ct. 625, 69 L.Ed. 1138 (1925), **1230**
- Glover, *State v.*, 330 Mo. 709, 50 S.W.2d 1049 (Mo.1932), 123
- Glowacki, *State v.*, 630 N.W.2d 392 (Minn. 2001), 509

- Godfrey v. Georgia, 446 U.S. 420, 100 S.Ct. 1759, 64 L.Ed.2d 398 (1980), 331
- Goetz, People v.**, 506 N.Y.S.2d 18, 497 N.E.2d 41 (N.Y.1986), **502**
- Golden, People v., 140 P.3d 1 (Colo.App. 2005), 629
- Gonzales v. Oregon, 546 U.S. 243, 126 S.Ct. 904, 163 L.Ed.2d 748 (2006), 232
- Gonzales v. Raich**, 545 U.S. 1, 125 S.Ct. 2195, 162 L.Ed.2d 1 (2005), **200**
- Gooding, Warden v. Wilson**, 405 U.S. 518, 92 S.Ct. 1103, 31 L.Ed.2d 408 (1972), **262**
- Goodseal, State v., 186 Neb. 359, 183 N.W.2d 258 (Neb.1971), 528
- Gorham, State v., 110 Wash. 330, 188 P. 457 (Wash.1920), 1045
- Gorshen, People v., 51 Cal.2d 716, 336 P.2d 492 (Cal.1959), 1148
- Government of Virgin Islands v. Fredericks, 578 F.2d 927 (3rd Cir.1978), 1139
- Gracidas-Ulibarry, United States v., 231 F.3d 1188 (9th Cir.2000), 830
- Gravens v. State**, 836 N.E.2d 490 (Ind.App. 2005), **837**
- Grecinger, State v.**, 569 N.W.2d 189 (Minn. 1997), **1097**
- Green, State v., 118 S.C. 279, 110 S.E. 145 (S.C.1921), 536
- Gregg v. Georgia**, 428 U.S. 153, 96 S.Ct. 2909, 49 L.Ed.2d 859 (1976), **314**
- Greider v. Duckworth, 701 F.2d 1228 (7th Cir.1983), 1115
- Griffin, People v., 173 A.D.2d 120, 578 N.Y.S.2d 782 (N.Y.A.D. 4 Dept.1991), 115
- Griffin, People v., 19 Cal. 578 (Cal.1862), 784
- Grimsley, State v., 3 Ohio App.3d 265, 444 N.E.2d 1071 (Ohio App. 1 Dist.1982), 1088
- Grissom, State v.**, 251 Kan. 851, 840 P.2d 1142 (Kan.1992), **395**
- Griswold v. Connecticut**, 381 U.S. 479, 85 S.Ct. 1678, 14 L.Ed.2d 510 (1965), **280**
- Grose, State v.**, 982 S.W.2d 349 (Tenn. Crim.App.1997), **113**
- Gross, United States v., 313 F.Supp. 1330 (S.D.Ind.1970), 193
- Gullett, United States v., 322 F.Supp. 272 (D.Colo.1971), 193
- Guminga, State v.**, 395 N.W.2d 344 (Minn. 1986), **61**
- Gunter v. Peyton, 287 F.Supp. 928 (W.D.Va. 1968), 747
- Guthrie, State v.**, 194 W.Va. 657, 461 S.E.2d 163 (W.Va.1995), **422**
- Ha v. State, 892 P.2d 184 (Alaska App.1995), 508
- Hall, State v.**, 214 N.W.2d 205 (Iowa 1974), **1062**
- Hamdan v. Rumsfeld**, 548 U.S. 557, 126 S.Ct. 2749, 165 L.Ed.2d 723 (2006), **1273**
- Hamdi v. Rumsfeld**, 542 U.S. 507, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004), **1261**
- Hampton v. United States**, 425 U.S. 484, 96 S.Ct. 1646, 48 L.Ed.2d 113 (1976), **976**
- Hardie & Lane Ltd. v. Chilton, 2 K.B. 306 (CA 1928), 754
- Hardy, People v., 77 Misc.2d 1092, 357 N.Y.S.2d 970 (N.Y.Sup.App.Term 1974), 43
- Harmelin v. Michigan, 501 U.S. 957, 111 S.Ct. 2680, 115 L.Ed.2d 836 (1991), 385
- Harmon, People v., 53 Mich.App. 482, 220 N.W.2d 212 (Mich.App.1974), 1044
- Harold, State v., 312 N.C. 787, 325 S.E.2d 219 (N.C.1985), 713
- Harper v. Virginia State Bd. of Elections, 383 U.S. 663, 86 S.Ct. 1079, 16 L.Ed.2d 169 (1966), 193
- Harper, State ex rel. v. Zegeer, 170 W.Va. 743, 296 S.E.2d 873 (W.Va.1982), 1080
- Harper, United States v., 33 F.3d 1143 (9th Cir.1994), 835
- Harrington, State v.**, 128 Vt. 242, 260 A.2d 692 (Vt.1969), **748**
- Harris v. State, 41 Okla.Crim. 121, 271 P. 957 (Okla.Crim.App.1928), 775
- Harrison v. State**, 382 Md. 477, 855 A.2d 1220 (Md.2004), **815**
- Harrison, People v.**, 383 Mich. 585, 178 N.W.2d 650 (Mich.1970), **1207**
- Harrison, Rex v., 168 Eng.Rep. 126 (1756), 712
- Harvey v. State, 111 Md.App. 401, 681 A.2d 628 (Md.App.1996), 48
- Hauptmann, State v., 180 A. 809 (N.J.Err. & App.1935), 683
- Hays v. United States**, **242 U.S. 470, 37 S.Ct. 192, 61 L.Ed. 442 (1917), 171**
- Hayner v. People, 213 Ill. 142, 72 N.E. 792 (Ill.1904), 534
- Hazlett, State v., 16 N.D. 426, 113 N.W. 374 (N.D.1907), 502
- Heacock v. Commonwealth, 228 Va. 397, 323 S.E.2d 90 (Va.1984), 483
- Heard v. United States, 414 F.2d 884 (5th Cir.1969), 993
- Heath, State v., 316 N.C. 337, 341 S.E.2d 565 (N.C.1986), 1096
- Helfant, Commonwealth v., 398 Mass. 214, 496 N.E.2d 433 (Mass.1986), 573
- Hendrickson, People v., 45 P.3d 786 (Colo. App.2001), 1000
- Henson v. State, 136 Ga.App. 868, 222 S.E.2d 685 (Ga.App.1975), 668
- Hernandez, People v.**, 61 Cal.2d 529, 39 Cal.Rptr. 361, 393 P.2d 673 (Cal.1964), **76**
- Herrera, State v., 993 P.2d 854 (Utah 1999), 1171
- Heslop, State v., 842 S.W.2d 72 (Mo.1992), 720
- Hess v. Indiana**, 414 U.S. 105, 94 S.Ct. 326, 38 L.Ed.2d 303 (1973), **1212**
- Hestor v. State, 363 So.2d 26 (Fla.App. 4 Dist.1978), 814
- Hibler, State v., 79 S.C. 170, 60 S.E. 438 (S.C.1908), 534

- Hickman, *People v.*, 59 Ill.2d 89, 319 N.E.2d 511 (Ill.1974), 469
- Hicks, *State v.*, 421 So.2d 510 (Fla.1982), 773
- Hider, *People v.*, 135 Mich.App. 147, 351 N.W.2d 905 (Mich.App.1984), 789
- Hill v. *State*, 688 So.2d 901 (Fla.1996), 1053
- Hill v. *United States*, 328 F.2d 988 (5th Cir. 1964), 993
- Hill, Commonwealth v.**, 264 Va. 541, 570 S.E.2d 805 (Va.2002), **546**
- Hinkle, State v.**, 200 W.Va. 280, 489 S.E.2d 257 (W.Va.1996), **15**
- Hipler, *State v.*, 297 Wis.2d 582, 724 N.W.2d 702 (Wis.App.2006), 649
- H.J. Inc. v. *Northwestern Bell Telephone Co.*, 492 U.S. 229, 109 S.Ct. 2893, 106 L.Ed.2d 195 (1989), 948
- Hodges, *State v.*, 239 Kan. 63, 716 P.2d 563 (Kan.1986), 522
- Hodgson v. *Minnesota*, 497 U.S. 417, 110 S.Ct. 2926, 111 L.Ed.2d 344 (1990), 303
- Holbron, *State v.*, 904 P.2d 912 (Hawai'i 1995), 809
- Holdman v. *Olim*, 59 Haw. 346, 581 P.2d 1164 (Hawai'i 1978), 304
- Holland v. *State*, 302 So.2d 806 (Fla.App. 2 Dist.1974), 854
- Holloway v. *United States*, 526 U.S. 1, 119 S.Ct. 966, 143 L.Ed.2d 1 (1999), 101
- Holmes, *People v.*, 38 Ill.App.3d 122, 347 N.E.2d 407 (Ill.App. 1 Dist.1976), 401
- Holmes, *United States v.*, 26 F.Cas. 360 (C.C.E.D.Pa.1842), 1046
- Holtman v. *State*, 12 Md.App. 168, 278 A.2d 82 (Md.App.1971), 774
- Horn, *People v.*, 158 Cal.App.3d 1014, 205 Cal.Rptr. 119 (Cal.App. 3 Dist.1984), 1140
- Hornsby, *State v.*, 326 S.C. 121, 484 S.E.2d 869 (S.C.1997), 1171
- Horton, State v.**, 139 N.C. 588, 51 S.E. 945 (N.C.1905), **550**
- Howe, *State v.*, 116 Wash.2d 466, 805 P.2d 806 (Wash.1991), 713
- Hudson v. *Michigan*, 547 U.S. 586, 126 S.Ct. 2159, 165 L.Ed.2d 56 (2006), 392
- Hudson and Goodwin, United States v.**, 11 U.S. 32, 3 L.Ed. 259 (1812), **189**
- Hughes v. *State*, 868 P.2d 730 (Okla.Crim. App.1994), 413
- Hugo v. City of Fairbanks**, 658 P.2d 155 (Alaska App.1983), **670**
- Humanitarian Law Project v. Reno**, 205 F.3d 1130 (9th Cir.2000), **1250**
- Humphreys v. *State*, 175 Ga. 705, 165 S.E. 733 (Ga.1932), 501
- Hunt, *Commonwealth v.*, 45 Mass. 111 (Mass.1842), 876
- Hunter, *State v.*, 241 Kan. 629, 740 P.2d 559 (Kan.1987), 1029
- Hussey, *Rex v.*, 18 Cr.App.R. 160 (Unknown Court 1924), 534
- Hutchins, *Commonwealth v.*, 410 Mass. 726, 575 N.E.2d 741 (Mass.1991), 1052
- Hutto v. *Davis*, 454 U.S. 370, 102 S.Ct. 703, 70 L.Ed.2d 556 (1982), 385
- Hyam v. *Director of Public Prosecutions*, 2 All E.R. 41 (HL 1974), 421
- Iannelli v. *United States*, 420 U.S. 770, 95 S.Ct. 1284, 43 L.Ed.2d 616 (1975), 897
- Idaho v. *Fox*, 124 Idaho 924, 866 P.2d 181 (Idaho 1993), 93
- Inger, *State v.*, 292 N.W.2d 119 (Iowa 1980), 122
- Ingraham v. *Wright*, 430 U.S. 651, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977), 386
- In Interest of *J.G.*, 655 So.2d 1284 (Fla.App. 4 Dist.1995), 49
- In re (see name of party)**
- Jackson, *State v.*, 276 Wis.2d 697, 688 N.W.2d 688 (Wis.App.2004), 903
- Jackson, *State v.*, 218 N.C. 373, 11 S.E.2d 149 (N.C.1940), 703
- Jacobson v. United States**, 503 U.S. 540, 112 S.Ct. 1535, 118 L.Ed.2d 174 (1992), **980**
- Jacquith, *State v.*, 272 N.W.2d 90 (S.D.1978), 719
- Jahnke v. *State*, 682 P.2d 991 (Wyo.1984), 523
- Jenkins, *State v.*, 50 N.C. 430 (N.C.1858), 774
- Jenks v. *State*, 582 So.2d 676 (Fla.App. 1 Dist.1991), 1052
- Jensen, *State v.*, 116 Wash.2d 466, 805 P.2d 806 (1991), 713
- Jewell, *United States v.*, 532 F.2d 697 (9th Cir.1976), 43
- Johnson v. *Commonwealth*, 209 Va. 291, 163 S.E.2d 570 (Va.1968), 770
- Johnson v. *Eisentrager*, 339 U.S. 763, 70 S.Ct. 936, 94 L.Ed. 1255 (1950), 1288
- Johnson v. *State*, 602 So.2d 1288 (Fla.1992), 413
- Johnson v. *State*, 292 Md. 405, 439 A.2d 542 (Md.1982), 1149
- Johnson v. *State*, 252 Ark. 1113, 482 S.W.2d 600 (Ark.1972), 470
- Johnson, *Regina v.*, 174 Eng.Rep. 479 (1841), 773
- Johnson, *State v.*, 53 S.W.3d 628 (Tenn. 2001), 648
- Johnston, *Commonwealth v.*, 438 Pa. 485, 263 A.2d 376 (Pa.1970), 534
- Johnston, *State v.*, 478 N.W.2d 281 (S.D. 1991), 720
- John Z., *In re*, 128 Cal.Rptr.2d 783, 60 P.3d 183 (Cal.2003), 620
- Jones v. *Commonwealth*, 830 S.W.2d 877 (Ky. 1992), 413
- Jones v. *State*, 76 Ala. 8 (Ala.1884), 535
- Jones v. *State*, 532 S.W.2d 596 (Tex.Crim. App.1976), 775
- Jones v. *United States*, 463 U.S. 354, 103 S.Ct. 3043, 77 L.Ed.2d 694 (1983), 1179
- Jones, *State v.*, 521 N.W.2d 662 (S.D.1994), 621

- Jones, State v., 889 S.W.2d 225 (Tenn.Crim. App.1994), 622
- Jones, State v., 50 N.H. 369 (N.H.1871), 1136
- Jones, United States v., 471 F.3d 535 (4th Cir.2006), 180
- Jones, United States v.**, 36 F.Supp.2d 304 (E.D.Va.1999), **217**
- Jorgensen v. State, 100 Nev. 541, 688 P.2d 308 (Nev.1984), 1045
- Joseph G., In re, 194 Cal.Rptr. 163, 667 P.2d 1176 (Cal.1983), 452
- Jupiter v. State**, 328 Md. 635, 616 A.2d 412 (Md.1992), **757**
- Jurek v. Texas, 428 U.S. 262, 96 S.Ct. 2950, 49 L.Ed.2d 929 (1976), 328
- Kahriger, United States v., 345 U.S. 22, 73 S.Ct. 510, 97 L.Ed. 754 (1953), 193
- Kalama, State v., 8 P.3d 1224 (Hawai'i 2000), 43
- Kansas v. Crane, 534 U.S. 407, 122 S.Ct. 867, 151 L.Ed.2d 856 (2002), 665
- Kansas v. Hendricks, 521 U.S. 346, 117 S.Ct. 2072, 138 L.Ed.2d 501 (1997), 665
- Kasieta v. State, 62 Wis.2d 564, 215 N.W.2d 412 (Wis.1974), 422
- Katko v. Briney, 183 N.W.2d 657 (Iowa 1971), 535
- Keeler v. Superior Court**, 87 Cal.Rptr. 481, 470 P.2d 617 (Cal.1970), **402**
- Kelley, People v., 253 A.D. 430, 3 N.Y.S.2d 46 (N.Y.A.D. 3 Dept.1938), 772
- Kelley, State v., 308 A.2d 877 (Me.1973), 400
- Kelly, People v., 111 Cal.Rptr. 171, 516 P.2d 875 (Cal.1973), 1069
- Kevorkian, People v.**, 447 Mich. 436, 527 N.W.2d 714 (Mich.1994), **447**
- Kibbe, People v., 362 N.Y.S.2d 848, 321 N.E.2d 773 (N.Y.1974), 123
- King v. Commonwealth, 217 Va. 601, 231 S.E.2d 312 (Va.1977), 54, 558
- King v. Horry, [1952] N.Z.L.R. 111 (Unknown Court - UK 1952), 399
- King, Commonwealth v., 374 Mass. 5, 372 N.E.2d 196 (Mass.1977), 304
- Kitt, People v., 83 Cal.App.3d 834, 148 Cal. Rptr. 447 (Cal.App. 2 Dist.1978), 1148
- Kizer v. Commonwealth, 228 Va. 256, 321 S.E.2d 291 (Va.1984), 622
- Kizer, State v., 360 Mo. 744, 230 S.W.2d 690 (Mo.1950), 499
- Klinger v. State, 816 So.2d 697 (Fla.App. 2 Dist.2002), 115
- Kloh, United States v., 10 U.S.C.M.A. 329, 27 C.M.R. 403 (CMA 1959), 126
- Kloiber, Commonwealth v., 378 Pa. 412, 106 A.2d 820 (Pa.1954), 126
- Knox, United States v.**, 112 F.3d 802 (5th Cir.1997), **1002**
- Kolisnitschenko, State v., 84 Wis.2d 492, 267 N.W.2d 321 (Wis.1978), 1135
- Konz, Commonwealth v., 498 Pa. 639, 450 A.2d 638 (Pa.1982), 35
- Korematsu v. United States, 584 F.Supp. 1406 (N.D.Cal.1984), 1192
- Korematsu v. United States**, 323 U.S. 214, 65 S.Ct. 193, 89 L.Ed. 194 (1944), **1187**
- Kotteakos v. United States, 328 U.S. 750, 66 S.Ct. 1239, 90 L.Ed. 1557 (1946), 903
- Kramer, United States v., 168 F.3d 1196 (10th Cir.1999), 745
- Krovartz, People v., 697 P.2d 378 (Colo.1985), 831
- Krulewitch v. United States**, 336 U.S. 440, 69 S.Ct. 716, 93 L.Ed. 790 (1949), **871**
- Kuntz, State ex rel. v. Montana Thirteenth Judicial Dist., Yellowstone County, 298 Mont. 146, 995 P.2d 951 (Mont.2000), 508
- Laden, United States v., 92 F.Supp.2d 189 (S.D.N.Y.2000), 1228
- La Follette, State ex rel. v. Raskin, 34 Wis.2d 607, 150 N.W.2d 318 (Wis.1967), 1180
- Lambert v. Wicklund, 520 U.S. 292, 117 S.Ct. 1169, 137 L.Ed.2d 464 (1997), 303
- Lamp v. State, 38 Ga.App. 36, 142 S.E. 202 (Ga.App.1928), 501
- Langford v. State**, 354 So.2d 313 (Ala. 1977), **441**
- Langworthy, People v.**, 416 Mich. 630, 331 N.W.2d 171 (Mich.1982), **1053**
- LaPlume, State v., 118 R.I. 670, 375 A.2d 938 (R.I.1977), 870
- Lawrence v. Texas**, 539 U.S. 558, 123 S.Ct. 2472, 156 L.Ed.2d 508 (2003), **652**
- Leary v. United States, 395 U.S. 6, 89 S.Ct. 1532, 23 L.Ed.2d 57 (1969), 152
- Lee v. State**, 59 Md.App. 28, 474 A.2d 537 (Md.App.1984), **689**
- Lee, People v.**, 38 Cal.Rptr.3d 927 (Cal.App. 5 Dist.2006), **887**
- Leet v. State, 595 So.2d 959 (Fla.App. 2 Dist. 1991), 34
- Le Mott's Case, 84 Eng.Rep. 1073 (1650), 773
- Leon, United States v., 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984), 392
- Leopold, State v., 110 Conn. 55, 147 A. 118 (Conn.1929), 123
- Lesina, United States v., 833 F.2d 156 (9th Cir.1987), 137
- Leslie, Commonwealth v., 424 Pa. 331, 227 A.2d 900 (Pa.1967), 401
- Leverett, State v., 245 Mont. 124, 799 P.2d 119 (Mont.1990), 162
- Libretti v. United States, 516 U.S. 29, 116 S.Ct. 356, 133 L.Ed.2d 271 (1995), 956
- Lindemann, United States v., 85 F.3d 1232 (7th Cir.1996), 904, 908
- Liparota v. United States, 471 U.S. 419, 105 S.Ct. 2084, 85 L.Ed.2d 434 (1985), 99
- Local 807 of International Broth. of Teamsters, United States v., 315 U.S. 521, 62 S.Ct. 642, 86 L.Ed. 1004 (1942), 754
- Lockett v. Ohio, 438 U.S. 586, 98 S.Ct. 2954, 57 L.Ed.2d 973 (1978), 331

- Lockyer v. Andrade, 538 U.S. 63, 123 S.Ct. 1166, 155 L.Ed.2d 144 (2003), 385
- Lofton, United States v., 776 F.2d 918 (10th Cir.1985), 137
- Loge, State v.**, 608 N.W.2d 152 (Minn. 2000), **55**
- Lopez, People v., 166 Ill.2d 441, 211 Ill.Dec. 481, 655 N.E.2d 864 (Ill.1995), 815
- Lopez-Lima, United States v.**, 738 F.Supp. 1404 (S.D.Fla.1990), **1290**
- Lough, State v.**, 899 A.2d 468 (R.I.2006), **721**
- Love, People v.**, 71 Ill.2d 74, 15 Ill.Dec. 628, 373 N.E.2d 1312 (Ill.1978), **109**
- Lovercamp, People v., 43 Cal.App.3d 823, 118 Cal.Rptr. 110 (Cal.App. 4 Dist.1974), 1045
- Lowe, People v., 214 A.D.2d 1, 631 N.Y.S.2d 298 (N.Y.A.D. 1 Dept.1995), 54
- Luckabaugh, State v., 327 S.C. 495, 489 S.E.2d 657 (S.C.App.1997), 574
- Lund v. Commonwealth, 217 Va. 688, 232 S.E.2d 745 (Va.1977), 704, 705
- Maduro, State v.**, 174 Vt. 302, 816 A.2d 432 (Vt.2002), **898**
- Magby, People v., 37 Ill.2d 197, 226 N.E.2d 33 (Ill.1967), 770
- Maher v. Roe, 432 U.S. 464, 97 S.Ct. 2376, 53 L.Ed.2d 484 (1977), 302
- Majeed, Commonwealth v., 548 Pa. 48, 694 A.2d 336 (Pa.1997), 713
- Malone, Commonwealth v., 354 Pa. 180, 47 A.2d 445 (Pa.1946), 122, 421
- Manson, People v., 71 Cal.App.3d 1, 139 Cal. Rptr. 275 (Cal.App. 2 Dist.1977), 400
- Mapp v. Ohio**, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961), **386**
- Mapp, State v., 45 N.C.App. 574, 264 S.E.2d 348 (N.C.App.1980), 524
- Marchetti v. United States, 390 U.S. 39, 88 S.Ct. 697, 19 L.Ed.2d 889 (1968), 193
- Marfaudille, State v., 48 Wash. 117, 92 P. 939 (Wash.1907), 535
- Marley, Ex parte, 29 Cal.2d 525, 175 P.2d 832 (Cal.1946), 61
- Marrero, People v., 515 N.Y.S.2d 212, 507 N.E.2d 1068 (N.Y.1987), 93
- Marshall, People v.**, 362 Mich. 170, 106 N.W.2d 842 (Mich.1961), **553**
- Massey v. United States**, 320 A.2d 296 (D.C.1974), **785**
- Mathews v. United States**, 485 U.S. 58, 108 S.Ct. 883, 99 L.Ed.2d 54 (1988), **994**
- McCalpine, State v., 190 Conn. 822, 463 A.2d 545 (Conn.1983), 844
- McCarthy, People v., 132 Ill.2d 331, 138 Ill. Dec. 292, 547 N.E.2d 459 (Ill.1989), 500
- McCarthy, People v., 110 Cal.App.3d 296, 167 Cal.Rptr. 772 (Cal.App. 4 Dist.1980), 1115
- McCarty, People v., 329 Ill.App.3d 969, 264 Ill.Dec. 148, 769 N.E.2d 985 (Ill.App. 1 Dist.2002), 470
- McClain v. State, 678 N.E.2d 104 (Ind.1997), 1087
- McCleskey v. Kemp**, 481 U.S. 279, 107 S.Ct. 1756, 95 L.Ed.2d 262 (1987), **332**
- McCray v. United States, 195 U.S. 27, 24 S.Ct. 769, 49 L.Ed. 78 (1904), 193
- McCusker, Commonwealth v., 448 Pa. 382, 292 A.2d 286 (Pa.1972), 1180
- McDonald v. United States, 312 F.2d 847 (D.C.Cir.1962), 1136
- McGill v. State, 18 P.3d 77 (Alaska App. 2001), 620
- McInnes, State v., 153 So.2d 854 (Fla.App. 1 Dist.1963), 748
- McKee v. State, 200 Ga. 563, 37 S.E.2d 700 (Ga.1946), 707
- McKeiver, State v., 89 N.J.Super. 52, 213 A.2d 320 (N.J.Super.L.1965), 124
- McKoy v. North Carolina, 494 U.S. 433, 110 S.Ct. 1227, 108 L.Ed.2d 369 (1990), 332
- McKune v. Lile, 536 U.S. 24, 122 S.Ct. 2017, 153 L.Ed.2d 47 (2002), 665
- McMahan, People v., 452 Mich. 1201, 550 N.W.2d 540 (Mich.1996), 401
- McNair v. State, 108 Nev. 53, 825 P.2d 571 (Nev.1992), 574
- McNeese, People v.**, 892 P.2d 304 (Colo. 1995), **528**
- McSurely v. Ratliff, 282 F.Supp. 848 (E.D.Ky. 1967), 1243
- Meerchouse, State v., 34 Mo. 344 (Mo.1864), 775
- Menard v. State, 16 Ark.App. 219, 699 S.W.2d 412 (Ark.App.1985), 1062
- Merry v. Green, 151 Eng.Rep. 916 (Unknown Court - UK 1841), 714
- Mertes, State v., 60 Wis.2d 414, 210 N.W.2d 741 (Wis.1973), 304
- Metcalf v. State, 614 So.2d 548 (Fla.App. 4 Dist.1993), 857
- Metcalf, Commonwealth v., 184 Ky. 540, 212 S.W. 434 (Ky.1919), 721
- Michael M. v. Superior Court of Sonoma County, 450 U.S. 464, 101 S.Ct. 1200, 67 L.Ed.2d 437 (1981), 589
- Michigan v. Hurs, 152 Mich.App. 811, 394 N.W.2d 119 (Mich.App.1986), 48
- Michigan v. Long, 463 U.S. 1032, 103 S.Ct. 3469, 77 L.Ed.2d 1201 (1983), 66
- Midgett v. State**, 292 Ark. 278, 729 S.W.2d 410 (Ark.1987), **430**
- Migliore, People v., 170 Ill.App.3d 581, 121 Ill.Dec. 376, 525 N.E.2d 182 (Ill.App. 2 Dist.1988), 831
- Miller v. California, 413 U.S. 15, 93 S.Ct. 2607, 37 L.Ed.2d 419 (1973), 279
- Miller, State v., 313 N.W.2d 460 (S.D.1981), 1045
- Mills v. Commonwealth, 1994 WL 410864 (Va.App.1994), 747
- Mills v. Maryland, 486 U.S. 367, 108 S.Ct. 1860, 100 L.Ed.2d 384 (1988), 332
- Mills, People v., 40 Ill.2d 4, 237 N.E.2d 697 (Ill.1968), 993
- Minneapolis, City of v. Altimus, 306 Minn. 462, 238 N.W.2d 851 (Minn.1976), 1068

- Miranda, State v., 274 Conn. 727, 878 A.2d 1118 (Conn.2005), 34
- Miranda, State v. (Miranda II), 260 Conn. 93, 794 A.2d 506 (Conn.2002), 34
- Miranda, State v.**, 245 Conn. 209, 715 A.2d 680 (Conn.1998), **27**
- Mitchell v. Commonwealth, 88 Ky. 349, 11 S.W. 209 (Ky.1889), 775
- Mitchell, Commonwealth v., 67 Mass.App.Ct. 556, 855 N.E.2d 406 (Mass.App.Ct.2006), 790
- Mitchell, State v., 170 Mo. 633, 71 S.W. 175 (Mo.1902), 814
- Mitchell, United States v.**, 39 F.3d 465 (4th Cir.1994), **184**
- M. Kraus & Bros. v. United States, 327 U.S. 614, 66 S.Ct. 705, 90 L.Ed. 894 (1946), 188
- Molina-Uribe, United States v., 853 F.2d 1193 (5th Cir.1988), 137
- Montana v. Egelhoff, 518 U.S. 37, 116 S.Ct. 2013, 135 L.Ed.2d 361 (1996), 1062
- Montana Thirteenth Judicial Dist., Yellowstone County, State ex rel. Kuntz v., 298 Mont. 146, 995 P.2d 951 (Mont.2000), 508
- Moore v. City of East Cleveland, Ohio, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977), 288
- Moore, People v., 184 Colo. 110, 518 P.2d 944 (Colo.1974), 769
- Moore, United States v.**, 846 F.2d 1163 (8th Cir.1988), **236**
- Moore, United States v., 486 F.2d 1139 (D.C.Cir.1973), 1080
- Morissette v. United States**, 342 U.S. 246, 72 S.Ct. 240, 96 L.Ed. 288 (1952), **66**, 684
- Morris, People v., 1 Ill.App.3d 566, 274 N.E.2d 898 (Ill.App. 1 Dist.1971), 469
- Morton v. State, 141 Tenn. 357, 209 S.W. 644 (Tenn.1919), 1030
- Moussaoui, United States v., 365 F.3d 292 (4th Cir.2004), 1259
- Muhammad v. Commonwealth**, 269 Va. 451, 611 S.E.2d 537 (Va.2005), **471**
- Mumm v. Mornson, 708 N.W.2d 475 (Minn. 2006), 545
- Municipality of Anchorage v. Flanagan, 649 P.2d 957 (Alaska App.1982), 1023
- Murphy, People v.**, 919 P.2d 191 (Colo. 1996), **624**
- Myers, Commonwealth ex rel. Smith v.**, 438 Pa. 218, 261 A.2d 550 (Pa.1970), **461**
- Nardello, United States v., 393 U.S. 286, 89 S.Ct. 534, 21 L.Ed.2d 487 (1969), 180
- National Organization For Women, Inc. v. Scheidler**, 510 U.S. 1215, 114 S.Ct. 1340, 127 L.Ed.2d 688 (1994), **949**
- Nelson, People v., 309 N.Y. 231, 128 N.E.2d 391 (N.Y.1955), 557
- Nichols v. State, 68 Wis. 416, 32 N.W. 543 (Wis.1887), 773
- NLRB v. Karp Metal Products Co., 134 F.2d 954 (2nd Cir.1943), 754
- Nolan-Cooper, United States v., 155 F.3d 221 (3rd Cir.1998), 1023
- Noyes, State v., 149 Wis.2d 401, 439 N.W.2d 646 (Wis.App.1989), 1045
- Nyberg v. Virginia, 667 F.2d 754 (8th Cir. 1982), 302
- Oakland Cannabis Buyers' Co-op. and Jeffrey Jones, United States v.**, 532 U.S. 483, 121 S.Ct. 1711, 149 L.Ed.2d 722 (2001), **1046**
- Oates v. State**, 97 Md.App. 180, 627 A.2d 555 (Md.App.1993), **845**
- O'Brien, Regina v., 4 Cox C.C. 400 (1850), 773
- O'Brien, State v., 784 S.W.2d 187 (Mo.App. E.D.1989), 1053
- Oestereich v. Selective Service System Local Bd. No. 11, 393 U.S. 233, 89 S.Ct. 414, 21 L.Ed.2d 402 (1968), 1187
- Ogunmola, People v., 193 Cal.App.3d 274, 238 Cal.Rptr. 300 (Cal.App. 2 Dist.1987), 574
- Ohio v. Akron Center for Reproductive Health, 497 U.S. 502, 110 S.Ct. 2972, 111 L.Ed.2d 405 (1990), 303
- Oliverson v. West Valley City, 875 F.Supp. 1465 (D.Utah 1995), 664
- Opper v. United States, 348 U.S. 84, 75 S.Ct. 158, 99 L.Ed. 101 (1954), 401
- Orosco, State v., 113 N.M. 789, 833 P.2d 1155 (N.M.App.1991), 34
- Outlaw, State v., 72 N.C. 598 (N.C.1875), 774
- Padilla v. Hanft, 423 F.3d 386 (4th Cir.2005), 1272
- Paese, Commonwealth v., 220 Pa. 371, 69 A. 891 (Pa.1908), 501
- Palendrano, State v., 120 N.J.Super. 336, 293 A.2d 747 (N.J.Super.L.1972), 304
- Paluch, People v.**, 78 Ill.App.2d 356, 222 N.E.2d 508 (Ill.App. 2 Dist.1966), **832**
- Pankow, State v., 134 Mont. 519, 333 P.2d 1017 (Mont.1958), 558
- Papachristou v. City of Jacksonville**, 405 U.S. 156, 92 S.Ct. 839, 31 L.Ed.2d 110 (1972), **247**
- Paradice, Rex v., 2 East P.C. 565 (1766), 721
- Park, United States v., 421 U.S. 658, 95 S.Ct. 1903, 44 L.Ed.2d 489 (1975), 61
- Patterson v. New York**, 432 U.S. 197, 97 S.Ct. 2319, 53 L.Ed.2d 281 (1977), **128**
- Paul v. Davis, 424 U.S. 693, 96 S.Ct. 1155, 47 L.Ed.2d 405 (1976), 667
- Pearce v. State, 154 Fla. 656, 18 So.2d 754 (Fla.1944), 501
- Pears v. State, 672 P.2d 903 (Alaska App. 1983), 445
- Pennell, United States v., 737 F.2d 521 (6th Cir.1984), 814
- People v.** _____ (see opposing party)
- Petersen v. Mayo, 65 So.2d 48 (Fla.1953), 748
- Petro, People v., 13 Cal.App.2d 245, 56 P.2d 984 (Cal.App. 4 Dist.1936), 1029