

CRIMINAL PROCEDURE

CASES, PROBLEMS AND EXERCISES

Third Edition

Russell L. Weaver
Leslie W. Abramson
Ronald Bacigal
John M. Burkoff
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CASES, PROBLEMS & EXERCISES

Third Edition

By

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**Dedicated, with love, to Nancy, Amy, David,
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For Elizabeth, Caitlin & Margaret, CH

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*

Preface to Third Edition

In creating the third edition of this book, our primary goal was 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 third 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, LWA, RJB, JMB, CH, DEL, JCH

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