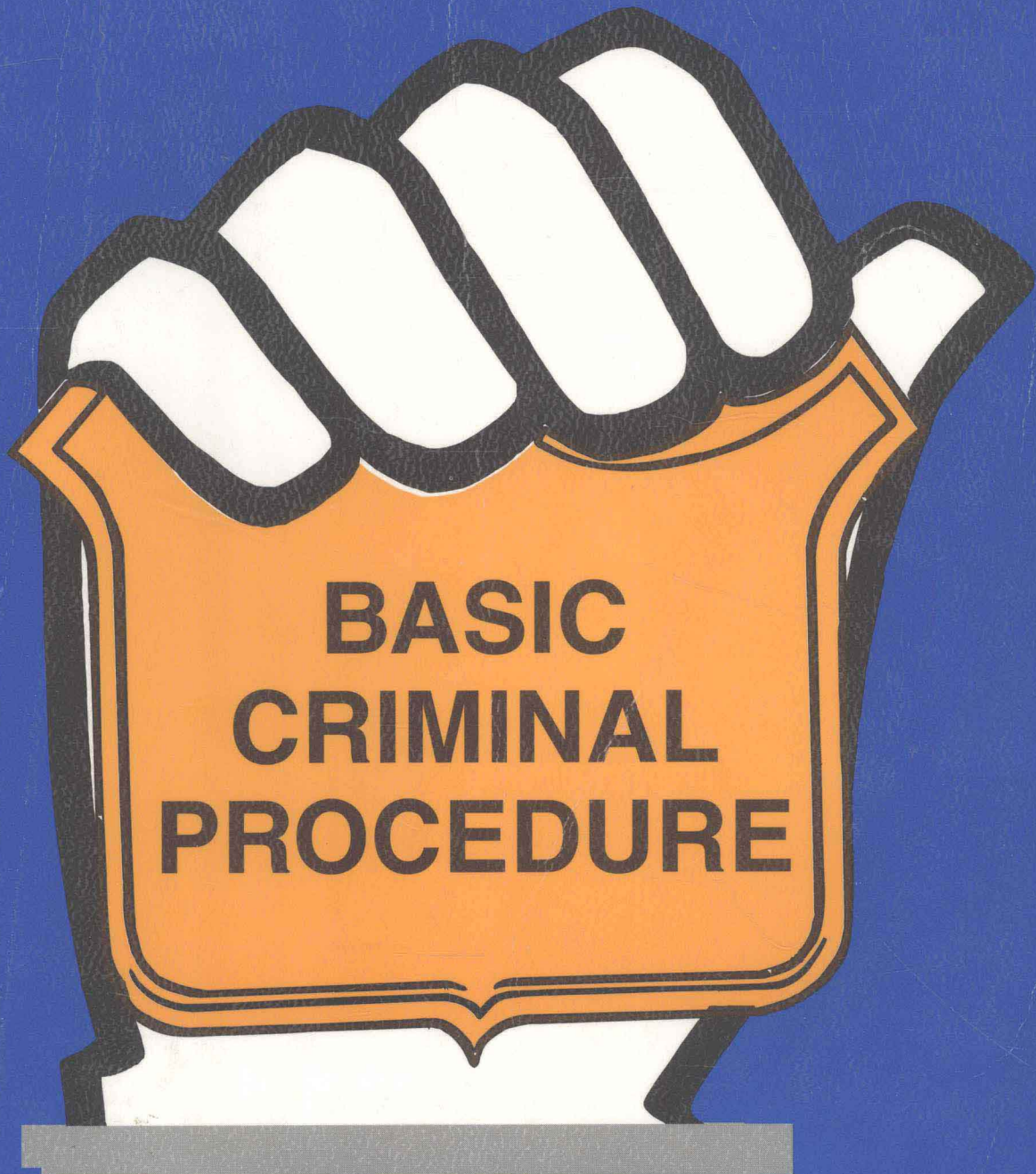


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Ninth Edition

By

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AMERICAN CASEBOOK SERIES®



ST. PAUL, MINN., 1999

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P.O. Box 64526

St. Paul, MN 55164-0526

1-800-328-9352

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Printed in the United States of America

ISBN 0-314-23899-9



TEXT IS PRINTED ON 10% POST
CONSUMER RECYCLED PAPER



Preface to the Ninth Edition

In many schools the student first wrestles with problems of the administration of criminal justice or “criminal procedure” in a short course, increasingly offered in the first year, or even in a large segment of the basic criminal law course. This volume, based on our much larger *Modern Criminal Procedure* (9th ed. 1999), deals almost exclusively with “police practices” and other investigative alternatives (see Ch. 10, dealing with grand jury investigations), and is published on the premise that it may serve as a basis for a “first course” on criminal procedure.

The success of the previous edition of this short volume confirms our belief that when allocated 30 (or even 45) class hours for criminal procedure (or a third or half of the crowded first-year criminal law course for procedural problems), many teachers will find it more useful and meaningful to explore in depth a few fundamental and closely related areas (e.g., search and seizure, electronic surveillance and entrapment, right to counsel, confessions and line-ups) than to make a whirlwind tour through the investigatory process, joinder and severance, speedy trial, “trial by newspaper” (and TV), criminal discovery, appeals, post-conviction review and all of the other topics treated in the 29 chapters of our larger book. In preparing this shorter volume, therefore, rather than shrinking down each chapter in the larger book, we have kept the first eleven chapters intact and omitted all others.

Because we contemplate that these materials will mark the student’s first real exposure to the subject—and quite possibly her or his first real exposure to the U.S. Supreme Court as an institution—we have resisted the temptation to edit further the leading cases set forth at considerable length in our larger book (and we have taken pains to set forth the views of *all* Justices at length). For the same reasons, and because we feel strongly that the student should see the subsequently overruled or distinguished opinion “in the original” rather than rely on the overruling or distinguishing case’s version of the earlier opinion, we have retained older cases which contribute significantly to an understanding of new trends and developments, e.g., *Betts v. Brady*, *Rochin*, *Boyd*, and *Wolf*; as well as such “stepping stone” cases as *Escobedo*.

This volume includes significant developments up to January 1, 1999. Important developments thereafter will appear in annual supplements, which will also contain relevant federal court rules and statutory materials. The supplement accompanying this book and published simultaneously with it will contain all notable cases handed down by the Supreme Court during the 1998-1999 Term. It will also include the recently revised Federal Rules of Criminal Procedure and proposed amendments to the rules.

Case citations in the text and the footnotes of judicial opinions and in the writings of commentators have been omitted without so specifying. Numbered

footnotes are from the original materials; lettered footnotes are ours.¹ Omissions from the text of the original are indicated by asterisks and brackets.

One or more of the authors has been fortunate enough to participate actively in four major criminal procedure projects: The American Bar Association's project on *Standards for Criminal Justice*; The American Law Institute's *Model Code of Pre-Arrest Procedure*; The National Conference of Commissioners on Uniform State Laws' *Uniform Rules of Criminal Procedure*; and the ongoing revision of the *Federal Rules of Criminal Procedure*. We are indebted to the members of the various committees with whom we have worked for providing us with many leads and insights. We are also indebted to the many users of this book who have offered helpful suggestions on content as to this edition and previous editions. That list, like the list of our student research assistants over the years, has now grown far too long to mention each person individually.

We are especially appreciate of the able secretarial assistance provided on this ninth edition, too often under great stress, by Carol Haley, Carolyn Lloyd, Mary Lebert, Myrtle Smith, and Janice Stewart.

Finally, one additional note from Yale Kamisar, Wayne LaFave, and Jerry Israel: We are delighted that Nancy King has agreed to join us in this venture. We greatly appreciate the important contributions she has made to this new edition.

YALE KAMISAR
WAYNE R. LAFAVE
JEROLD H. ISRAEL
NANCY J. KING

June, 1999

1. Standard abbreviations are used throughout. On occasion, a book or article is used so frequently in a chapter as to call for a shorter citation form. Here we have given the full citation to the book or article in the first footnote of the chapter and indicated there the shorter citation form. For our own books, we simply have used the shorter citation form through the book. These are:

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