

**CRIMINAL PROCEDURE**  
COURSE NO. 4173

**SYLLABUS\***  
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(See pp. 2-5 for a list of some of the cases on the Web)

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\*\* **To the web page: first**, home page for the University of Arkansas Law School; **second**, Young Library link; **third**, Reserve Materials link; **fourth**, Electronic Reserve Materials; **fifth**, Bailey's Criminal Procedure.

**CRIMINAL PROCEDURE CASES**  
**and**  
**Sample of Materials on Professor Bailey's Criminal Procedure Web Page**

The Fourth Amendment

The circumstances surrounding the adoption of the Fourth Amendment indicate the nuances in the language used cannot readily be construed as clear evidence of the framer's intent. It appears that the House never consciously agreed to the present form of the Amendment. As proposed by the Committee of eleven, the provision read:

"That right --- to be secured in their persons, papers, houses, and effects shall not be violated by warrants issuing ---."

That was corrected to read:

"The right --- to be secure --- against unreasonable searches and seizures not be violated by warrants issuing.

At that point, Mr. Benson objected to the words, "by warrants issuing" as not being sufficient. His proposal that they be altered to read: "and no warrant shall issue" lost by a considerable majority. However, Benson, as Chairman of the Committee appointed to arrange the Amendments, reported his version (the rejected version) of the Amendment. His alteration was never noticed and was subsequently agreed to by the Senate and ratified by the states in that form.

A. What is a "Search?"

# Katz v. U.S., p. 349

# U.S. v. White, p. 368

# Protecting Arkansas Citizens from Unreasonable Searches and Seizures

Ark. Const. Art. 2, s 15 (2008)

s. 15. Unreasonable searches and seizures.

The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

- # Oliver v. U.S.
- # Footnotes from Oliver
- # U.S. v. Dunn
- # Hester v. U.S.
- # California v. Ciraolo
- # Florida v. Riley, and p. 361
- # California v. Greenwood, and p. 374
- # Smith v. Maryland, p.387 note #1
- # Dow Chemical Co. v. U.S.
- # Kyllo v. U.S., p.387
- # U.S. v. Karo, p. 379
- # U.S. v. Bond
- # Illinois v. Caballes

## B. Probable Cause

- # Probable Cause and the Warrant Process, p. 420-21
- # Draper v. U.S.
- # Aguilar v. Texas
- # Spinelli v. U.S.
- # Illinois v. Gates, p. 426
- # Ornelas v. U.S., p. 437
- # Maryland v. Pringle, p. 442
- # Massachusetts v. Upton
- # The Warrant Process, p. 377-78
- # Wilson v. Arkansas, and p. 452
- # U.S. v. Banks, p. 453
- # Notes # 4 & 5, p. 457
- # Hudson v. Michigan
- # Wilson v. Layne, p. 458

## C. The Exclusionary Rule - What happens if the 4th Amendment is violated?

- # General Considerations, p. 334
- # Weeks v. U.S.
- # Wolf v. Colorado
- # Mapp v. Ohio, p. 326
- # U.S. v. Leon
- # Herring v. U.S.
- # Franks v. Delaware

- # Hill v. California
- # U.S. v. Lowery
- # Lives Altered article

#### D. Exceptions to the Warrant Requirement - "Exigent Circumstances"

- # Maryland Penitentiary v. Hayden, and p. 299
- # Mincey v. Arizona, and p. 463
- # Vale v. Louisiana
- # Segura v. U.S.
- # Segura, Part IV
- # Notes on exigent circumstances, p. 404-13
- # Welsh v. Wisconsin, p. 470
- # Illinois v. McArthur, p. 475

#### E. Exigent Circumstances and the Automobile

- # Carroll v. U.S.
- # Chambers v. Maroney
- # Cardwell v. Lewis
- # California v. Carney I
- # California v. Carney II

#### F. Containers

- # U.S. v. Chadwick
- # Arkansas v. Sanders
- # U.S. v. Ross
- # Wyoming v. Houghton, and p. 503
- # California v. Acevedo, and p. 493
- # U.S. v. Johns



I. **FIRST ASSIGNMENT**

READ: Cases I(a)-(h) below

READ: **Every line of *infra* pages 6-12 of this Syllabus.**

WRITE: **Special written** assignment on page 8 of the Syllabus.

What is a “search”?

- (a) **KATZ v. U.S.** — P. 349 CB
- (b) **U.S. v. WHITE** — P. 368 CB
- (c) **OLIVER v. U.S.** — (*on the Web*)
- (d) **FOOTNOTES FROM OLIVER** — (*on the Web*)
- (e) **HESTER v. UNITED STATES** — (*on the Web*)
- (f) **U.S. v. DUNN** — (*on the Web*)
- (g) **CALIFORNIA V. CIRAULO** — (*on the Web*)
- (h) **FLORIDA v. RILEY** — (*on the Web and p. 361 cb*)
- (i) **CALIFORNIA v. GREENWOOD** — (*on the Web and p. 374 cb*)
- (j) **SMITH V. MARYLAND** — P. 378 CB Note #1
- (k) **KYLLO v. UNITED STATES** — (*on the Web and p. 387 cb*)
- (l) **UNITED STATES v. KARO** — P. 379 CB
- (m) **DOW CHEMICAL v. U.S.** — (*on the Web*)
- (n) **UNITED STATES v. BOND** — (*on the Web*)

**FIRST CLASS**

Be prepared to discuss the cases assigned above. You will be asked to apply the principles, reasoning and language from those cases to the following hypothetical scenarios:

**INTRODUCTION TO SCENARIOS**

Rumors have filtered to the Dean of the Law School that a few male law students have been using the stalls in the third floor restrooms to sell marijuana. The Dean decides\*\* to install video cameras and microphones in the ceiling over each stall in

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\*\* Neither the faculty nor the student body was informed about these installations.

both the men's and women's restrooms. All installations were completed on May 11, 2009. Rumors have circulated among the student body (there has been no public announcement) that the Dean has installed video cameras in the men and women lavatories.

### SCENARIO #1

One of the cameras in the **women's third floor restroom** has infrared capabilities (records in the dark). This particular camera recorded **female-student A** snorting cocaine in a completely darkened restroom stall (except for a small pen light used by **female-student A**) on Thursday, May 14, and placing the unused portion in her purse. After viewing this video recording, the Dean informs the University Police (DPS). Student **A** is arrested by DPS as she is leaving the Law School building. The police searched **A's** purse and found 10 vials of cocaine and the **name of student X as her dealer**. **A** claims her Fourth Amendment rights have been violated. Word of **A's** arrest and her resulting claims spread rapidly throughout the law school.

### SCENARIO #2 [two hours *after A's* arrest]

An equally sophisticated camera in the men's restroom records **male-student X** in a stall selling cocaine from a brown-leather backpack to **male-student C**. **X** and **C** are arrested later that day in the Law School's student lounge. There are four other students in the lounge at the time of the arrests of **X** and **C**. **X**, **C** and the four other students all had brown leather backpacks. The police used a recently developed "**light probe**" capable of detecting minute particles of heroin (inside opaque container) to examine all six (6) backpacks. The "**light probe**" indicated that each backpack contained heroin. As a result, the backpacks were opened and heroin was found in each. **X** had three (3) pounds of cocaine, \$8,000 in cash, and the names of fifty (50) law students (including **A** and **C**) listed as buyers in his backpack. DPS also found a note from **X** to **Z** telling **Z** to meet **X** in a third floor men's restroom at 11:00 A.M. on Monday, May 18, 2009. **X** plans to call "our" law office and 3:00 P.M. on May 18, 2009 to set up an appointment for an interview. We have confirmed that there is no conflict with our other clients. What Fourth Amendment issues should we consider **before** the telephone conversation or appointment? Be prepared to identify at least two (2) issues.

## SPECIAL WRITTEN ASSIGNMENT(S)

based on

### Scenario #2

- I. **Each prosecutor\*** must submit (upon entering class in the envelope marked “Special Written Assignment”) a **statement** (available from Mrs. K. Dreier in Room 183B) stating whether the use of the “**light probe**” in **Scenario #2** constituted a **search** under the **Fourth Amendment**.
- A. **If so**, the **prosecutor** must identify a **case** (only one!!) from the **First Assignment’s reading list** (p. 6 of **Syllabus**) that **supports** his/her **conclusion**.
- B. **If not**, the **prosecutor** must identify a **case** (only one!!) from the **First Assignment’s reading list** (p. 6 of **Syllabus**) that **supports** his/her **conclusion**.

*\*Students whose last name begin with the letters A – N.*

- II. **Each defense attorney\*\*** must submit (upon entering class in an envelope marked “Special Written Assignment”) a **statement** (available from Mrs. K. Dreier in Room 183B) stating whether the use of the “**light probe**” in **Scenario #2** was a **search** under the **Fourth Amendment**.
- A. **If so**, the **defense attorney** must identify a **case** (only one!!) from the **First Assignment’s reading list** that **supports** his/her **conclusion**.
- B. **If not**, the **defense attorney** must identify a **case** (only one!!) from the **First Assignment’s reading list** that **supports** his/her **conclusion**.

*\*\*Students whose last names begin with the letters O – Z.*

**OPTIONAL** (means you **need not** do the following):

In Scenarios **#1 and #2**, the affected students have been charged with possession of a controlled substance, intent to distribute a controlled substance, distribution of a controlled substance, and use of a controlled substance in a public place. The court will convene a suppression hearing on Wednesday, May 20, 2009 to determine whether any of these drugs should be **suppressed**.

Judge Carlton Bailey will preside. You (**Prosecutors/Defense attorneys**) may present (on May 20, 2009) **any argument, matter, or issue** to Judge Bailey that you believe will be

helpful to your client and the court. (See the file marked **Prosecutors/Defense Attorneys** request for an order! Available **in class!!**) (**Neither** Prosecutor nor Defense attorney **is required** to take any action.) However, if you wish to request relief, you may submit your **requested relief** to Judge Bailey in written form on May 20, 2009. **One page only!!**

\*Students with **last names** beginning with the letters “**A-N**” are **prosecutors**.

\*\*Students with **last names** beginning with the letters “**O-Z**” are **defense attorneys**.

## **TEXTBOOK, SUPPLEMENTARY READING LIST, AND SYLLABUS**

### ***Criminal Procedure (Investigation and Right to Counsel)***

by Allen, Hoffman, Livingston and Stuntz. [REQUIRED]

### **Cases on the Web!!** [REQUIRED]

### **Supplementary Reading List:**

LaFave and Israel, *Criminal Procedure* (West) [NOT REQUIRED]

Saltzburg, *American Criminal Procedure* (West) [NOT REQUIRED]

(Your selection! Whatever works for you!)

**Syllabus:** By Professor Carlton Bailey [REQUIRED]

Please pick up full syllabus from Mrs. K. Dreier, room 183B.

## III. **A GUIDE TO CASE ANALYSIS**

After reading each case in the casebook the following questions should be answered:

1. What are the facts of the case? (Include the procedural facts). What was the court's holding?
2. What rule(s) may be extracted from the appellate court's holding? What are the exceptions to that rule?
3. How did the rule develop and why did it develop? What are the vital policy considerations behind the court's ruling? (What policies are frustrated by the rule?)
4. Are there conflicting policy considerations?
5. Is the rule to be limited to the facts of this case or do the underlying policy considerations permit use or expansion of the rule to other fact situations?
6. Is the rule sound (practical)?

V. **GRADE AND CLASSROOM ATTENDANCE POLICIES\***

A. **FINAL GRADE COMPONENTS**

The final grade in the course will be based on:

1. Final Examination----- **350** points
2. Classroom Participation----- **150** points  
Points based on Film Clips/Special Written Assignments/Responses (or lack of responses) to questions posed in class and questions posed to the professor.  
(Classroom participation and points from clips may equal as much as **150 points.**) A student may, however, earn **50 points** over the **150** allocation [or **200 points!**]. This **additional 50 points** will be applied to the **350 point** – final exam total.
3. See **Bonus Points** on Next page **10 (a)**
4. Attendance (**lack** thereof).

B. **CLASSROOM PARTICIPATION POLICY**

Students are expected to be fully prepared for each class. A student who is unprepared faces the **possibility of a grade reduction**. **Failing to respond when called on is an example of being unprepared**. A student **may be excused** from Classroom Participation **by signing the “I am not prepared today” sheet before class begins.** (*This is a limited option!*)

C. **POINTS BASED ON FILM CLIPS**

1. Clips may be shown on **Monday** or **Thursday** of each week.
2. If you miss a clip, there will be **no makeups!** However, you may contribute to the class in other ways in order to score points missed in one clip. See V. D. *Infra!*
3. **Please ask questions** if you do not understand instructions. **Excellent** questions may count toward a student’s classroom participation point total.

**\*CLASS DISCUSSIONS/LECTURES MAY NOT BE TAPE RECORDED!**

D. **PROFESSOR'S EXPECTATIONS FOR CLASSROOM DISCUSSION**

Student **may contribute** to class discussions and **earn classroom participation points** by:

1. **Providing a statement of essential facts;**
2. **Identifying** issue(s) to be decided (or decided) by the court;
3. **Identifying** the test(s), precedent(s), or rule(s) the court used to resolve the issues or the ones the court **should have** used;
4. **Explaining** whether that test/precedent/rule was followed specifically, modified slightly, modified a lot - [Is it the same rule?];
5. **Identifying any other basic (black letter law) principles or any other insights gleaned from the opinion;**
6. **Answering** the professor's invitation to cogitate on this. . . !;
7. **Posing a question** to your professor in the envelope entitled, "*Questions posed to Professor Bailey for points*" or in the envelope entitled, "*I still don't get it*";
8. **Reading** an excerpt from an assigned case and then interpreting the meaning of that passage and answering questions about that passage.

E. **PROFESSOR'S RESPONSES TO ANSWERS GIVEN IN CLASS:**

1. "KUDOS" - Can't get much better. (Very insightful - potential to teach own class!);
2. "EXCELLENT" - Accurate, a tad insightful;
3. "GOOD OR ABSOLUTELY" - Accurate though not insightful;
4. "OK" - Satisfactory;
5. "YOU DON'T MEAN THAT?" - Less than satisfactory;
6. "UNPREPARED OR FAILING TO ANSWER" - See V.B. p. 10 of Syllabus

(At the Circulation Desk- In Questions & Answers from Summer/Fall 2008)

If you claim **any disability** that you believe will preclude you from complying with the requirements of this course, please see Associate Dean for students, James Miller (575-5618).

F. ATTENDANCE POLICY

Each student is automatically allowed **three (3) excused absences**. That is, a student may **miss three (3)** classes without 1) being required to submit excuses, or 2) suffering penalties for those absences. **Excuses may**, however, be submitted for the **fourth (4<sup>th</sup>)** absence and those thereafter. An *excuse* is **merely a request**. As a result, an *excuse* may be denied. In any event, **more than five (5) absences may result in a full letter reduction**. And, more than eight (8) absences will result in a **failing grade**. **Excuses** must be submitted to Professor Bailey’s secretary, Mrs. K. Dreier (Room 183) **no later than 48 hours** after the missed class. [**Excuses** will not be read or evaluated **until after the final examination**.]

PROFESSOR BAILEY’S - GENERAL INFORMATION

Students are encouraged to visit Professor Bailey at **any time** during the summer session to discuss their classroom performances, film clips, or any other aspect of the course. You may also e-mail queries to Professor Bailey. (try to keep them short!)

OFFICE HOURS: Daily — 2:00 p.m. -4:00 p.m. or **whenever you find the Professor in his office.**

OFFICE PHONE: 575-5615

E-MAIL ID: [cbailey@uark.edu](mailto:cbailey@uark.edu)

BEFORE/AFTER CLASS: “*whatever*” envelope available **each day**  
Students may submit  
Questions/Comments/Suggestions

“I STILL DON’T GET (??)”: Envelope available **each day** in class. [Please do not submit scraps of paper – use full sheets only!]





# EXAMINATION BLUE BOOK

NAME Exam # 1123

SUBJECT \_\_\_\_\_

INSTRUCTOR Bailey

EXAM SEAT NO. \_\_\_\_\_ SECTION \_\_\_\_\_

DATE \_\_\_\_\_ GRADE \_\_\_\_\_

BB-2  
11 X 8.5  
8 SHEETS/16 PAGES



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**EXEMPLARY QUERIES OF A CRIMINAL PROCEDURE EXAMINATION**

FINAL GRADE - FINAL EXAMINATION AND EXTRA POINTS FOR FILM CLIPS.

(These queries are based on the newspaper article concerning Cassandra Small, *See infra* pp. 17- of Syllabus)

**PART I - MULTIPLE CHOICE**

Brock has asked the court to exclude any references to the Wal-Mart employee's out-of-court identification and Scooter's identification or the dog's apparent reaction to him during the lineup. In determining whether to sustain Brock's objection and motion to exclude these out-of-court identifications, Judge Storey must consider:

- (a) whether Brock was formally charged;
- (b) the effect of both the dog and the Wal-Mart employee making simultaneous identifications;
- (c) whether either had previously identified Brock; or
- (d) the nature and gravity of the criminal offense.

Of these four (4) considerations, the ones most applicable under present law include:

- 1. (a) and (d) only
- 2. (d) only
- 3. (a) and (c) only
- 4. None of the alternatives as presented in 1-3 above.

**PART II - SHORT ANSWER QUERY**

What case or cases best inform Judge Storey about whether he should permit the Wal-Mart employee to make an in-court identification? Explain.

## **TWO TEENS CHARGED IN MULTIPLE SLAYINGS**

Police: Case Involves Sex, Drugs,  
Money, Decapitation, Dog Bite

by Cassandra Smalls - Reporter at Large

*Arkansas Democrat-Gazette*

Wednesday, December 10, 2008

*FAYETTEVILLE:* Authorities on Tuesday charged a man and a woman, both 19, in a multiple slaying that involved money, gambling, sex, and gang activity in late November of 2008 in Fayetteville, officials said.

Prosecutors likely will seek the death penalty for Carla W. Webb and James A. Brock, who lived in Fayetteville at the time of the November 25 slayings, Deputy Prosecuting Attorney Jim Strickman of Fayetteville said.

Deputies arrested Brock and Webb nearly two weeks after lawmen found the bodies of Lola Brown, 63, and her son, Charles Brown, 46, both of Fayetteville, and his girlfriend, Susan Green, 42, of Tulsa, Oklahoma, and three unidentified white males.

Authorities have said that they believe Brock was angry after finding out about a sexual relationship between Webb and Charles Brown and that that played a role in the deaths.

Police also reportedly believe that Webb and Brock are members of a Northwest Arkansas gang.

Police say they believe Charles Brown was killed at a house he rented and used for gambling and possible drug sales at 1644 Maple. It was common knowledge that Charles Brown often carried large amounts of cash, authorities reported. Also found dead at that location were three unidentified white males.

Webb and Brock were charged with six counts each of being accomplices to capital murder. They are being held in the Washington County Jail without bond, Strickman said. They are scheduled to be arraigned December 16 in Washington County Circuit Court.

Strickman said the investigation, which included officers of the Washington County Sheriff's Office and the Arkansas State Police, may result in more arrests.

Investigators found Lola Brown and Charles Brown's girlfriend, Susan Green, dead in Ms. Brown's backyard. Both had been shot twice in the head and burned beyond recognition, authorities said.

On the morning of November 25, 2008, an anonymous person called the Fayetteville Police Department at approximately 8:30 a.m. and told Sergeant Harold Turner that a man was knocking at the front door of the home of Lola Brown at 1244 Maple Street and that he had a gun and a knife. The caller hung up when the police asked the person for a name and an address. The police department's Enhanced Caller Identification revealed that the person was calling from a public telephone a block away from 1244 Maple.

Based on the information from the anonymous caller, two squad cars went to 1244 Maple. Officer Tim Hoover was the first to arrive at the scene where he found the front door of the house standing open. After searching the rooms, he went to the back door and saw the bodies of Lola Brown and Susan Green lying side by side in the backyard. He further observed severe cut wounds on the victims' heads and bodies. The family dog, Scooter, was found between the bodies, whimpering. Scooter had parts of a light green short sleeve sweater in his mouth.

A neighbor, Brad Bruns, smelled what seemed to him to be burning flesh. He had smelled this odor before when he served in Desert Storm. He directed the second squad car of police to 1250 Maple where he was certain he smelled burning flesh. Sheriff Kearns, from the "second" squad car, went to the house next door, 1250 Maple, pursuant to the information from neighbor Bruns. Officer Kearns pushed open this door and found the two occupants smoking marijuana. Both were arrested. Kearns was suspended with pay for three days after the arrest at 1250 Maple. The department found that he violated police policy by failing to knock and announce himself.

Charles Brown's burned Chevrolet Blazer was found near Springdale and within three miles of where some of Brock's relatives live, Strickman said. "The vehicle was burned to keep law enforcement officers from getting additional evidence in relation to this murder," he said.

Hours later, investigators found Charles' decapitated body at a house, 1644 Maple, a few blocks from where he lived with his aunt, Lola Brown, at 1244 Maple, authorities said. Someone had shot and stabbed him numerous times then cut off his head. The head could not be found. The police also found the dead bodies of three unidentified white males. Each had been shot and stabbed several times.

A prime possible motive for the slayings was robbery, Strickman said.

Authorities believe that Charles Brown was killed at the house he rented to Brock and Webb at 1644 Maple Street, down the street from where he lived with his aunt (Lola). Brock and Webb lived at the 1644 Maple Street house that was used for gambling and possibly drug sales, authorities said.

Brock and Webb had a long and colorful juvenile history. Brock had been charged and convicted of burglary, rape, indecent exposure, assault, and disorderly conduct. Webb had been convicted of theft of property, prostitution, disorderly conduct, and receipt of stolen property. Both are on probation for recent October 2007 violations of the Arkansas Hot Check Law (\$3,000 each), authorities said.

In the bedroom of the house shared by Brock and Webb, 1644 Maple, investigators found "one pair of blue-and-white tennis shoes, which appeared to have blood spatters on them" and in a trash can "one pair of white leather gloves with blood stains, a light green long sleeved shirt with blood stains and a ripped hole in the left sleeve," according to a police affidavit. Brock claimed to own the shoes and the gloves but not the shirt. He could not explain how blood got on them, the affidavit stated.

The affidavit by Washington County investigator Ray Coffman states that he found "a towel that also appeared to have blood stains on it."

Investigators learned about the relationship between Webb and Charles Brown after interviewing two witnesses in the case, the affidavit stated. One witness told officers that "Brock knew Charles Brown was having a sexual relationship with Carla Webb," according to the affidavit.

Another witness told authorities that she "had seen James Brock two days prior to Charles Brown's death in Fayetteville near the U. of A. Administration Building and that he (Brock) was carrying a pistol at that time." The affidavit stated, "She also heard him say that he was going to kill someone."

Another woman told investigators that about three weeks before Charles Brown's death, Brock told her he was going to get even with Charles Brown. At the time, he was wearing a light green long sleeved shirt with no blood stains. "She stated that she thought James Brock had found out about Charles Brown having sex with Carla Webb," the affidavit stated, "She also advised that her daughter told her that Brock was mad at Charles Brown for telling him to keep the grass cut and clean things up" around the house.

A witness told authorities that Brown always kept \$7,000 to \$13,000 in a zippered bag "either on his person or at his house at all times," the affidavit stated.

One witness, Buster "Little Pookey" Jimerson - a known gangster who frequented Charles Brown's gambling house for over two years, told investigators that he usually

sees Webb "counting Charles Brown's money at the gambling house. Each time she finished counting the money she and Charles Brown always went to a back bedroom to play "tie me," "whip me," "do me!" "till I holler!" for a few hours. Webb and Brown repeated this routine at least three times a week for over a year. Pookey went on to say that Brown would always send Webb's stupid boyfriend, Brock, off on some kind of errand during that time.

Brock and Webb have juvenile records and are believed to be members of the Folks Disciples, a gang that operates out of West Fork and Fayetteville, Coffman said.

Investigators arrested Brock at a house in Elkins. He had several cuts and deep scratches on both arms. He wore a white t-shirt and a cashmere V-neck. Webb was arrested at a residence in Madison County, Chief Deputy Mark Flowers said. Webb had \$10 in her pocket.

After he was arrested, the police searched Brock and found \$3,000 in cash in a money belt he was wearing. The \$3,000 was later transferred to a large plastic bag in Officer Duncan's locker. Brock did not speak to the police during the ride from Elkins to the Washington County Jail. However, the two arresting officers, Duncan and Pierce, talked about how the Brown family could not have an open casket for Charles because it would be too gruesome. They both wondered aloud how a person could decapitate someone and hid the head. Pierce said, "If Jeffrey Dahmer can eat people, I guess this could happen!" Brock told the police that he had heard gangsters from Tulsa used to hide dead bodies in Tyson's chicken refuse area in Springdale. Two hours later the state police found Charles Brown's decomposed head at that site.

Brock and Webb said they left Fayetteville about 11 p.m. November 25, went to Eureka Springs and didn't return to Fayetteville until after 3 a.m. November 26, the affidavit stated.

"The statements were contradicted by phone records, which were obtained from the 1644 Maple Street residence which showed collect phone calls being made from Ohio to that residence at a time after 11 p.m. This is also contradicted by the fact that Brock's vehicle was seen in the Fayetteville area between 1:30 a.m. and 2 a.m. in the early morning hours of November 26, 2008."

Authorities allege that Brock and Webb killed Charles Brown and the three unidentified white males at the Maple Street residence and then went to his house four blocks away to find more money. While ransacking the residence, they killed Lola Brown and Susan Green (Charles Brown's girlfriend), the affidavit stated.

"Honey Drop" (born Sarah Mullins), a prostitute who worked off and on for Charles Brown at his gambling house, will testify that Carla Webb told Charles Brown two weeks before her death that they had to stop doing it so much at the house because

Big "B" will find out. Honey quoted Carla to say, "If he does, he'll cancel both our tickets." Honey Drop will admit that she had a two year sexual relationship with Carla.

Two members of "The Heavy Hitters" (Snake Eye and "Little Puke" or "Pukey") are prepared to testify that they overheard Brock telling Charles Brown that he would "cancel his ticket" if he found out that Brown was messing with Carla.

Bruce Strong, a salesman at Wal-Mart's Super Center on Highway 62, is prepared to testify that Brock and Webb stole a machete and a large kitchen knife from that store on November 23, 2008.

Carla Webb attended John Brown University for a year. Her reputation at John Brown was that of a hard working, dependable, smart student. No one there knew of her criminal record.

Brock lived in the Willow Heights Federal Housing Project for two years prior to living at 1644 Maple. His neighbors say that he was quiet, non-violent, soft-spoken, and honest. No one there knew of his criminal record.

Upon arriving at the Washington County Jail, both Brock and Webb were placed in a lineup in Sheriff Whitmill's office. They were placed in a lineup with one other couple of similar height, etc. The clerk from the Wal-Mart store and Scooter were allowed to identify them. After Scooter began barking loudly and attacked Brock. The store clerk said, "Yes, that's them.", pointing to Brock and Webb. At this point Brock was asked if he had anything to say. He said, "Yeah, Carla Webb gave me that \$3,000!"

**TRIAL IS SET FOR WEDNESDAY, May 27, 2009 at 9:00 a.m.**

1788 - (In the Beginning)  
Criminal Defendant

THE ORIGINAL CONSTITUTION

- (1) The power of Congress to punish counterfeiting securities (government bonds), current coins, piracies and felonies committed on the high seas, and offenses against the United States (Art. I, Sec. 8, 9);
  - (2) the preservation of the writ of habeas corpus (Art. I, Sec. 9);
  - (3) the prohibition against bills of attainder (conviction without trial) and ex post facto laws (making criminal acts retroactive) (Art. I, Sec. 9--repeated in Art. I, Sec. 10 against state powers);
  - (4) providing for trial by jury and venue (Art. 3, Sec. 2--later strengthened by the 6th Amendment);
  - (5) the power of Congress to punish treason and the evidentiary requirements (Art. 3, Sec. 3);
  - (6) the requirement that citizens of each state be afforded all the privileges and immunities by the other states (Art. 4, Sec. 2); and
  - (7) the extradition provision (Art. 4, Sec. 2).
- 

1789 - (James Madison Bill of Rights)

BILL OF RIGHTS

Contained within the 462-word Bill of Rights are approximately 25 constitutional guarantees; of these, 12 rights directly apply to the criminal process. For your convenience, a list of these guarantees appears below:

- (1) no unreasonable searches and seizures (4th Amendment);
- (2) grand jury indictments required for capital and infamous (felony) crimes (5th Amendment);
- (3) the prohibition against double jeopardy (5th Amendment);
- (4) the privilege against self-incrimination (5th Amendment);
- (5) the right to a speedy trial (6th Amendment);
- (6) the right to a public trial (6th Amendment);
- (7) the right to a jury trial (6th Amendment);
- (8) the right to confront prosecution witnesses (6th Amendment);
- (9) the right to present defense witnesses (6th Amendment);
- (10) the right to counsel (6th Amendment);
- (11) no excessive bail or fines (8th Amendment);
- (12) no cruel or unusual punishments (8th Amendment).

BARRON v. BALTIMORE, 7 Peters 247 (1833)

5TH AMENDMENT

" ... nor shall private property be taken for public use,  
without just compensation."

1866 - (The Fourteenth Amendment)

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THE FOURTEENTH AMENDMENT

The 39th Congress adopted the 14th Amendment in 1866. Section 1 of that Amendment contains three (3) important clauses, chiefly composed by Representative John A. Bingham of Ohio:

"No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States [the privileges and immunity clause]; nor shall any State deprive any person of life, liberty, or property without due process of law [the due process clause]; nor deny to any person within its jurisdiction the equal protection of the laws [the equal protection clause]."

CRIMINAL PROCEDURE

THE SLAUGHTERHOUSE CASES, 16 Wallace 36 (1873)

[Privileges and Immunity Clause]

HURTADO v. CALIFORNIA, 110 U.S. 516 (1884)

5th Amendment requirement of grand jury indictments.

PALCO v. CONNECTICUT, 302 U.S. 319 (1937)

5th Amendment double jeopardy — "... nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb;"

"Implicit in a concept of ordered liberty"

(1)"To abolish [certain rights] is not to violate a 'principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental'." (Text)

(2)"Is that kind of double jeopardy to which the [Conn.] statute has subjected [Palko] a hardship so acute and shocking that our polity will not endure it?" (Text)

(3)"Does [this kind of double jeopardy] violate those 'fundamental principles of liberty and justice which lie at the base of all our civil and political institutions?'" (Text)

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NO INCORPORATION

TOTAL

SELECTIVE



NEO



**READING LIST**  
**FOURTH AMENDMENT**

The circumstances surrounding the adoption of the Fourth Amendment indicate the nuances in the language used cannot readily be construed as clear evidence of the framer's intent. It appears that the House never consciously agreed to the present form of the Amendment. As proposed by the Committee of eleven, the provision read:

"That right --- to be secured in their persons, papers, houses, and effects shall not be violated by warrants issuing ---

That was corrected to read:

"The right --- to be secure --- against unreasonable searches and seizures not be violated by warrants issuing.

At that point, Mr. Benson objected to the words, "by warrants issuing" as not being sufficient. His proposal that they be altered to read: "and no warrant shall issue" lost by a considerable majority. However, Benson, as Chairman of the Committee appointed to arrange the Amendments, reported his version (the rejected version) of the Amendment. His alteration was never noticed and was subsequently agreed to by the Senate and ratified by the states in that form.

**FOURTH AMENDMENT**

A. What is a "Search"?

1. Katz v. U.S.. . . . . p. 349 cb
2. U.S. v. White. . . . . p. 368 cb
3. Oliver v. United States. . . . . **(on the web)**
4. **(Footnotes from Oliver)**. . . . . **(on the web)**
5. U.S. v. Dunn. . . . . **(on the web)**
6. Hester v. United States. . . . . **(on the web)**
7. California v. Ciraolo. . . . . **(on the web)**
8. Florida v. Riley. . . . . **(on the web and p. 361 cb)**
9. California v. Greenwood. . . . . **(on the web and p. 374 cb)**
10. Smith v. Maryland. . . . . p. 387 cb **Note #1**
11. Dow Chemical Co. v. United States. . . . . **(on the web)**
12. Kyllo v. United States. . . . . **(on the web and p. 387 cb)**
13. United States v. Karo. . . . . p. 379 cb
14. United States v. Bond. . . . . **(on the web)**
15. Illinois v. Caballes. . . . . **(on the web)**

B. Probable Cause

16. Probable Cause and the Warrant Process. . . . . pp. 420-21 cb
17. Draper v. United States. . . . . **(on the web)**

18.	<u>Aguilar v. Texas</u> .....	(on the web)
19.	<u>Spinelli v. United States</u> .....	(on the web)
20.	<u>Illinois v. Gates</u> .....	p.426 cb
21.	<u>Ornelas v. United States</u> .....	p. 437 cb
22.	<u>Maryland v. Pringle</u> .....	p. 442 cb
23.	<u>Massachusetts v. Upton</u> .....	(on the web)
24.	<u>The Warrant Process</u> .....	p. 377-78 cb
25.	<u>Wilson v. Arkansas</u> .....	p. 452 cb & (on the web)
26.	<u>United States v. Banks</u> .....	p. 453 cb
27.	Notes #4 & 5.....	p. 457 cb
28.	<u>Hudson v. Michigan</u> .....	(on the web)
29.	<u>Wilson v. Layne</u> .....	p. 458 cb

C. The Exclusionary Rule — (What happens if the Fourth Amendment is violated?)

30.	<u>General Considerations</u> .....	p. 334 cb
31.	<u>Weeks v. United States</u> .....	(on the web)
32.	<u>Wolf v. Colorado</u> .....	(on the web)
33.	<u>Mapp v. Ohio</u> .....	p. 336 cb
34.	<u>United States v. Leon</u> .....	p. 683 cb
35.	<u>Franks v. Delaware</u> .....	(on the web)
36.	<u>Hill v. California</u> .....	(on the web)

D. Exceptions to the Warrant Requirement - ("Exigent Circumstances")

37.	<u>Maryland Penitentiary v. Hayden</u> .....	p. 299 cb & <b>(background facts on the web)</b>
38.	<u>Mincey v. Arizona</u> .....	p. 463 cb & (on the web)
39.	<u>Vale v. Louisiana</u> .....	(on the web)
40.	<u>Sequra v. U.S.</u> .....	(on the web)
41.	<u>Notes on exigent circumstances</u> .....	pp. 404-413 cb & (on the web)
42.	<u>Welsh v. Wisconsin</u> .....	p. 470 cb
43.	<u>Illinois v. McArthur</u> .....	p. 475 cb

E. Exigent Circumstances and the Automobile

44.	<u>Carroll v. United States</u> .....	(on the web)
45.	<u>Cardwell v. Lewis</u> .....	(on the web)
46.	<u>California v. Carney</u> .....	(on the web)

F.	<u>Containers</u>	
47.	<u>U.S. v. Chadwick</u> .....	(on the web)
48.	<u>Arkansas v. Sanders</u> .....	(on the web)
49.	<u>U.S. v. Ross</u> .....	(on the web)
50.	<u>Wyoming v. Houghton</u> .....	p. 503 cb & (on the web)
51.	<u>California v. Acevedo</u> .....	p. 493 cb & (on the web)
52.	<u>U.S. v. Johns</u> .....	(on the web)
G.	<b><u>Police discretion and Profiling</u></b>	
53.	<u>Text - “Pre-textual” Search <b>Whren v. United States</b></u> .....	p. 597 cb & (on the web)
54.	<u>Chicago v. Morales</u> .....	p. 609 cb
55.	<u>State v. Sullivan (I)</u> .....	(on the web)
56.	<u>Explanation of <b>Sullivan I</b> and <b>Sullivan II</b></u> .....	(on the web)
H.	<b><u>“Plainview” Exception</u></b>	
57.	<u>Horton v. California</u> .....	p. 485 cb
58.	<u>Arizona v. Hicks</u> .....	p. 480 cb & (on the web)
I.	<b><u>Public Arrest and Arrest in Suspect’s Own or 3rd Party’s Home</u></b> .....	pp. 509-15 cb
59.	<u>U.S. v. Watson</u> .....	p. 511 cb & (on the web)
60.	<u>Atwater v. Lago Vista et al.</u> .....	p. 518 cb & (on the web)
61.	<u>Gerstein v. Pugh</u> .....	(on the web)
62.	<u>County of Riverside v. McLaughlin</u> .....	p. 515 cb & (on the web)
63.	<u>Payton v. New York</u> .....	p. 516 cb & (facts of case on the web)
63.a.	<u>Corley v. United States</u> .....	(on the web)
64.	<u>United States v. Santana</u> .....	(on the web)
65.	<u>Steagald v. U.S.</u> .....	p. 517 cb
66.	<u>Washington v. Chrisman</u> .....	(on the web)
J.	<b><u>Standing</u></b> .....	p. 697-98 cb
67.	<u>Minnesota v. Olson</u> .....	p. 698 cb & (on the web)
68.	<u>Minnesota v. Carter</u> .....	p. 698 cb
69.	<u>Rakas v. Illinois</u> .....	p. 698 cb & (on the web)
70.	<u>Simmons v. United States</u> .....	(on the web)
71.	<u>Rawlings v. Kentucky</u> .....	(on the web)
K.	<b><u>Search Incident to Arrest</u></b>	
72.	<u>Chimel v. California</u> .....	p. 532 cb & (on the web)
73.	<u>Maryland v. Buie</u> .....	(on the web)
74.	<u>U.S. v. Robinson</u> .....	p. 538 cb
75.	<u>Knowles v. Iowa</u> .....	p. 550 cb & (on the web)
76.	<u>Gustafson v. Florida</u> .....	(on the web)
77.	<u>New York v. Belton</u> .....	p. 541 cb &

**(Facts of case on the web)**

78. Thornton v. United States. . . . . p. 541 cb & **(on the web)**

L. Consent Searches

- 79. Bumper v. North Carolina. . . . . **(on the web)**
- 80. Schneekloth v. Bustamonte. . . . . p. 668 cb
- 81. Ohio v. Robinette. . . . . p. 679 cb
- 82. Florida v. Jimeno. . . . . p. 678 cb
- 83. United States v. Matlock. . . . . **(facts of case on the web)**
- 84. George v. Randolph. . . . . **(on the web)**
- 85. Illinois v. Rodriguez. . . . . p. 676 cb & **(facts of case on the web)**
- 86. Ornelas v. U.S.. . . . .p. 437 cb

M “Reasonableness” — less than Probable Cause to “Stop”

- 87. Camara v. Municipal Court. . . . . **(on the web)**
- 88. Terry v. Ohio. . . . . p. 557 cb
- 89. Hiibel v. Sixth Judicial District Court of Nev., Humboldt City. . . . . **(on the web)**. . . . .
- 90. Illinois v. Wardlow. . . . . p. 583 cb
- 91. Adams v. Williams. . . . . **(on the web)**
- 92. Florida v. JL. . . . . p. 578 cb
- 93. Pennsylvania v. Mimms. . . . . p. 575 cb & **(facts of case on the web)**
- 94. United States v. Sharpe. . . . . p. 574 cb & **(facts of case on the web)**
- 95. Michigan v. Long. . . . . p. 576 cb & **(facts of case on the web)**
- 96. Minnesota v. Dickerson. . . . . p. 577 cb & **(facts of case on the web)**
- 97. New York v. Burger. . . . . p. 656 cb
- 98. Dunaway v. New York. . . . . p. 570 cb
- 99. Hayes v. Florida. . . . . **(on the web)**

N. Test for “Articulable Suspicion”

- 100. United States v. Cortez. . . . . **(on the web)**
- 101. Alabama v. White. . . . . p. 578 cb & **(facts of case on the web)**

O. Profiles, Consensual or “Terry” Stops (“Seizure”)

- 102. U.S. v. Mendenhall. . . . . **(on the web)**
- 103. U.S. v. Place. . . . . p. 366 cb & **(on the web)**
- 104. Illinois v. Cabelles. . . . . **(on the web)**
- 105. Florida v. Royer. . . . . p. 571 cb
- 106. INS v. Delgado. . . . . p. 401 cb & **(facts of case on the web)**
- 107. United States v. Sokolow. . . . . p. 590 cb

P. “Seizure” of Person – “Chase” Context

- 108. Brower v. County of Inyo. . . . . p. 405 cb
- 109. Michigan v. Chesternut. . . . . **(on the web)**
- 110. Florida v. Bostick. . . . . p. 394 cb & **(on the web)**
- 111. United States v. Drayton. . . . . p. 399 cb & **(on the web)**
- 112. California v. Hodari D.. . . . . **(on the web)**
- 113. Tennessee v. Garner. . . . . p. 658 cb
- 114. Scott v. Harris . . . . . **(on the web)**

Q. Search and Seizure of Persons – Special Conditions

- 120. Ybarra v. Illinois. . . . . **(on the web)**
- 121. Michigan v. Summers. . . . . **(on the web)**
- 122. New Jersey v. T.L.O.. . . . . p. 624 cb & **(facts of case on the web)**
- 123. Vernonia School District v. Acton. . . . . p. 641 cb
- 124. Ferguson v. Charleston. . . . . p. 643 cb
- 125. Text cb (Other **“Special Needs”** Cases. . . . . pp. 612-615 cb

R. Inventory Searches

- 126. Cady v. Dombrowski. . . . . **(on the web)**
- 127. South Dakota v. Opperman. . . . . p. 550 cb & **(on the web)**
- 128. Illinois v. Lafayette. . . . . p. 549-50 cb & **(on the web)**
- 129. Colorado v. Bertine. . . . . **(on the web)**
- 130. Florida v. Wells. . . . . **(on the web)**
- 131. Welch v. State. . . . . **(on the web)**

S. Road Blocks

- 132. Border and Highway Safety Regulation. . . . . p. 804-13 cb
- 133. Delaware v. Prouse. . . . . p. 625 cb & **(facts of case on the web)**
- 134. Michigan v. Sitz. . . . . **(facts of case on the web)**
- 135. City of Indianapolis v. Edmond. . . . . p. 626 cb
- 136. Illinois v. Lidster . . . . . p. 635 cb

T. Fruit of Poisonous Tree

- 137. Wong Sun v. United States. . . . . p.709 cb
- 138. Brown v. Illinois. . . . . **(on the web)**
- 139. United States v. Ceccolini. . . . . p. 718 cb & **(on the web)**

UNITED STATES CONSTITUTION

FIFTH AMENDMENT

No person shall be held to answer for a capital, or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

II. FIFTH AMENDMENT

A. Scope of the Fifth Amendment

1. Brown v. Walker (dissent)..... p. 753-54 cb
2. Counselman v. Hitchcock. . . . . p. 754 cb
3. Brown v. Walker. . . . . p. 757 cb
4. Kastigar v. United States. . . . . p. 762 cb
5. Schmerber v. California. . . . . p. 291 cb & **(on the web)**
6. New Jersey v. Portash. . . . . p. 786 cb
7. United States v. Afflebaum. . . . . p. 787 cb
8. California v. Byers. . . . . p. 789 cb
9. Baltimore City Department of Social Services v. Bouknight. . . . . p. 791 cb

B. Police Interrogation - When Does the Fifth Apply? (The Sixth Amendment Option)

10. Bram v. United States. . . . . p. 806 cb
11. Brown v. Mississippi. . . . . p. 807 cb
12. Massiah v. United States. . . . . p. 813 cb
13. Escobedo v. Illinois. . . . . p. 817 cb

C. Massiah in “Custody” or in Jail

14. U.S. v. Henry. . . . . **(on the web)**
15. Maine v. Moulton. . . . . p. 931 cb
16. Kuhlman v. Wilson. . . . . p. 930 cb & **(on the web)**

D. The Rule and the Familiar Warnings

17. Miranda v. Arizona. . . . . p. 819 cb
18. Missouri v. Seibert. . . . . p. 906 cb & **(on the web)**
19. Chavez v. Martinez. . . . . **(on the web)**

- 20. California v. Prysock. . . . . p. 859 cb & **(facts of case on the web)**
- 21. Duckworth v. Eagan. . . . . p. 859 cb

E. What is “Interrogation”

- 22. Rhode Island v. Innis. . . . . p. 845 cb
- 23. Illinois v. Perkins. . . . . p. 851 cb
- 24. Pennsylvania v. Muniz. . . . . p. 857 cb & **(on the web)**

F. What is Custody?

- 25. Orozoco v. Texas. . . . . p. 841 cb & **(on the web)**
- 26. Berkermer v. McCarty. . . . . p. 842 cb & **(on the web)**
- 27. Minnesota v. Murphy. . . . . p. 843 cb & **(on the web)**

G. Invoking Miranda's Second Level (Silence or Counsel)

- 29. Michigan v. Mosley. . . . . p. 861 cb
- 30. Edwards v. Arizona. . . . . p. 863 cb
- 31. Minnick v. Mississippi . . . . . p. 870 cb
- 32. Fare v. Michael C.. . . . . p. 870 cb & **(facts of the case on the web)**
- 33. Oregon v. Bradshaw. . . . . p. 866 cb
- 34. Wyrick v. Fields. . . . . **(on the web)**
- 35. Davis v. United States. . . . . p. 868 cb
- 36. Michigan v. Jackson. . . . . p. 932 cb
- 37. Patterson v. Illinois . . . . . p. 937 cb
- 38. McNiel v. Wisconsin. . . . . p. 937 cb & **(facts of the case on the web)**
- 39. Texas v. Cobb. . . . . p. 941 cb & **(facts of the case on the web)**

H. Waiving Miranda Rights

- 40. North Carolina v. Butler. . . . . p. 872 cb & **(facts of the case on the web)**
- 41. Moran v. Burbine. . . . . p. 874 cb
- 42. Colorado v. Spring. . . . . p. 873 cb

I. Waiving Massiah Rights

- 43. Brewer v. Williams. . . . . p. 920 cb

J. Inevitable Discovery

- 44. Nix v. Williams. . . . . **(on the web)**
- 45. Murray v. United States. . . . . p. 719 cb

K. "Public Safety" Exception to Miranda

- 46. New York v. Quarles. . . . . p. 891 cb & **(facts of the case on the web)**
- 47. United States v. Patane. . . . . p. 915 cb & **(on the web)**

L. Fruit of the Poisonous Tree and Miranda

48. Oregon v. Elstad..... p. 892 cb & **(facts of the case on the web)**

M. Admissibility of a confession while a citizen is under arrest or is “in detention”

49. 18 USCS Fed.R.Crim..... **(on the web)**

50. 18 USCS §3501..... **(on the web)**

51. Gerstein v. Pugh..... **(on the web)**

52. County of Riverside v. McLaughlin..... **(on the web)**

53. Corley v. United States. .... **(on the web)**

N. "Free Will" and Waiver of Miranda Rights

Colorado v. Connelly..... **(on the web)**

O. “Harmless” Constitutional Error

54. Arizona v. Fulminante..... **(on the web)**

P. Impeachment With a Product of a Miranda Violation

55. Walder v. United States..... **(on the web)**

56. Harris v. New York. .... **(on the web)**

57. Doyle v. Ohio..... p. 905 cb Note #7

58. Jenkins v. Anderson..... p. 905 cb Note #7

59. U.S. v. Havens. .... **(on the web)**

Q. Miranda Revisited

60. Dickerson v. United States..... p. 893 cb & **(on the web)**

**READING LIST**

**SIXTH AMENDMENT**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

III. **SIXTH AMENDMENT**

A. **The Right to the Assistance of Counsel - Guilt Determining/ Sentencing/ Revocation Proceedings**

1. Powell v. Alabama..... **(on the web)**
2. Betts v. Brady..... **(on the web)**
3. Gideon v. Wainwright..... p. 117 cb
4. United States v. Gonzales-Lopez .....**(on the web)**
5. Argensinger v. Hamlin..... p. 125 cb
6. Scott v. Illinois..... p. 129 cb
7. Baldasar v. Illinois..... p. 131 cb Note #10
8. Alabama v. Shelton..... p. 133 cb
9. Nichols v. United States..... p. 132 cb Note #10
10. Coleman v. Ala...... p. 167 cb
11. Mempa v. Rhay..... p. 167 cb
12. Hamilton v. Ala...... p. 168 cb
13. Morrissey v. Brewer..... p. 168 cb
14. Gagnon v. Scarpelli..... p. 168 cb

B. **Right to Counsel on Appeal – Appeal of Right**

14. Griffin v. Illinois..... p. 139 cb
15. Douglass v. California..... p. 139 cb
16. Ross v. Moffitt (Discretionary Appeal)..... p. 140 cb

C. Right to Counsel - Where the Penalty Is Only A Fine

- 17. Mayer v. City of Chicago..... p. 158 cb
- 18. United States v. MacCollom. .... p. 159 cb
- 19. Williams v. Illinois..... p. 161 cb
- 20. Tate v. Short..... p. 161 cb
- 21. Bearden v. Georgia. .... p. 162 cb

D. Indigent Defendant's Right to An Expert

- 22. Ake v. Oklahoma..... p. 166 cb

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- 23. Strickland v. Washington..... p. 170 cb
- 24. Wiggins v. Smith. .... p. 186 cb & **(on the web)**
- 25. Crawford v. Washington. .... **(on the web)**
- 26. Nix v. Whitside. .... p. 188 cb

F. Multiple Representation

- 27. Text. .... pp. 196-99 cb
- 28. Cuyler v. Sullivan. .... p 200 cb

G. Pro Se Representation

- 29. Faretta v. California..... p.215 cb
- 30. McKaskle v. Wiggins..... p. 231 cb
- 31. Morris v. Slappy..... p. 238 cb
- 32. Anders v. California..... p. 238 cb
- 33. McCoy v. Court of Appeals of Wisconsin..... p. 238 cb
- 34. Pennsylvania v. Finley..... p. 239 cb
- 35. Penson v. Ohio..... p. 238 cb

H. Implications of Forfeiture Statutes

- 36. Caplin & Drysdale Chartered v. United States. .... p. 241 cb

I. The Right to Counsel at Lineups, Showups, and Photographic Arrays

- 37. Critical Stage Proceedings. . . . . pp. 239-240
- 38. Stovall v. Denno. . . . . p. 257 cb & **(facts of the case on the web)**
- 39. United States v. Wade. . . . . p. 255 cb & **(facts of the case on the web)**
- 40. Kirby v. Illinois. . . . . p. 258 cb & **(facts of the case on the web)**
- 41. United States v. Ash. . . . . p. 262 cb & **(facts of the case on the web)**

J. The Due Process Approach - Revisited

- 42. Manson v. Brathwaite. . . . . p. 267 cb & **(facts of the case on the web)**

IV. ENTRAPMENT

A. Scope of the Rule

- 1. Jacobson v. United States. . . . . p. 972 cb
- 2. United States v. Russell. . . . . p. 983 cb