

Index

A.A. v ATTORNEY GENERAL

- Special needs searches, DNA samples
 - Generally, § 7:2
 - Analysis and review, § 7:2
 - Related references, § 7:2

ABANDONED PROPERTY

- Participatory interest
 - Standing rule, § 10:5
- Real property, standing, § 10:6
- Residential searches, § 4:18
- Standing rule, § 10:4
 - Participatory interest, § 10:5

ABANDONED REAL PROPERTY

- Brown, State v., § 10:6
- Standing, § 10:6

ABUDATO, STATE v

- Automobile searches, use of police lights, § 2:20

ACCUSATORY FOCUS

- Miranda Warnings, this index

ADMISSIONS

- Redacting admissions, this index

AFFIDAVIT

- Defective affidavit
 - Generally, § 3:3
 - Research references, § 3:3
 - State v Disposito, this index

AGRICULTURE

- Lands used for cultivation of crops, § 9:2

AIKENS, STATE v

- Federal Fugitive Felon Act, § 11:2

AL-KIDD v. ASHCROFT

- Qualified immunity, material witnesses, § 11:5

“ALL PERSONS PRESENT”

- Search warrants, § 3:11

AMBIGUOUS ASSERTION

- State vs. Gonzalez, right to counsel, § 12:12

NEW JERSEY ARREST, SEARCH AND SEIZURE REVIEW

AMELIO, STATE v

Automobile searches, telephone tips from known sources
Generally, § 5:7

AMODIO, STATE v

Residential searches, exigency created by fire
Generally, § 4:7
Analysis and review, § 4:7
Research references related to, § 4:7

ANNOUNCE

Knock and Announce, this index

ANONYMOUS TIPS

Automobile Searches, this index

ANTICIPATORY SEARCH WARRANTS

Generally, § 3:2
Research references, § 3:2
United States v Grubbs, this index

APPEALS

Factual findings and legal conclusions, searches and seizures, § 1:9

APPROVAL OR CONSENT

Consent, this index

ARIZONA v GANT

Automobile searches incident to arrest of recent occupant
Analysis and review, § 2:2
Case overview, § 2:2
Related references, § 2:2

ARIZONA v JOHNSON

Automobile searches, passengers
Generally, § 2:7
Analysis and review, § 2:7
Case overview, § 2:7
Related references, § 2:7

ARREST

Generally, § 11:1 et seq.
Automobile Searches, this index
Errors by police civilian dispatcher
State vs. Scott, § 11:6
Incident to Arrest, this index
Lawful Arrests, this index
State vs. Scott, § 11:6

ASHCROFT v. AL-KIDD

Qualified immunity, material witnesses, § 11:5

INDEX

ATES, STATE v.

Electronically stored data, wiretap interception of, § 8:8

ATTENUATION DOCTRINE

Generally, § 6:18

Residential searches, illegal entry by police, § 4:21

Sencion, State v., § 4:21

Utah v. Strieff, § 6:18

ATTENUATION DUE TO FLIGHT

Person, Search Of, this index

ATTORNEY GENERAL

A.A. v Attorney General, this index

AUTOMATIC STANDING RULE

Evidence suppression, unreasonable search, § 1:5

AUTOMOBILE EXCEPTION

State v Carroll, this index

State v Dunlap, this index

AUTOMOBILE SEARCHES

Generally, § 2:1 et seq.

Anonymous tips

Generally, § 5:6

Research references, § 5:6

State v Matthews, § 5:6

Arizona v Johnson, this index

Arrest

Defacto arrest, below

Incident to arrest, below

Automobile Exception, this index

Brendlin v California, this index

Carpenter v Earles, electronic tracking of vehicles, § 2:17

Civil forfeiture, § 2:18

Commercial motor vehicle, administrative search of

Generally, § 2:10

Related references, § 2:10

Research references, § 2:10

State v Hewitt, § 2:10

State v Pompa, § 2:10

Community caretaking exception, basis upon, § 5:13

Confidential informants

Generally, § 2:4

Research references, § 2:4

State v Birkenmeier, this index

Consent

Generally, § 2:5

Apparent authority to consent, § 2:5

AUTOMOBILE SEARCHES—Cont'd

Consent—Cont'd

Proof of voluntariness, § 2:5

Reasonable suspicion, requirement of, § 2:5

Research references, § 2:5

State v Elders, this index

Deadly force in terminating high-speed pursuits

Generally, § 2:9

Research references, § 2:9

Scott v Harris, this index

Decals, § 5:8

De facto arrest

Generally, § 2:8

Research references, § 2:8

State v Baum, this index

Demand for I.D. from vehicle passenger, State vs. Boston, § 5:14

Discrimination. Racial profiling discovery, below

Dogs. Police Dogs, this index

Doors, protective openings, § 2:20

Driving credentials, § 2:22

Searches for, § 2:22

State v Keaton, § 2:22

Electronic tracking of vehicles

Generally, § 2:16

Capenter v United States, § 2:17

Cell phones, § 2:17

State v Earls, § 2:17

State v Jones, § 2:16

Exceptions

Generally, § 2:3

Research references, § 2:3

State v Carroll, § 2:3

State v Witt, § 2:3

Exigent circumstances

Generally, § 2:20

State v Lewis, § 2:20

State v Shannon, § 2:20

Expectation of privacy

Generally, § 2:23

State v Jessup, § 2:23

State v Taylor, § 2:23

Stolen motor vehicles, § 2:23

Heien v North Carolina, § 5:12

High-speed pursuits. Deadly force in terminating high-speed pursuits, above

Impounded vehicles, § 2:13, 2:15

Inventory, § 2:15

State v. Minitee, § 2:15

INDEX

AUTOMOBILE SEARCHES—Cont'd

Incident to arrest of recent occupant

Generally, § 2:2

Arizona v Grant, this index

Research references, § 2:2

State v Eckel, this index

Informants, confidential

State v Birkenmeier, this index

Intrusion into vehicle through window, § 2:24

Investigative purposes, § 5:4

Justification, stops by police, § 5:1

Lights. Police lights to effect stop, use of, below

Locked glove box

State vs. Wilson, § 5:23

Mandatory impoundment, prior to

State vs. Courtney, § 5:22

Mistake of fact, generally, § 5:11

Mistake of law

Generally, § 5:12

Heien v North Carolina, § 5:12

State v Scriven, § 5:12

State v Sutherland, § 5:12

Motor vehicle investigative stop State vs. Nyema, § 5:16

Obstructed view

Generally, § 5:2

State v Barrow, § 5:3 et seq.

Passengers

Generally, § 2:7

Arizona v Johnson, this index

Bacome, State v., § 2:7

Johnson, Arizona v., § 2:7

Related references, § 2:7

Passengers, standing of

Generally, § 10:2

Research references, § 10:2

Plain view exception, § 2:21

State v Gonzales, § 2:21

Plain view seizure, § 2:26

Police Dogs, this index

Police lights to effect stop, use of, § 5:10

State v Adubato, § 5:10

Probable cause, marijuana odor

State vs. Baker, § 5:21

Probable cause, State vs. Smart, § 5:18

Protective doors openings

Generally, § 2:20

State v Mai, § 2:20

AUTOMOBILE SEARCHES—Cont'd

- Racial profiling discovery
 - Generally, § 2:11
 - Research references, § 2:10
 - State v Lee, this index
- Reflective decals for young drivers, display of, § 5:9
- Road blocks
 - Generally, § 5:5
 - Research references, § 5:5
 - State v Badessa, this index
- School property
 - Generally, § 2:12
 - Research references, § 2:12
 - State v Best, § 2:12
- Scope of a search
 - State vs. Cohen, § 5:20
- Scott v Harris, this index
- Search warrant, § 2:19
- Search without consent or warning, § 2:25
- Special needs
 - State v Daniels, this index
- Standing to sue. Passengers, standing of, above
- State v. Smart, unforeseeable and spontaneous circumstances, § 5:15
- State v Adubato, § 5:10
- State v Amelio, this index
- State v Barrow, obstructed view, § 5:3 et seq.
- State v Baum, this index
- State v Best, school property, § 2:12
- State v Carroll, automobile exceptions, § 2:3
- State v Earls, electronic tracking of vehicles, § 2:17
- State v Hewitt, commercial motor vehicle search, § 2:10
- State v Jones, electronic tracking of vehicles, § 2:16
- State v Keaton, § 2:22
- State v Lee, this index
- State v Lewis, exigent circumstances, § 2:20
- State v Mai, § 2:20
- State v Matthews, anonymous tips, § 5:6
- State vs. Boston, demand for I.D. from vehicle passenger, § 5:14
- State vs. Gray, § 2:25
 - Search without consent or warning, § 2:25
- State vs. Nyema, motor vehicle investigative stop, § 5:16
- State vs. Smith, stop based upon tinted windows, § 5:17
- State vs. Washington, § 2:26
 - Plain view seizure, § 2:26
- State v Shannon, exigent circumstances, § 2:20
- State v Terry, § 2:22
- State v Witt, automobile exceptions, § 2:3

INDEX

AUTOMOBILE SEARCHES—Cont'd

- State v Woodruff, stop based on traffic violations, § 5:2
- Stooping of vehicle, owner's driving status
 - State vs. Williams, § 5:19
- Stop based upon tinted windows State vs. Smith, § 5:17
- Telephone tips from known sources, § 5:7
 - Generally, § 5:7
 - Research references, § 5:7
 - State v Amelio, this index
- Traffic violations, stop based on
 - Failure to maintain lane, § 5:2
 - State v Woodruff, § 5:2
- Unforeseeable and spontaneous circumstances, State v. Smart, § 5:15
- Vehicle stop unsupported, reasonable suspicion
 - State vs. Boone, § 5:24
- View
 - Obstructed view, above
- Weapons, protective search for
 - Generally, § 2:6
 - Gamble, State v., § 2:6
 - Robinson, State v., § 2:6

AUTOMOBILE SEIZURES

- Plain view seizure of an automobile as evidence, § 15:18
- Washington, state vs., § 15:18

BACOME, STATE v

- Automobile searches, passengers, § 2:7

BADESSA, STATE v

- Automobile searches, road blocks
 - Analysis and review, § 5:5
 - Attenuation doctrine, § 5:5
 - Case overview, § 5:5

BARD, STATE v.

- Terry frisk, § 6:6

BARROW, STATE v

- Automobile searches, obstructed view, § 5:3 et seq.

BAUM, STATE v

- Automobile searches, de facto arrest
 - Generally, § 2:8
 - Analysis and review, § 2:8
 - Case overview, § 2:8
 - Research references related to, § 2:9
- Standing rule, Miranda violation, § 10:3

NEW JERSEY ARREST, SEARCH AND SEIZURE REVIEW

BELL, STATE v

Residential searches, confession following illegal search

Generally, § 4:6

Analysis and review, § 4:6

Case overview, § 4:6

Research references related to, § 4:6

BERONKEITS, STATE v.

Field sobriety testing, § 6:9

BEST, STATE v

Automobile searches, school property, § 2:12

BIRCHFIELD v. NORTH DAKOTA

Breath samples, obtaining, § 6:13

BIVINS, STATE v

Search warrants, “all persons present,” § 3:11

BLOOD SAMPLES

Generally, § 6:11

Exigency, § 6:12

Jones, State v., § 6:12

Missouri v. McNeely, § 6:11

Mitchell v. Wisconsin, § 6:12

Person, search of, § 6:11

Telephonic search warrant applications, § 6:11

Zalcberg, State v., § 6:12

BOOKMAN, STATE v.

Third party’s residence, hot pursuit, § 4:27

BOONE, STATE v.

Defective search warrant application, § 3:3

BOSTON, STATE v.

Demand for I.D. from vehicle passenger, § 5:14

BREATH SAMPLES

Obtaining, § 6:13

BRENDLIN v CALIFORNIA

Standing of passengers

Generally, § 10:2

Analysis and review, § 10:2

Research references related to, § 10:2

BRIGHAM v STUART

Residential searches, emergency aid

Generally, § 4:4

BROOM-SMITH, STATE v

Search warrants, judicial authority to issue warrant, § 3:7

INDEX

BROWN, STATE v.

Abandoned real property, § 10:6

BRYANT, STATE v

Residential searches, protective sweeps, § 4:11

BURDEN OF PROOF

Suppression of evidence, § 1:7

BURDEN OF PRODUCTION

Suppression of evidence, § 1:8

BURNEY, STATE v.

Use of suppressed confession at trial, § 12:14

CALIFORNIA, BRENDLIN v

Brendlin v California, this index

CALIFORNIA, RILEY v.

Cell phone, wiretap interception, § 8:9

CAPENTER v UNITED STATES

Electronic tracking of vehicles, § 2:17

CARONNA, STATE v.

Sanctions for knock and announce violations, § 4:29

CARRILLO, STATE v.

Secondary Terry frisk, § 6:21

CARROLL, STATE v

Automobile searches, exceptions

Generally, § 2:3

Abandonment, § 2:3

Analysis and review, § 2:3

Case overview, § 2:3

Related references, § 2:3

CARS

Without consent or warning

Gray, state vs., § 15:8

Police initialed car door opening, § 15:8

Text of opinion, police initialed car door opening, § 15:8

CELL PHONE

Generally, § 8:9

Encrypted pass codes, § 8:15

Numbers, privacy of, § 8:7

Riley v. California, wiretap interception, § 8:9

Roving wiretaps, § 8:9

State v. DeFranco, § 8:7

CHILDREN AND MINORS

Apparent authority to consent to residential search, parent, § 4:5

CITY OF ONTARIO, CAL. V. QUON

Text messaging, § 8:6

CIVILIAN

Police Dispatcher, this index

CLARK, STATE v.

Redacting admissions, request for counsel, § 12:17

CODE INSPECTION AND ENFORCEMENT

Heine, State v., residential searches, § 4:14

Residential searches, § 4:14

COLES, STATE v

Residential searches, objections to consent, § 4:5

COLLINS v. VIRGINIA

Residential driveway, open fields and curtilage, § 9:4

COMMERCIAL MOTOR VEHICLE

Administrative search of, § 2:10

COMMUNICATIONS DATA WARRANTS

Electronically Stored Data, this index

COMMUNITY CARETAKING

Residential searches, § 4:28

Residential Searches, this index

COMMUNITY CARETAKING EXCEPTION

Automobile searches based upon, § 5:13

COMPUTERS

Electronically Stored Data, this index

CONFESSION

Illegal search, confession following. Residential Searches, this index

Miranda, this index

Residential Searches, this index

Use of suppressed confession at trial State vs. Burney, § 12:14

CONFIDENTIAL INFORMANTS

Automobile Searches, this index

State v Birkenmeier, this index

CONSENT

Automobile Searches, this index

Cars, this index

Residential Searches, this index

CONSTITUTIONAL LAW

Motions to suppress evidence, hearing procedures, § 1:6

CONTENT

Validity of third-party, State vs. Marcellus, § 4:31

INDEX

COPE, STATE v

Residential searches, protective sweeps, § 4:11

CRAFT, STATE v.

Residential searches, fugitive apprehensions, § 4:13

CRIME SCENE

Residential searches

Reasonable Continuation Doctrine, § 4:9

CROPS

Lands used for cultivation of, § 9:2 et seq.

CURTILAGE

Open Fields and Curtilage, this index

CUSHING, STATE v

Residential searches, apparent authority to consent, § 4:5

DATA WARRANTS

Electronically Stored Data, this index

DAVILA, STATE v

Residential searches, protective sweeps, § 4:11

DEADLY FORCE

Automobile Searches, this index

DECALS

Display of, § 5:8

Trautmann v. Christie, § 5:9

DE FACTO ARREST

Automobile Searches, this index

DEFECTIVE SEARCH WARRANT APPLICATION

Search warrants

Generally, § 3:3

Boone, State v, § 3:3

Disposito, State v, § 3:3 et seq.

Martinez, State v, § 3:3

Research references, § 3:3

State v Disposito, this index

DEFECTIVE WARNINGS

Second interrogation following defective warnings, State vs. Rivas, § 12:13

DEFINITIONS

Reasonable, § 1:2

Unreasonable, § 1:2

DEFRANCO, STATE v.

Cell phone numbers, expectation of privacy, § 8:7

DETACHED MAGISTRATE

Search Warrants, this index

DETAINED INDIVIDUAL

Inventory searches, *State v. Hummel*, § 14:2 et seq.

DETAINED PERSON

Retrieving objects belonging to, § 4:17

DETENTION

Investigative detention in a high crime area, § 6:22

Investigative detentions, § 6:7

Search Warrants, this index

State v. Chisum, § 6:8

State v. Gibson, § 6:7

DIGITAL DATA

Plain view exception, § 8:11

State v. Harris, § 8:11

Text messages

Expectation of privacy, § 8:13

DIMINISHED CAPACITY

Miranda hearings, triggering events, § 12:5

DISCRIMINATION

Person, search of, § 6:10

Racial profiling. Automobile Searches, this index

State v. Shaw, § 6:10

DISPOTO, STATE v

Miranda warnings, § 3:3 et seq.

Search warrants, defective search warrant application

Analysis and review, § 3:3

Defective affidavit, § 3:3

Miranda warnings, § 3:3 et seq.

References related to, § 3:3

DNA SAMPLES

Generally, § 7:2

A.A. v Attorney General, this index

Research references, § 7:2

State v O'Hagen, this index

DOGS

Police Dogs, this index

DOMESTIC VIOLENCE

Search warrants, § 3:10

DOMICZ, STATE v

Residential searches, consent

Generally, § 4:5

INDEX

DOMICZ, STATE v—Cont'd

- Residential searches, consent—Cont'd
 - Analysis and review, § 4:5
 - Case overview, § 4:5
 - Reference related to, § 4:5

DORIFF, STATE v.

- Comments sufficient to trigger halting a police interrogation, § 12:10

DUNBAR, STATE v.

- Person, search of, attenuation due to flight, § 6:5
- Searches by police dogs, § 13:1

ELDERS, STATE v

- Automobile searches, consent
 - Generally, § 2:5
 - Analysis and review, § 2:5
 - References related to, § 2:5

ELECTRONICALLY STORED DATA

- Generally, § 8:1 et seq.
- Cell phone numbers, expectation of privacy, § 8:7
- City of Ontario, Cal. v. Quon, text messaging, § 8:6
- Communications data warrants
 - Generally, § 8:5
- In re CDW for Twitter, § 8:10
- Internet subscriber information
 - Generally, § 8:2
 - State v. Reid, § 8:2
 - State v Reid, this index
- Law enforcement databases, § 8:4
- Privacy, expectation in electronically stored records, § 8:1
- State v. DeFranco, privacy and cell phone numbers, § 8:7
- State v. Lunsford, expectation of privacy, § 8:1
- State v. Reid, internet subscriber information, § 8:2
- State v M.A., § 8:3
- State v Reid, this index
- State v Sloane, § 8:4
- Text messaging, § 8:6
- Twitter, accessing communications stored on server, § 8:10
- Wiretap interception
 - Generally, § 8:8
 - Ates, State v., § 8:8
- Workplace computers, § 8:3

ELECTRONIC TRACKING

- Motor vehicles, tracking of, § 2:16

EMERGENCY AID

- Dropped 9-1-1 calls, residential searches, § 4:4
- Miranda Warnings, this index

EMERGENCY AID—Cont'd

Residential searches

Generally, § 4:4

Brigham v Stuart, this index

Dropped 9-1-1 calls, § 4:4

Michigan v Fisher, § 4:4

Research references, § 4:4

State v Edmonds, § 4:4

State v Hathaway, § 4:4

State v Reece, § 4:4

State v Sheppard, § 4:4

ENTRY DEVICES

Explosive entry devices, this index

ERRORS BY CIVILIAN

Police Dispatcher, this index

EVANS, STATE v.

Plain feel exception, § 6:19

EVICTION

Hinton, State v., residential searches, § 4:16

EVICTIONS

Residential searches, § 4:16

EVIDENCE

Motions to suppress, § 1:1 et seq.

Plain view seizure of an automobile as evidence, § 15:18

Plenary motion, § 1:11

Plenary motion, suppress hearing

State vs. Jones, § 1:11

State vs. Jones, § 1:11

Washington, state vs., § 15:18

EXCEPTIONS

Automobile Searches, this index

Consent once removed. Residential Searches, this index

Miranda Warnings, this index

EXIGENT CIRCUMSTANCES

Automobile searches, § 2:20

Residential Searches, this index

EXPECATION OF PRIVACY

Automobile searches, § 2:23

Call from police station, § 8:16

Electronically stored records, § 8:1 et seq.

EXPECTATION OF PRIVACY

State v. Lunsford, electronically stored data, § 8:1 et seq.

INDEX

EXPLOSIVE ENTRY DEVICES

- Residential searches
 - Generally, § 4:7
 - Research references, § 4:8
 - State v Fanelle, this index

FEDERAL FUGITIVE FELON ACT

- Generally, § 11:2

FELICIANO, STATE v.

- Wiretap interception and cell phones, § 8:9

FELONY

- Federal Fugitive Felon Act, § 11:2

FERNANDEZ, CALIFORNIA v

- Residential searches, objections to consent, § 4:5

FIELD SOBRIETY TESTING

- Generally, § 6:9

FIELD SOBRIETY TESTS

- State v. Beronkeits, § 6:9

FIFTH AMENDMENT CASE LAW

- State vs. McGuigan
 - Miranda hearings, need for trial judges, § 16:1
 - text of opinion, § 16:2

FINESMITH, STATE v

- Communications data warrants, § 8:5
- Reasonable Continuation Doctrine, search warrant, § 4:9

FIRE

- Residential Searches, this index

FIREARMS

- Weapons, this index

FLASH-BANG DEVICES

- State v Fanelle, this index

FLIGHT

- Person, Searches Of, this index

FLORIDA v. HARRIS

- Police dogs, searches by, § 13:3

FLORIDA v. JARDINES

- Police dogs, searches by, § 13:2

FORCED ENTRY

- Reasonable time between knock, announce and forced entry, § 15:2
- Text of opinion, reasonable time between knock, announce and forced entry,
§ 15:2

NEW JERSEY ARREST, SEARCH AND SEIZURE REVIEW

FOURTH AMENDMENT CASE LAW

Abandonment of personal property

State vs. Gartrell, § 15:1

Delay in conducting a search incident, lawful arrest, § 15:4

Gray, state vs., § 15:8

Motor vehicle stop based upon the revoked license status of the vehicle8217s owner, § 15:20

Plain view seizure of an automobile as evidence, § 15:18

Police initialed car door opening without consent or warning, § 15:8

Search of property seized incident to a lawful arrest, § 15:6

State vs. Boone

Motor vehicle stop, reasonable suspicion, § 15:17

State vs. Courtney

Search of, prior to a mandatory impoundment, § 15:13

State vs. Gargano

Privileged spousal communications, § 15:7

State vs. Gartrell, § 15:1

State vs. Haskins

Text of opinion, § 15:10

Tinted windows, § 15:9

State vs. Mellody, § 15:5

State vs. Morgan

Defense entitlement to reports of drug canine8217s field and health reports, criminal discovery, § 15:19

Reports of drug canine8217s field

text of opinion, § 15:20

State vs. Ross, § 15:3

State vs. Wilson, § 15:15

Text of opinion, § 15:4

Delay in conducting a search incident to a lawful arrest, § 15:4

Errors by civilian police dispatcher, § 15:12

Motor vehicle stop based upon the revoked license status of the vehicle8217s owner, § 15:20

Plain view seizure of an automobile as evidence, § 15:18

Police entry upon curtilage without a search warrant or consent, § 15:14

Police initialed car door opening without consent or warning, § 15:8

Reasonable time between knock, announce and forced entry, § 15:2

Search of property seized incident to a lawful arrest, § 15:6

Unforeseeable and spontaneous circumstances establishing probable cause in a motor vehicle search, § 15:16

Unforeseeable and spontaneous circumstances establishing probable cause in a motor vehicle search, § 15:16

Vanderee, state vs., § 15:4

Washington, state vs., § 15:18

Williams, state vs., § 15:20

FRISKING

Secondary Terry, for weapons State vs. Carrillo, § 6:21

INDEX

FUGITIVES

Federal Fugitive Felon Act, § 11:2

Residential searches, fugitive apprehensions based upon warrant, § 4:13

GAMBLE, STATE v

Automobile searches, protective search for weapons, § 2:6

GATHERS, STATE v

Court order compelling DNA sample, § 6:16

GOLDSMITH, STATE v.

Investigative detention in high crime area, § 6:22

GONZALES, STATE v

Automobile searches, plain view exception, § 2:21

GONZALEZ, STATE v.

Ambiguous assertion of right to counsel, § 12:12

GPS MONITORING

Parolees, § 7:4

GRAY, STATE v.

Fourth amendment case law, § 15:8

GRUBBS, UNITED STATES v

Generally, § 3:2

Analysis and review, § 3:2

References related to, § 3:2

Related references, § 3:2

HAGANS, STATE v

Automobile searches, consent, § 2:5

HAHN, STATE v.

Withholding information to obtain waiver, § 12:16

HARRIS, FLORIDA v.

Police dogs, searches by, § 13:3

HARRIS, SCOTT v

Automobile searches, high-speed pursuits

Generally, § 2:9

Analysis and review, § 2:9

Research references related to, § 2:9

HATHAWAY, STATE v

Residential searches, emergency aid, § 4:4

HEARING PROCEDURES

Motions to suppress evidence, § 1:6

HEIEN v NORTH CAROLINA

Mistake of law, automobile searches, § 5:12

HEINE, STATE v.

Residential searches, code inspection and enforcement, § 4:14

HERRING v UNITED STATES

Recalled warrant, arrest based on, § 11:4

HEWITT, STATE v

Commercial motor vehicle search, § 2:10

HIGH CRIME AREA

Investigative detention, State vs. Goldsmith, § 6:22

HIGH-SPEED PURSUITS

Automobile Searches, this index

HINTON, STATE v.

Residential searches, evictions, § 4:16

HOT PURSUIT

Residential entry, § 4:26

Third Party Residence, this index

HOUSE OR HOME

Residential Searches, this index

HUDSON v MICHIGAN

Generally, § 4:2

Analysis and review, § 4:2

Case overview, § 4:2

Related research references, § 4:2

HUMMEL, STATE v

Inventory search of detained individual, § 14:2 et seq.

ILLEGAL SEARCH

Residential Searches, this index

IMMUNITY

Qualified Immunity, this index

IMPOUNDED VEHICLES

Automobile searches, § 2:13

INCIDENT TO ARREST

Automobile Searches, this index

Person searches

Generally, § 6:4

Research references, § 6:4

State v Oyenu, this index

INFORMANTS

Confidential Informants, this index

in re CDW for TWITTER

Electronically stored data, § 8:10

INDEX

INTERNATIONAL TREATY VIOLATION

Sanchez-Llamas v Oregon, this index

INTERNET SUBSCRIBER INFORMATION

Electronically Stored Data, this index

INTERROGATIONS

Comments sufficient to trigger halting police interrogation, § 12:10

Miranda hearings

Triggering events, § 12:8

Second interrogation following defective warnings, State vs. Rivas, § 12:13

INTERVIEW

Miranda Warnings, this index

INVENTORY SEARCHES

Generally, § 14:1 et seq.

Detained individual, § 14:2 et seq.

State v. Hummel, § 14:2 et seq.

INVESTIGATION

Investigative detentions, § 6:7

Miranda Warnings, this index

State v. Gibson, § 6:7

JARDINES, FLORIDA v.

Police dogs, searches by, § 13:2

JEFFERSON, STATE v.

Residential searches, warrantless entry for Terry frisk, § 4:12

JESSUP, STATE v

Expectation of privacy, automobile searches, § 2:23

JOHNSON, ARIZONA v

Automobile searches, passengers

Generally, § 2:7

Analysis and review, § 2:7

Case overview, § 2:7

Related references, § 2:7

JOHNSON, STATE v.

Standing rule, § 10:1

JONES, STATE v.

Blood samples, extraction and exigency, § 6:12

Person, search of, § 6:2

JUVENILE

Miranda Warnings, this index

KEATON, STATE v

Automobile searches, driving credentials, § 2:22

KNOCK AND ANNOUNCE

- Generally, § 4:2
- Hudson v Michigan, this index
- Research references, § 4:2
- Sanctions, violations, § 4:29
- State v Robinson, time period between knock, announce and entry, § 4:3
- State v Rodriguez, time period between knock, announce and entry, § 4:3
- State v Walker, this index
- Time period between knock, announce and entry
 - Generally, § 4:3
 - Research references, § 4:3
 - State v Robinson, § 4:3
 - State v Rodriguez, § 4:3

LAMB, STATE v

- Residential searches, objections to consent, § 4:5

LANE, STATE v

- State v Lane, this index

LAWFUL ARRESTS

- Generally, § 11:3
- Delay in conducting a search incident, § 15:4
- Search of property seized incident to a lawful arrest, § 15:6
- Text of opinion,
 - Delay in conducting a search incident, § 15:4
 - Text of opinion, search of property seized incident to a lawful arrest, § 15:6

LEE, STATE v

- Automobile searches, racial profiling
 - Generally, § 2:11
 - Analysis and review, § 2:11
 - Case overview, § 2:11
 - Research references related to, § 2:11

LEGETTE, STATE v.

- Residential searches, retrieving objects belonging to detained person, § 4:17

LICENSE

- Revoked License, this index

LIGHTS

- Police lights to effect stop, use of
 - Automobile Searches, this index

LOS ANGELES COUNTY v RETTELE

- Detention of occupants during search
 - Generally, § 3:4
 - Analysis and review, § 3:4
 - Research references related to, § 3:4

INDEX

LUGGAGE SEARCH

Police dogs, § 13:1

LUNSFORD, STATE v.

Expectation of privacy of electronically stored data, § 8:1

MAGISTRATE

Search Warrants, this index

MAI, STATE v

Automobile searches, protective door openings, § 2:20

MARCELLUS, STATE v.

Validity of third-party content to search, § 4:31

MARSHALL, STATE v.

Search warrants, neutral and detached magistrate, § 3:5

MARTINEZ, STATE v

Generally, § 3:3

Analysis and review, § 3:3

References related to, § 3:3

MARYLAND v. KING

DNA samples, extraction during search of person, § 6:15

MATTHEWS, STATE v

Automobile searches, anonymous tips, § 5:6

McCANN, STATE v.

Search warrants, neutral and detached magistrate, § 3:5

MICHIGAN, HUDSON v

Generally, § 4:2

Analysis and review, § 4:2

Case overview, § 4:2

Related research references, § 4:2

MIRANDA HEARINGS

Generally, § 12:2-12:19

Ambiguous assertion of right to counsel State vs. Gonzalez, § 12:12

Basis for Miranda waiver State vs. Sims, § 12:11

Comments sufficient to trigger halting a police interrogation, State vs. Doriff,
§ 12:10

Erroneous admission of a confession, impact of

Triggering events, § 12:3

Incomplete warnings, State vs. Bullock, § 12:18

Interrogations

Triggering events, § 12:8

Lies, trickery and deception by the police

Triggering events, § 12:7

Procedural rules

Triggering events, § 12:8

MIRANDA HEARINGS—Cont'd

- Redacting admissions after request for counsel State vs. Clark, § 12:17
- Redacting admissions after request for counsel State vs. Clark, § 12:15
- Second interrogation following defective warnings, State vs. Rivas, § 12:13
- State v. Burney, § 12:14
- State vs. Clark, redacting admissions after request for counsel, § 12:17
- State vs. Clark, Redacting admissions after request for counsel, § 12:15
- State vs. Doriff, comments sufficient to trigger halting a police interrogation, § 12:10
- State vs. Gonzalez, ambiguous assertion of right to counsel, § 12:12
- State vs. Hahn, withholding information to obtain waiver, § 12:16
- State vs. McGuigan, § 12:19
- State vs. O.D.A.C., undermining importance of Miranda warning by police, § 12:9
- State vs. Sims, Basis for Miranda waiver, § 12:11
- Suppressed statement
 - Triggering events, § 12:6
- Trial, judges to conduct
 - State vs. McGuigan, § 12:19
- Triggering events, § 12:2-12:8
 - Diminished capacity, § 12:5
 - Erroneous admission of a confession, impact of, § 12:3
 - Interrogations, § 12:8
 - Lies, trickery and deception by the police, § 12:7
 - Procedural rules, § 12:8
 - Suppressed statement, § 12:6
 - Waivers, § 12:4
- Undermining importance of Miranda warning by police State vs. O.D.A.C., § 12:9
- Use of suppressed confession at trial, § 12:14
- Waivers
 - Triggering events, § 12:4
- Withholding information to obtain waiver, State vs. Hahn, § 12:16

MIRANDA WARNINGS

- Generally, § 12:1
- Accusatory focus in suspect interview, shift from investigative to
 - State v Nyhammer, this index
- Emergency aid
 - Generally, § 5:6
 - State v Boretzky, this index
- Exceptions
 - Emergency aid, above
 - Public safety, below
- Incomplete, State vs. Bullock, § 12:18
- Investigation. Accusatory focus in suspect interview, shift from investigative to, above
- Question First-Warn Later, this index

INDEX

MIRANDA WARNINGS—Cont'd

- Search warrants, § 3:3
- Standing rule, § 10:3
- State v Nyhammer, this index
- State vs. O.D.A.C., undermining importance of Miranda warning by police, § 12:9
- Violation of Treaty, this index
- Waiver
 - Juvenile, above
 - State v Milledge, this index

MISSOURI v. McNEELY

- Blood samples, extraction of, § 6:11

MOORE, VIRGINIA v

- Lawful arrests, generally, § 11:3

MOTOR VEHICLE

- Automobile, this index
- Investigative stop State vs. Nyema, § 5:16
- Search, unforeseeable and spontaneous circumstances
 - Establishing probable cause in a motor vehicle search, § 15:16
 - Smart, state v, § 15:16
- Stop based upon the revoked license status of the vehicle's owner, § 15:20
- Williams, state v., § 15:20

MYERS, STATE v

- Intrusion into vehicle through window, § 2:24

NEUTRAL AND DETACHED MAGISTRATE

- Search Warrants, this index

9-1-1 CALLS

- Residential searches in response to dropped calls, § 4:4

“NO-KNOCK” WARRANT

- Explosive Entry Devices, this index

NORTH CAROLINA, HEIEN v

- Mistake of law, automobile searches, § 5:12

NORTH DAKOTA, BIRCHFIELD v.

- Breath samples, obtaining, § 6:13

NYEMA, STATE v

- Motor vehicle investigative stop, § 5:16

NYHAMMER, STATE v

- State v Nyhammer, this index

OATH OR AFFIRMATION

- Search warrants, § 3:6

OBSTRUCTED VIEW

Automobile Searches, this index

O.D.A.C., STATE v.

Undermining importance of Miranda warning by police, § 12:9

O'DONNELL, STATE v

Residential searches, crime scene, § 4:9

O'HAGEN, STATE v.

DNA samples and special needs searches, § 7:2

OPEN FIELDS AND CURTILAGE

Generally, § 9:1

Crops, lands used for cultivation of

Generally, § 9:2

State v Marolda, this index

Police entry, warrant or consent

State vs. Ingam, § 9:6

Protective sweeps

Generally, § 9:3

Research references, § 9:3

State v Lane, this index

Residential driveway

Generally, § 9:4

Collins v. Virginia, § 9:4

State v Lane, this index

State v Marolda, this index

State vs. Ingam, § 9:6

OYENSUL, STATE v

Generally, § 6:4

Analysis and review, § 6:4

References related to, § 6:4

PAROLEES

Search of parolee

Generally, § 6:2

GPS monitoring, § 7:4

Research references, § 6:2

Samson v California, this index

PARTICIPATORY INTEREST

Abandoned property, standing rule, § 10:5

PASSENGERS

Demand for I.D. from vehicle passenger, State vs. Boston, § 5:14

PASSENGERS, STANDING OF

Automobile Searches, this index

PENA-FLORES, STATE v

Telephonic search warrants, § 3:8

INDEX

PENALBER, STATE v

Residential searches, consent once removed, § 4:5

PERSON, SEARCH OF

Generally, § 6:1 et seq.

Attenuation doctrine, § 6:18

Attenuation due to flight

Generally, § 6:5

Dunbar, State v., § 6:5

Research references, § 6:5

State v Williams, this index

Beronkeits, State v., field sobriety testing, § 6:9

Birchfield v. North Dakota, obtaining breath samples, § 6:13

Blood samples, § 6:11

Breath samples, obtaining, § 6:13

Camey, State v., court order compelling DNA sample, § 6:17

Carrillo, State v., § 6:21

Daniels, State v, this index

DNA samples, extraction

Generally, § 6:15

Compelling a DNA sample, § 6:16

Maryland v. King, § 6:15

State v. Gathers, § 6:16

Evans, State v., § 6:19

Exigent circumstances, § 6:20

State v. Brown, § 6:20

Field sobriety testing, § 6:9

Flight. Attenuation due to flight, above

Gathers, State v., court order compelling DNA sample, § 6:16

Gibson, State v., investigative detentions, § 6:7

Goldsmith, State v., § 6:22

Gunshot residue, § 6:4

Investigative detentions, § 6:7

Jones, State v., § 6:2

Jones, State v., extraction of blood samples and exigency, § 6:12

Missouri v. McNeely

Generally, § 6:11

Plain feel exception, § 6:19

Race, investigative detentions based on, § 6:10

Shaw, State v., investigative detentions based on race, § 6:10

Strip searches

Generally, § 6:3

Research references, § 6:3

State v Harris, this index

Urine samples, obtaining, § 6:14

Weapons, § 6:1

Williams, State v, this index

Zalcborg, State v., extraction of blood samples and exigency, § 6:12

NEW JERSEY ARREST, SEARCH AND SEIZURE REVIEW

PLAIN FEEL EXCEPTION

Person, search of, § 6:19

PLAIN VIEW EXCEPTION

Automobile searches, § 2:21

Digital data, § 8:11

PLENARY MOTION

Evidence, § 1:11

POLICE DISPATCHER

Errors by civilian police dispatcher, § 15:12

POLICE DOGS

Generally, § 13:1 et seq.

Detention of vehicle for search, § 13:3

Dunbar, State v., searches by police dogs, § 13:1

Florida v. Harris, residential searches, § 13:3

Florida v. Jardines, residential searches, § 13:2

Luggage, § 13:1

Motor vehicles, searches of, § 13:3

Residential searches, § 13:2

Rodriguez v. United States, vehicle detention for search, § 13:4

State v. Dunbar, searches by police dogs, § 13:1

State vs. Morgan

Drug dog reports, § 13:5

POLICE INTERROGATION

State vs. Doriff, comments sufficient to trigger halting a police interrogation,
§ 12:10

POLICE LIGHTS

Automobile Searches, this index

POMPA, STATE v

Commercial motor vehicle search, § 2:10

PRESLEY, STATE v.

Search warrants, neutral and detached magistrate, § 3:5

PRIVACY, EXPECTATION OF

Automobile searches, § 2:23

Electronically stored records, § 8:1 et seq.

State v. Lunsford, electronically stored data, § 8:1

PRIVOTT, STATE v.

Terry frisk, § 6:6

PROBABLE CAUSE

Determinations, search warrants, § 3:9

Unforeseeable and spontaneous circumstances

Establishing probable cause in a motor vehicle search, § 15:16

Smart, state v, § 15:16

INDEX

PROPERTY SEIZED

- Search of property seized incident to a lawful arrest, § 15:6
- Text of opinion, search of property seized incident to a lawful arrest, § 15:6

PROTECTIVE SWEEPS

- Residential, State vs. Radel, § 4:30
- Residential searches, § 4:11

QUALIFIED IMMUNITY

- Ashcroft v. al-Kidd, material witnesses, § 11:5
- Hot pursuit, § 9:5
 - Stanton v. Sims, § 9:5
- Material witnesses, § 11:5
- School Property, this index
- Stanton v. Sims
 - Hot pursuit, § 9:5
- Strip searches. School Property, this index

QUESTION FIRST-WARN LATER

- State v O'Neill, this index

QUON, CITY OF ONTARIO, CAL. V.

- Text messaging, § 8:6

RACE

- Investigative detentions based on, § 6:10
- State v. Shaw, investigative detentions based on, § 6:10

RACIAL PROFILING

- Automobile Searches, this index

RADEL, STATE v.

- Residential protective sweeps, § 4:30

RANDOLPH, GEORGIA v

- Residential searches, consent, § 4:5

RANDOLPH, STATE v.

- Residential searches, abandoned property, § 4:18

REASONABLE CONTINUATION DOCTRINE

- Generally, § 4:9
- Crime scene, § 4:9
- Search warrant
 - Generally, § 4:9
 - Research references, § 4:9
 - State v Finesmith, § 4:9

REASONABLE SUSPICION

- Parolees, search, § 6:2

RECALLED WARRANT

- Warrant, this index

REDACTING ADMISSIONS

Request for counsel State vs. Clark, § 12:17

State vs. Clark, Redacting admissions after request for counsel, § 12:15

REECE, STATE v

Residential searches, dropped 9-1-1 calls, § 4:4

REGISTRATION

Police Search, this index

REID, STATE v.

Internet subscriber information, § 8:2

REQUEST FOR COUNSEL

Redacting admissions, State vs. Clark, § 12:15, 12:17

RESIDENTIAL ENTRY

Hot pursuit, third party, residential searches, § 4:33

RESIDENTIAL SEARCHES

Generally, § 4:1 et seq.

Abandoned property, § 4:18

Amodio, State v, this index

Bell, State v, this index

Boarding house, expectation of privacy, § 4:25

Bryant, State v., protective sweeps, § 4:11

Code inspection and enforcement, § 4:14

Community caretaking, § 4:28

Confession following illegal search

Generally, § 4:6

Research references, § 4:6

State v Bell, this index

Consent

Generally, § 4:5

Apparent authority to consent, § 4:5

California v. Fernandez, § 4:5

Coles, State v, § 4:5

Georgia v Randolph, this index

Lamb, State v, § 4:5

Objections, § 4:5

Parent and child, § 4:5

Related references, § 4:5

State v. Cushing, § 4:5

State v Domicz, this index

Consent once removed

Generally, § 4:5

Research references, § 4:5

State v Penalber, § 4:5

Cope, State v., protective sweeps, § 4:11

Craft, State v., fugitive apprehensions, § 4:13

INDEX

RESIDENTIAL SEARCHES—Cont'd

- Davila, State v., protective sweeps, § 4:11
- Detained person, retrieving objects belonging too, § 4:17
- Emergency Aid, this index
- Entry without, attached garage, § 4:35
 - State vs. Mellody, § 4:35
- Evictions, § 4:16
- Exigent circumstances
 - Generally, § 4:10
 - Fire, exigency created by, below
 - State v Walker, § 4:10
- Explosive Entry Devices, this index
- Fire, exigency created by
 - Generally, § 4:7
 - Research references, § 4:7
 - State v Amodio, this index
- Heine, State v., code inspection and enforcement, § 4:14
- Hinton, State v., eviction, § 4:16
- Home seizure awaiting search warrant, § 4:24
- Hot pursuit, § 4:26
- Hot pursuit residential entry, § 4:33
- Illegal residential entry by police and attenuation doctrine, § 4:21
- Illegal search. Confession following illegal search, above
- Jefferson, State v., warrantless entry for Terry frisk, § 4:12
- Knock and Announce, this index
- Knowledge of right to refuse consensual entry into a residence, § 4:23
- Legette, State v., retrieving objects belonging to detained person, § 4:17
- Police dogs, § 13:2
- Private searches, § 4:15
- Protective sweeps, § 4:11, 4:30
- Randolph, State v., abandoned property, § 4:18
- Reasonable Continuation Doctrine, this index
- Reasonable period, knock and announce, § 4:32
- Robinson, State v, this index
- Sanctions knock and announce violations, State vs. Caronna, § 4:29
- Search warrant
 - Fugitive apprehensions based upon warrant, § 4:13
 - Reasonable Continuation Doctrine, this index
- Securing residence to await search warrant, § 4:20
- Sencion, State v., illegal entry by police and attenuation doctrine, § 4:22
- State vs. Mellody, § 4:35
- State vs. Miranda, § 4:34
- State vs. Nieves, § 4:32
- State vs. Radel, protective sweeps, § 4:30
- Third party consent, apparent authority
 - State vs. Miranda, § 4:34
- Third party home, State vs. Bookman, § 4:33

RESIDENTIAL SEARCHES—Cont'd

- Third Party Intervention Doctrine, § 4:15
- Third party's residence State vs. Bookman, hot pursuit, § 4:27
- Trespassers in general, § 4:19
 - State v. Wilson, § 4:19
- Validity of third party content to search, State vs. Marcellus, § 4:31
- Warrantless entry for Terry frisk, § 4:12
- Wright, State v., private searches, § 4:15

RETTELE, LOS ANGELES COUNTY v

- Los Angeles County v Rettele, this index

REVOKED LICENSE

- Motor vehicle stop based upon the revoked license status of the vehicle8217s owner, § 15:20
- Williams, state v., § 15:20

RIGHT TO COUNSEL

- State vs. Gonzalez, ambiguous assertion, § 12:12

RILEY v. CALIFORNIA

- Cell phone, wiretap interception, § 8:9

RIVAS, STATE v.

- Second interrogation following defective warnings, § 12:13

ROAD BLOCKS

- State v Badessa, this index

ROBINSON, STATE v

- Automobile searches, protective search for weapons, § 2:6

ROCKFORD, STATE v

- Explosive entry devices
 - Generally, § 4:8
 - Analysis and review, § 4:8
 - References related to, § 4:8

RODRIGUEZ, STATE v

- Time period between knock, announce and entry, § 4:3

RODRIGUEZ v. UNITED STATES

- Police dogs, vehicle detention for searches by, § 13:4

ROVING WIRETAPS

- Wiretap interception and cell phones, § 8:9

SAMPLES

- DNA samples
 - A.A. v. Attorney General, § 7:2
 - Generally, § 7:2
 - A.A. v Attorney General, this index
 - Research references, § 7:2
 - State v. O'Hagen, § 7:2

INDEX

SAMSON v CALIFORNIA

- Search of parolee
 - Generally, § 6:2
 - Analysis and review, § 6:2
 - References related to, § 6:2

SANCTIONS

- Knock and announce violations, State vs. Caronna, § 4:29

SCHOOL PROPERTY

- Automobile Searches, this index

SCOTT v HARRIS

- Automobile searches, high-speed pursuits
 - Generally, § 2:9
 - Analysis and review, § 2:9
 - Research references related to, § 2:9

SCRIVEN, STATE v

- Mistake of law, automobile searches, § 5:12

SEARCH AND SEIZURES

- Appeals
 - Factual findings and legal conclusions, § 1:9
 - Pipeline retroactivity, § 1:10
- Automatic standing rule, § 1:5
- Automobile Searches, this index
- Dely in, search incident to arrest, § 6:23
- Dogs. Police Dogs, this index
- Exceptions to exclusionary rule, § 1:4
- Exclusionary rule, § 1:3, 1:4
- Incident to Arrest, this index
- Investigative detentions, § 6:7
- Motor Vehicle, this index
- Parolees, this index
- Person, § 6:1 et seq.
- Plain view seizure of an automobile as evidence, § 15:18
- Property seized incident to a lawful arrest, delayed search, § 6:24
- Property seized incident to a lawful arrest, search of, § 15:6
- Reasonable, defined, § 1:2
- Residential Searches, this index
- Search Incident, this index
- Special Needs Searches, this index
- State v. Gibson, investigative detentions, § 6:7
- State vs. Torres
 - Property seized incident to a lawful arrest, delayed search, § 6:24
- State vs. Vanderee, § 6:23
- Strip Searches, this index
- Terry Frisk, this index
- Text of opinion, search of property seized incident to a lawful arrest, § 15:6

SEARCH AND SEIZURES—Cont'd

Unreasonable, defined, § 1:2
Warrants. Search Warrants, this index
Washington, state vs., § 15:18

SEARCH INCIDENT

Delay in conducting a search incident, lawful arrest, § 15:4
Text of opinion,
 Delay in conducting a search incident, lawful arrest, § 15:4

SEARCH WARRANTS

Generally, § 3:1
“All persons present” search warrant, § 3:11
Anticipatory
 Generally, § 3:2
 Research references, § 3:2
 United States v Grubbs, this index
Constructive possession, evidence, defendant counsel, § 3:14
Damage to property, § 3:13
 Simmons v. Loose, § 3:13
Defective Affidavit, this index
Detached magistrate. Neutral and detached magistrate, below
Detention of occupants during search
 Generally, § 3:4
 Los Angeles County v Rettele, this index
 Research references, § 3:4
Domestic violence search warrants, § 3:10
Exceptions, this index
Judicial authority to issue warrant
 Generally, § 3:7
 Research references, § 3:7
 State v Broom-Smith, § 3:7
Jurisdiction, § 3:9
Los Angeles County v Rettele, this index
Magistrate. Neutral and detached magistrate, below
Miranda warnings, § 3:3
Neutral and detached magistrate
 Generally, § 3:5
 Marshall, State v., § 3:5
 McCann, State v., § 3:5
 Presley, State v., § 3:5
 Research references, § 3:5
 State v McCann, this index
Oath or affirmation, § 3:6
Person, search warrant for the person, § 3:12
Probable cause determinations, § 3:9
Reasonable Continuation Doctrine, this index
State v Broom-Smith, § 3:7

INDEX

SEARCH WARRANTS—Cont'd

- State v Chippero, § 3:9
- State v Gioe, § 3:6
- State v Martinez, this index
- State v McCann, this index
- State v Pena-Flores, § 3:8
- Task force report, Pena-Flores, § 3:8
- Telephonic search warrants
 - Generally, § 3:8
 - Blood extraction, § 6:11
 - Research references, § 3:8
 - State v Pena-Flores, § 3:8
 - Task force report, Pena-Flores, § 3:8

SECOND INTERROGATION

- Defective warnings, State vs. Rivas, § 12:13

SENCION, STATE v.

- Illegal entry by police and attenuation doctrine, § 4:22

SHANNON, STATE v

- Recalled or defective warrant, arrest based on, § 11:4

SHAW, STATE v.

- Investigative detentions based on race, § 6:10

SHEPPARD, STATE v

- Residential searches, emergency aid, § 4:4

SIMS, STANTON v

- Hot pursuit
 - Qualified immunity, § 9:5
- Qualified immunity
 - Hot pursuit, § 9:5

SIMS, STATE v.

- Basis for Miranda waiver, § 12:11

SMART, STATE v.

- Fourth amendment case law, § 15:16
- Unforeseen and spontaneous circumstances, § 5:15

SMITH, STATE v.

- Stop based upon tinted windows, § 5:17

SPECIAL NEEDS SEARCHES

- A.A. v Attorney General, this index
- Generally, § 7:1
- Automobile Searches, this index
- DNA Samples, this index
- DNA samples at sentencing, § 7:3
- GPS monitoring, parolees, § 7:4
- State v O'Hagen, this index

SPEED

High-speed pursuits. Automobile Searches, this index

SPONTANEOUS CIRCUMSTANCES

Unforeseeable and Spontaneous Circumstances, this index

STANDING RULE

Generally, § 10:1 et seq.

Abandoned property, § 10:4

Abandoned real property, § 10:6

Automatic standing rule

Evidence suppression, unreasonable search, § 1:5

Automobile Searches, this index

Brown, State v., abandoned real property, § 10:6

Miranda violation, § 10:3

State v Baum, Miranda violation, § 10:3

State v Johnson, § 10:1

STATE v.

Aubato, police lights to effect stop, § 5:10

Aikens, Federal Fugitive Felon Act, § 11:2

Amelio, telephone tips from known sources, § 5:7

Amodio, exigency created by fire, § 4:7

Ates, wiretap interception of electronically stored data, § 8:8

Bacome, searches of passengers in automobiles, § 2:7

Badessa, automobile searches due to road blocks, § 5:5

Bard, Terry frisk, § 6:6

Barrow, obstructed view in automobile searches, § 5:3 et seq.

Baum, de facto arrest and automobile searches, § 2:8

Bell, confession following illegal search, § 4:6

Beronkeits, field sobriety testing, § 6:9

Best, automobile searches on school property, § 2:12

Birkenmeier, confidential informants, § 2:4

Bivins

“All persons present” search warrants, § 3:11

Bookman, hot pursuit entry into a third party’s residence, § 4:27

Boone, defective search warrant application, § 3:3

Boston, demand for I.D. from vehicle passenger, § 5:14

Broom-Smith, judicial authority to issue warrant, § 3:7

Brown

Abandoned real property, § 10:6

Recalled or defective arrest warrant, § 11:4

Bryant, protective sweeps, § 4:11

Caronna, sanctions for knock and announce violations, § 4:29

Carrillo, secondary Terry frisk for weapons, § 6:21

Carroll, exceptions in automobile search cases, § 2:3

Chippero, search warrants, § 3:9

Cope, protective sweeps, § 4:11

Craft, fugitive apprehensions, § 4:13

INDEX

STATE v.—Cont'd

- Cushing, apparent authority to consent to residential search, § 4:5
- Daniels, search of person incident to arrest, § 6:4
- DeFranco, expectation of privacy in cell phone numbers, § 8:7
- Dispoto, defective search warrant application, § 3:3 et seq.
- Domicz, consent to residential searches, § 4:5
- Dunbar, searches by police dogs, § 13:1
- Earls, electronic tracking of motor vehicles, § 2:17
- Eckel, automobile searches incident to arrest of recent occupant, § 2:2 et seq.
- Elders, consent to automobile searches, § 2:5
- Evans, plain feel exception, § 6:19
- Feliciano, wiretap interception and cell phones, § 8:9
- Fifth Amendment Case Law, this index
- Finesmith
 - Communications data warrants, § 8:5
 - Reasonable Continuation Doctrine, search warrant, § 4:9
- Fourth Amendment Case Law, this index
- Gamble, protective search for weapons, § 2:6
- Gathers, court order compelling DNA sample, § 6:16
- Gioe, search warrants, § 3:6
- Goldsmith, investigative detention in a high crime area, § 6:22
- Gonzales, plain view exception, § 2:21
- Hagans, consent to automobile searches, § 2:5
- Harris, strip searches, § 6:3
- Hathaway, emergency aid, § 4:4
- Heine, code inspection and enforcement, § 4:14
- Hemenway, § 3:10
- Hewitt, commercial motor vehicle search, § 2:10
- Hummel, inventory search of detained individual, § 14:2 et seq.
- Jefferson, warrantless entry for Terry frisk, § 4:12
- Jessup, expectation of privacy and automobile searches, § 2:23
- Johnson, standing rule, § 10:1
- Jones, electronic tracking of motor vehicles, § 2:16
- Jones, extraction of blood samples and exigency, § 6:12
- Keaton, driving credentials, § 2:22
- Lane, open fields and curtilage, § 9:3
- Lee, racial profiling and automobile searches, § 2:11
- Legette, retrieving objects belonging to detained person, § 4:17
- Lewis, exigent circumstances in automobile searches, § 2:20
- Lunsford, expectation of privacy of electronically stored data, § 8:1
- M.A., electronically stored data, § 8:3
- Mai, protective door openings, § 2:20
- Mandel, intrusion into vehicle through window, § 2:24
- Marcellus, validity of third-party consent to search, § 4:31
- Marolda, lands used for cultivation of crops, § 9:2
- Marshall, neutral and detached magistrate for search warrants, § 3:5
- Martinez, defective search warrant application, § 3:3

STATE v.—Cont’d

Matthews, anonymous tips and automobile searches, § 5:6
McCann, neutral and detached magistrate for search warrants, § 3:5
Miranda Hearings, this index
Nyema, motor vehicle investigative stop, § 5:16
O’Donnell, residential searches, crime scene, § 4:9
O’Hagen, DNA samples and special needs searches, § 7:2
Oyensui, search of person incident to arrest, § 6:4 et seq.
Pena-Flores, telephonic search warrants, § 3:8
Penalber, residential searches, consent once removed, § 4:5
Pompa, commercial motor vehicle search, § 2:10
Presley, neutral and detached magistrate for search warrants, § 3:5
Privott, Terry frisk, § 6:6
Radel, residential protective sweeps, § 4:30
Randolph, abandoned property and residential searches, § 4:18
Reece, dropped 9-1-1 calls, § 4:4
Reid, internet subscriber information, § 8:2
Robinson
 Protective search for weapons, § 2:6
 Time period between knock, announce and entry, § 4:3
Rockford, explosive entry devices, § 4:8
Rodriguez, searches prior to vehicle impoundment, § 2:14
Rodriguez, time period between knock, announce and entry, § 4:3
Scriven, mistake of law, automobile searches, § 5:12
Sencion, illegal entry by police and attenuation doctrine, § 4:22
Shannon
 Arrest, recalled or defective warrant, § 11:4
 Automobile searches, § 2:20
Shaw, investigative detentions based on race, § 6:10
Shaw, third party intervention doctrine, § 4:15
Sloane, electronically stored data, § 8:4
Smart, unforeseen and spontaneous circumstances, § 5:15
Smith, stop based upon tinted windows, § 5:17
Sutherland, mistake of law, automobile searches, § 5:12
Taylor, Expectation of privacy, automobile searches, § 2:23
Terry, driving credentials, § 2:22
Walker, § 4:2
Watts, search warrants of persons, § 3:12
Williams, search of person, attenuation due to flight, § 6:5
Witt, exceptions in automobile searches, § 2:3
Woodruff, automobile searches, stop based on traffic violations, § 5:2
Wright, private searches of residential property, § 4:15
Zalcborg, extraction of blood samples and exigency, § 6:12

STATE VS. BAKER

Probable cause, marijuana odor
 Automobile searches, § 5:21

INDEX

STATE VS. BOOKMAN

Residential searches, § 4:33

STATE VS. GARGANO

Privileged spousal communications, telephone calls, § 8:17

STATE VS. GARTRELL

Fourth amendment case law, § 15:1

STATE VS. GRAY

Automobile searches, § 2:25

STATE VS. INGAM

Open fields and curtilage, § 9:6

STATE VS. JONES

Evidence, § 1:11

STATE VS. MCGUIGAN

Miranda hearings, need for trial judges

Fifth amendment case law, § 16:1

Text of opinion

Miranda hearings, need for trial judges

fifth amendment case law, § 16:1

STATE VS. MELLODY

Entry without, attached garage

Residential searches, § 4:35

Fourth amendment case law, § 15:5

STATE VS. MIRANDA

Third party consent, apparent authority

Residential searches, § 4:34

STATE VS. NIEVES

Residential searches, § 4:32

STATE VS. ROSS

Fourth amendment case law, § 15:3

STATE VS. SCOTT

Arrest, § 11:6

STATE VS. TORRES

Search and seizures, § 6:24

STATE VS. VANDEREE

Search and seizures, § 6:23

STATE VS. WASHINGTON

Automobile searches, § 2:26

STATE VS. WILLIAMS

Stopping of vehicle, owner's driving status

Automobile searches, § 5:19

STATE VS. WILSON

Fourth amendment case law, § 15:15

STATUS OF OWNER

Revoked License, this index

STOLEN VEHICLES

Expectation of privacy, § 2:23

STRIEFF, UTAH v.

Attenuation doctrine, § 6:18

STRIP SEARCHES

Generally, § 6:3

Research references, § 6:3

School Property, this index

STUART, BRIGHAM v

Residential searches, emergency aid

Generally, § 4:4

SUPPRESSED STATEMENTS

Miranda Warnings, this index

SUTHERLAND, STATE v

Mistake of law, automobile searches, § 5:12

TAYLOR, STATE v

Expectation of privacy, automobile searches, § 2:23

TELEPHONE CALLS

Inmate calls from jail, recordings, § 8:14

Police station, expectation of privacy, § 8:16

Privileged spousal communications

State vs. Gargano, § 8:17

TELEPHONE TIPS

Automobile Searches, this index

TELEPHONIC SEARCH WARRANTS

Search Warrants, this index

TERRY, STATE v

Automobile searches, driving credentials, § 2:22

TERRY FRISK

Residential searches, warrantless entry for Terry frisk, § 4:12

Scope of frisk, § 6:6

State v. Bard, § 6:6

State v. Privott, § 6:6

TEXT MESSAGES

City of Ontario, Cal. v. Quon, § 8:6

Electronically stored data, § 8:6

Expectation of privacy, § 8:13

INDEX

THIRD PARTY INTERVENTION DOCTRINE

- Residential searches, § 4:15
- Wright, State v., private searches, § 4:15

THIRD PARTY RESIDENCE

- Hot pursuit
- Bookman, state vs, § 4:27

THIRD PARTY SEARCH

- Validity of third-party content, State vs. Marcellus, § 4:31

TIME

- Detention, State v. Chisum, § 6:8
- Knock and Announce, this index

TINTED WINDOWS

- State v. Smith, stop based upon tinted windows, § 5:17

TREATY VIOLATION

- Sanchez-Llamas v Oregon, this index

TWITTER, in re CDW for

- Electronically stored data, § 8:10

UNFORESEEABLE AND SPONTANEOUS CIRCUMSTANCES

- Establishing probable cause in a motor vehicle search, § 15:16
- Smart, state v, § 5:15, 15:16

UNITED STATES, HERRING v

- Recalled warrant, arrest based on, § 11:4

UNITED STATES, RODRIGUEZ v.

- Police dogs, vehicle detention for searches by, § 13:4

UNITED STATES v GRUBBS

- Anticipatory search warrants
- Generally, § 3:2
- Analysis and review, § 3:2
- Related references, § 3:2

URINE SAMPLES

- Obtaining, § 6:14

UTAH v. STRIEFF

- Attenuation doctrine, § 6:18

VIDEO RECORDINGS

- Police Video Recordings, this index

VIEW

- Automobile Searches, this index

VIOLATION OF TREATY

- Sanchez-Llamas v Oregon, this index

VIRGINIA, COLLINS v.

Residential driveway, open fields and curtilage, § 9:4

VIRGINIA v MOORE

Lawful arrests, generally, § 11:3

WAIVER

Basis for Miranda waiver State vs. Sims, § 12:11

Withholding information, State v. Hahn, § 12:16

WAIVERS

Miranda Warnings, this index

Triggering events, miranda hearings, § 12:4

WALKER, STATE v

Generally, § 4:2

Analysis and review, § 4:2

Related references, § 4:2

Residential searches, exigent circumstances, § 4:10

WARNING

Cars, this index

Miranda Warnings, this index

Question first-warn later

State v O'Neill, this index

WARRANT

Automobile Exception, this index

Communications data warrants . Electronically Stored Data, this index

Miranda warnings, waiver by juvenile following arrest on warrant

“No-knock”

Explosive Entry Devices, this index

Recalled or defective warrant, arrest based on

Generally, § 11:4

Herring v United States, § 11:4

Research references, § 11:4

State v Shannon, § 11:4

Search Warrants, this index

State v Finesmith, this index

Weapons, § 3:3 et seq.

WASHINGTON, STATE v.

Fourth amendment case law, § 15:18

WATTS, STATE v.

Search warrants, persons, § 3:12

WEAPONS

Automobile searches

Search incident to arrest of recent occupant, § 2:2

State v Carroll, § 2:3

State v Eckel, § 2:2

INDEX

WEAPONS—Cont'd

Automobile searches—Cont'd

State v Witt, § 2:3

Person, search of, § 6:1, 6:3

Secondary Terry frisk for weapons State vs. Carrillo, § 6:21

Special needs searches, § 7:1

Warrants, § 3:3 et seq.

WILLIAMS, STATE v.

Fourth amendment case law, § 15:20

State v Williams, this index

WIRETAP ACT

Exceptions, exigent circumstances, § 8:12

WIRETAP INTERCEPTION

Ates, State v., § 8:8

Electronically stored data, § 8:8

Roving wiretaps, § 8:9

WITT, STATE v

Automobile searches, exceptions

Generally, § 2:3

Analysis and review, § 2:3

Case overview, § 2:3

Related references, § 2:3

WOODRUFF, STATE v

Automobile searches, stop based on traffic violations, § 5:2

WORDS AND PHRASES

Definitions, this index

WRIGHT, STATE v.

Residential searches, private searches, § 4:15

ZALCBURG, STATE v.

Blood samples, extraction and exigency, § 6:12

