

# 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. Minittee, § 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
- Motor vehicle stop unsupported by reasonable suspicion
  - State vs. Boone, § 5:24
- 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

**AUTOMOBILE SEARCHES—Cont'd**

- Protective doors openings
  - Generally, § 2:20
  - State v Mai, § 2:20
- 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

## INDEX

### **AUTOMOBILE SEARCHES—Cont'd**

- State v Shannon, exigent circumstances, § 2:20
- State v Terry, § 2:22
- State v Witt, automobile exceptions, § 2:3
- State v Woodruff, stop based on traffic violations, § 5:2
- Stooping of vehicle, owners driving status
  - State vs. Williams, § 5:19
- Stop based upon tinted windows State vs. Smith, § 5:17
- Stops based upon tinted windows
  - State v. Haskins, § 5:25
- 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
- View
  - Obstructed view, above
- Weapons, protective search for
  - Generally, § 2:6
  - Gamble, State v., § 2:6
  - Robinson, State v., § 2:6

### **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

### **BELL, STATE v**

- Residential searches, confession following illegal search
  - Generally, § 4:6

**BELL, STATE v—Cont'd**

- Residential searches, confession following illegal search—Cont'd
  - 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
- Zalcborg, 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

### **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

## NEW JERSEY ARREST, SEARCH AND SEIZURE REVIEW

### **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

### **COPE, STATE v**

Residential searches, protective sweeps, § 4:11

### **CRAFT, STATE v.**

Residential searches, fugitive apprehensions, § 4:13

## INDEX

### **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

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

## INDEX

### **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
- Installation of a vehicle GPS tracking device
  - State v. Johnson, § 8:19
- 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
- Prosecutors permission to conduct a consensual intercept
  - State v. Barclay, § 8:18
- 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
- Residential searches
  - Generally, § 4:4
  - Brigham v Stuart, this index

**EMERGENCY AID—Cont'd**

Residential searches—Cont'd

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

**EVICITION**

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

**EVICITIONS**

Residential searches, § 4:16

**EVIDENCE**

Motions to suppress, § 1:1 et seq.

Plenary motion, § 1:11

Plenary motion, suppress hearing

State vs. Jones, § 1:11

State vs. Jones, § 1:11

**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.

**EXPLOSIVE ENTRY DEVICES**

Residential searches

Generally, § 4:7

Research references, § 4:8

INDEX

**EXPLOSIVE ENTRY DEVICES—Cont'd**

Residential searches—Cont'd

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**

Consent to search following a request for counsel

State v. Amang, § 16:3

State vs. McGuigan

Miranda hearings, need for trial judges, § 16:1

text of opinion, § 16:2

Text of opinion, § 16:4

**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

**FOURTH AMENDMENT CASE LAW**

Body-worn cameras during service of a search warrant, § 15:3

**FOURTH AMENDMENT CASE LAW—Cont'd**

Establishing probable cause in marijuana cases

State v. Gomez, § 15:7

Installation of a vehicle GPS tracking device

State v. Johnson, § 15:9

Prosecutors approval to conduct a consensual intercept

State v. Barclay, § 15:5

Recent case law

State v. Bryant, § 15:1

State v. Seligman, § 15:3

Text of opinion, § 15:2, 15:4, 15:6, 15:8, 15:10

**FRISKING**

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

**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

**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

## INDEX

### **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 Oyenusi, this index

**INFORMANTS**

Confidential Informants, this index

**in re CDW for TWITTER**

Electronically stored data, § 8:10

**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

INDEX

**JOHNSON, ARIZONA v—Cont'd**

Automobile searches, passengers—Cont'd

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

**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

**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, § 12:2-12:21  
Admissions following administration of warnings  
State v. K.H., § 12:20  
Ambiguous assertion of right to counsel State vs. Gonzalez, § 12:12  
Basis for Miranda waiver State vs. Sims, § 12:11

## INDEX

### MIRANDA HEARINGS—Cont'd

- Comments sufficient to trigger halting a police interrogation, State vs. Doriff, § 12:10
- Consent to search following administration of warnings
  - State v. Amang, § 12:21
- 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
- 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

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

**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

## INDEX

### **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 on curtilage with 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

### **OYENSUI, 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

**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

*State v. Bryant*, § 6:25

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

## INDEX

### **PERSON, SEARCH OF—Cont'd**

- 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

### **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 DOGS**

- Generally, § 13:1 et seq.
- Defense entitlement to reports of drug canines field and health reports as an element of criminal discovery
  - State vs. Morgan, § 13:5
- 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

### **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.

**PRIVACY, EXPECTATION OF—Cont'd**

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

**PRIVOTT, STATE v.**

Terry frisk, § 6:6

**PROBABLE CAUSE**

Determinations, search warrants, § 3:9

**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

## INDEX

### **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

**RESIDENTIAL SEARCHES—Cont'd**

Consent once removed—Cont'd

Research references, § 4:5

State v Penalber, § 4:5

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

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

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

Detained person, retrieving objects belonging too, § 4:17

Emergency Aid, this index

Entry into attached garage without a search warrant, § 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. Miranda, § 4:34

State vs. Nieves, § 4:32

State vs. Radel, protective sweeps, § 4:30

## INDEX

### **RESIDENTIAL SEARCHES—Cont'd**

- Third party consent, apparent authority
  - State vs. Miranda, § 4:34
- Third party home, State vs. Bookman, § 4:33
- 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

### **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

**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.
- Property seized incident to a lawful arrest, delayed search, § 6:24
- 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
- Unreasonable, defined, § 1:2
- Warrants. Search Warrants, this index

## INDEX

### 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

Body worn cameras during service of a search warrant, § 3:15

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

Establishing probable cause in marijuana cases, § 3:16

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

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

**SEARCH WARRANTS—Cont'd**

- 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.**

- 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

## INDEX

### STANDING RULE

- Generally, § 10:1 et seq.
- Abandoned personal property
  - State v. Gartrell, § 10:7
- 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
- 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

NEW JERSEY ARREST, SEARCH AND SEIZURE REVIEW

**STATE v.—Cont'd**

- 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 content 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
- Matthews, anonymous tips and automobile searches, § 5:6
- McCann, neutral and detached magistrate for search warrants, § 3:5
- Miranda Hearings, this index

## INDEX

### **STATE v.—Cont'd**

- 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

### **STATE VS. BOOKMAN**

- Residential searches, § 4:33

**STATE VS. GARGANO**

Privileged spousal communications, telephone calls, § 8:17

**STATE VS. GRAY**

Automobile searches, § 2:25

**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. MIRANDA**

Third party consent, apparent authority  
Residential searches, § 4:34

**STATE VS. NIEVES**

Residential searches, § 4:32

**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**

Stooping of vehicle, owners driving status  
Automobile searches, § 5:19

**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

## 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

### **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**

Smart, state v, § 5:15

**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

## INDEX

### **WALKER, STATE v—Cont'd**

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.

### **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

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.**

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

NEW JERSEY ARREST, SEARCH AND SEIZURE REVIEW

**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

**ZALCBERG, STATE v.**

Blood samples, extraction and exigency, § 6:12