

CONSTITUTIONAL CRIMINAL PROCEDURE OUTLINE

A. INTRODUCTION:

- Balance b/t state powers and individual autonomy is essential
- Tip the scale too far one way → Totalitarianism too far the other way → Anarchy.
- The discussion must be framed in the context of the Constitution.
- Course focuses on the 4th, 5th, and 6th Amendments and their application to the States through the 14th.
 - 4th, 5th, and 6th go through 3 stages of interaction b/t individual and criminal law enforcement.

Three Stages of Interaction:

1. 4th Amendment- Governs investigation process through search and seizure.
2. 5th Amendment- Custodial interrogation—state has custody over individual and attempts to obtain information.
3. 6th Amendment—Adjudication—Individual no longer a suspect, but a defendant, & is entitled to competent counsel.

Brown v Mississippi: Confessions obtained by (violent) coercion violate due process. The Due Process clause of the 14th Amendment requires that state actions be consistent with fundamental principles of liberty and justice

- Confessions obtained by violent coercion violate DP.

B. EXCLUSIONARY RULE:

RULE: Evidence that is obtained in a way that violates constitutionally protected rights will not be admitted in a prosecutor's case in chief.

- This rule was created to take away any incentive for law enforcement officials to violate a suspect's constitutional rights.
- Exclusionary Rule = ER

Weeks v. United States: The U.S. and Federal officials are prohibited from performing unreasonable searches and seizures.

- This case only applied to federal courts. Evidence obtained in violation of the 4th Amendment could not be admitted into federal court.

Wolf v. Colorado: Evidence gathered by violating the due process clause through unreasonable search and seizure can be admitted in state criminal proceedings.

Rochin v. California: Law enforcement may not procure physical evidence by forcible extraction of a S's stomach contents.

- Conduct that shocks the conscience → violation of the DP clause

Mapp v. Ohio: Evidence obtained through unreasonable search and seizure in violation of the 4th Amendment is inadmissible in state criminal proceedings.

- Mapp is the case that the exclusionary rule DOES apply to the states!
- The Court found that the exclusionary rule is with the 4th Amendment itself, and is not just a police decision, or rule of evidence.

Constitutional Criminal Procedure

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