F. CRIMINAL PROCEDURES

Fourth Amendment (1791)

Banning of "unreasonable search and seizure"

Granting of a search warrant

Permissibility of search for specific items with signed paper by a judge

Need for probable cause

Justification by police on why suspicious

Maintenance of private individual's reasonable expectation of privacy

Katz v. United States, 1967

Requirement of search warrants for telephone taps or electronic surveillance

Exceptions

Approved entrance doctrine

Washington v. Chrisman, 1982

Allowance of all evidence in a trial with an approved entrance

Plain view doctrine

United States v. Ross, 1982

Ability to search cars stopped for traffic violations

Ability to use discovered evidence

California v. Ciraolo, 1986

Permission to look through holes in fences or from above the ground

Prohibition on climbing the fence to look

California v. Greenwood, 1988

Approval for search of garbage out for collection

Exclusionary rule for evidence

Prohibitions on the prosecution's use of illegally obtained evidence

Halting of fishing expeditions by police

Acceptance in federal courts

Weeks v. United States, 1914

Acceptance in the states

Mapp v. Ohio, 1961

Weakening of the rule

United States v. Leon, 1984

"Good faith," no intent to violate rights

Nix v. Williams, 1984

Acceptance of doctrine of "inevitable discovery"

Murray v. United States, 1988

Granting of ex-post facto search warrant based on "independent" evidence after the initial search

Fifth Amendment (1791)

Guarantee of due process to all suspects

Escobedo v. Illinois, 1964

Reasons for inadmissibility of confession

Denial of access to a lawyer

Denial of right against self-incrimination

Miranda v. Arizona, 1966

Requirement of specific statements (warnings) to suspects before questioning

Right to remain silent

Use of any statement as evidence

Right to an attorney, whether retained or appointed

New York v. Quarles, 1984

"Public safety exception"

Permissible to question without warning if imminent threat

Sixth Amendment (1791)

Guarantee of right to have a lawyer in criminal cases

Powell v. Alabama, 1932

Appeal to Supreme Court upon conviction of Scottsboro Nine in state court

Right to be represented by a lawyer

Duty of state to provide a lawyer if defendants unable

Gideon v. Wainright, 1963

Demand for states to provide lawyers in all cases if possibility of a jail sentence

Acquittal of Gideon after new trial with a lawyer

Penson v. Ohio, 1988

Demand for states to provide lawyers for poor people in appeal cases

Guarantee of right to a fair trial

In Re Oliver, 1948

Extension to the states

Sheppard v. Maxwell, 1966

Obligation of judge to insure publicity during the proceedings not injurious to the accused

Potential methods to protect the accused

Change of venue

Sequestering of the jury

Use of the gag order

Arizona v. Youngblood, 1988

Loss of evidence by the police

Proof of "bad faith" on part of police necessary basis for overturning a conviction

Seventh Amendment (1791)

Guarantee

Right to a trial by jury in civil cases with potential value in excess of $20.00

Eighth Amendment (1791)

Guarantees

No requirement of excessive bail

No imposition of excessive fines

No infliction of cruel and unusual punishment

Extension to states under Fourteenth Amendment

Robinson v. California, 1962

Death penalty

Furman v. Georgia, 1972

Discriminatory infliction of the death penalty cruel and unusual

Gregg v. Georgia, 1976

Constitutionality of the death penalty with administration under appropriate guidelines

Woodson v. North Carolina, 1976

Necessary two stage process for the death penalty

Trial

Separate hearing for sentencing

McCleskey v. Kemp, 1987

Problem of racial disparity in death penalty cases

No proof of flawed system in statistical evidence

Thompson v. Oklahoma, 1988

Unconstitutionality of the death penalty for juveniles under the age of sixteen