

Preface

The objective of this text is to assist the student in understanding how the law is actually applied in the field and in the courtroom. It is designed to take the law to the street. The criminal justice professional wants to be able to make the correct legal decision when making an arrest, collecting evidence, or conducting an interrogation. The paralegal student must be able to examine a case and determine the admissibility of evidence. With the assistance of this book, the instructor should be able to provide students with the legal skills to make those decisions.

After teaching criminal law and procedure courses for undergraduates for over 30 years, I concluded that most of the available textbooks were written for law students or lawyers. Yet, virtually all undergraduate criminal justice and paralegal programs offer a criminal procedure course. The important question should be the following: Why are the students taking a criminal procedure course? The answer is diverse, yet simple. They are simply working toward their dreams. They want to be law enforcement officers, paralegals, or probation or parole officers, or they may be interested in pursuing advanced degrees in criminal justice or law.

The title, *From the Courtroom to the Street*, is indicative of my objective. I want the student reader to understand how the complicated decisions of courts and legislators are actually applied to the real streets. A key component of the text is the “On the Street” stories that are designed to help the student understand how the law works in the real world. The stories, mostly hypothetical, are designed for that objective. They are also presented in “street” language. It is safe to say that not all educators or researchers in higher education will approve of my use of less-than formal language. If so, I have succeeded. This book is designed to help the student reader learn the law, not to cater to those in academic ivory towers. The text, of course, also presents the key appellate cases that provide the foundation for the rules of criminal procedure. But as with the entire text, these cases are presented in a style that should provide a practical understanding of the law.

Prior to my career in higher education, I served as a police officer, a paralegal, and a practicing criminal-defense attorney. These experiences provided my impetus for developing a textbook that would assist the undergraduate.

The textbook is divided into four main sections. The Introductory section lays out the foundational material for criminal procedure, the criminal justice process, the role of the appellate courts, the impact of due process, and the history and development of the exclusionary rule.

Section II addresses the more-defined rules of search and seizure. The student will examine the concepts of the reasonable expectation of privacy, the rules of arrests, and the many justifications for search. Those considerations will include warrants, plain

view, incidental to arrest, probable cause, area within immediate control, consent, border searches, and vehicle searches.

The issues surrounding the spoken word as evidence will be discussed in Section III. The landmark case of *Miranda v. Arizona* sets the stage for a detailed look at the implications and applications surrounding interrogations, confessions, and other settings that result in incriminating statements. The section also examines the rules directed at pretrial identifications such as lineups, showups, and photographic arrays.

Section IV delves into several constitutional issues that impact how criminal procedure unfolds in the courtroom. The chapters cover double jeopardy, the right to fair trial, the right to counsel, protection from excessive bail, and the laws surrounding sentencing. The impact of the Eighth Amendment on the death penalty is studied in the last chapter.

This textbook is designed with the undergraduate classroom in mind. It should assist in preparing a student for the “real-life” workplace that is impacted by the rules of criminal procedure. It should also provide undergraduate criminal procedure instructors with a solid textbook with which to supplement their classroom teaching.