



Real World Search & Seizure - 2nd Edition

Matthew J Medina

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Since my First Edition in 2006 the United States Supreme Court has decided 55 cases that involved search and seizure issues. The Court has decided 16 cases that contained language regarding arrest and search warrants and 57 cases that discussed the state's obligations under *Miranda v. Arizona*. It has been a busy time for those who practice under these rules. The good news is that many of these rulings do not substantially change law enforcement's obligations under the United States Constitution. An exception to this is the United States Supreme Court's ruling in *Arizona v. Gant*. *Gant* makes explicit what the earlier cases on search incident to arrest seem to have implied all along- if defendant is secured in the backseat of a locked squad car, there is no automatic right, incident to arrest, to search the passenger compartment of the offender's vehicle. In the first edition of *Real World Search & Seizure* I took safe approach to what was constitutionally permissible. If there was any question as to the permissibility of a law enforcement action I counseled that against performing that action without a warrant or bright-line rule that made that action permissible. Here I take the same approach. I have incorporated many of the new United States Supreme Court cases in this edition. The cases that I did not include in the *Second Edition* are ones that address narrow, procedural or overly technical concerns that are beyond the scope of this book. The aim of this updated edition is to maintain a non-academic practical approach to constitutional problems affecting law enforcement. In addition to many of the new U.S. Supreme Court and Federal Appellate Court decisions, the *Second Edition of Real World Search & Seizure* adds eight new sections. 1. Sample Defendant Statement 2. Sample Search Warrant 3. Sample Complaint for Search Warrant 4. Sample Miranda Warnings 5. Tips for Surviving Cross-examination 6. Sample of Real Complaint for Search Warrant 7. Federal Rules for Issuance of Search and Arrest Warrants (Including 4.1 Warrants Using Technology) 8. Constitutional Amendments That Most Affect Criminal Law and Procedure

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