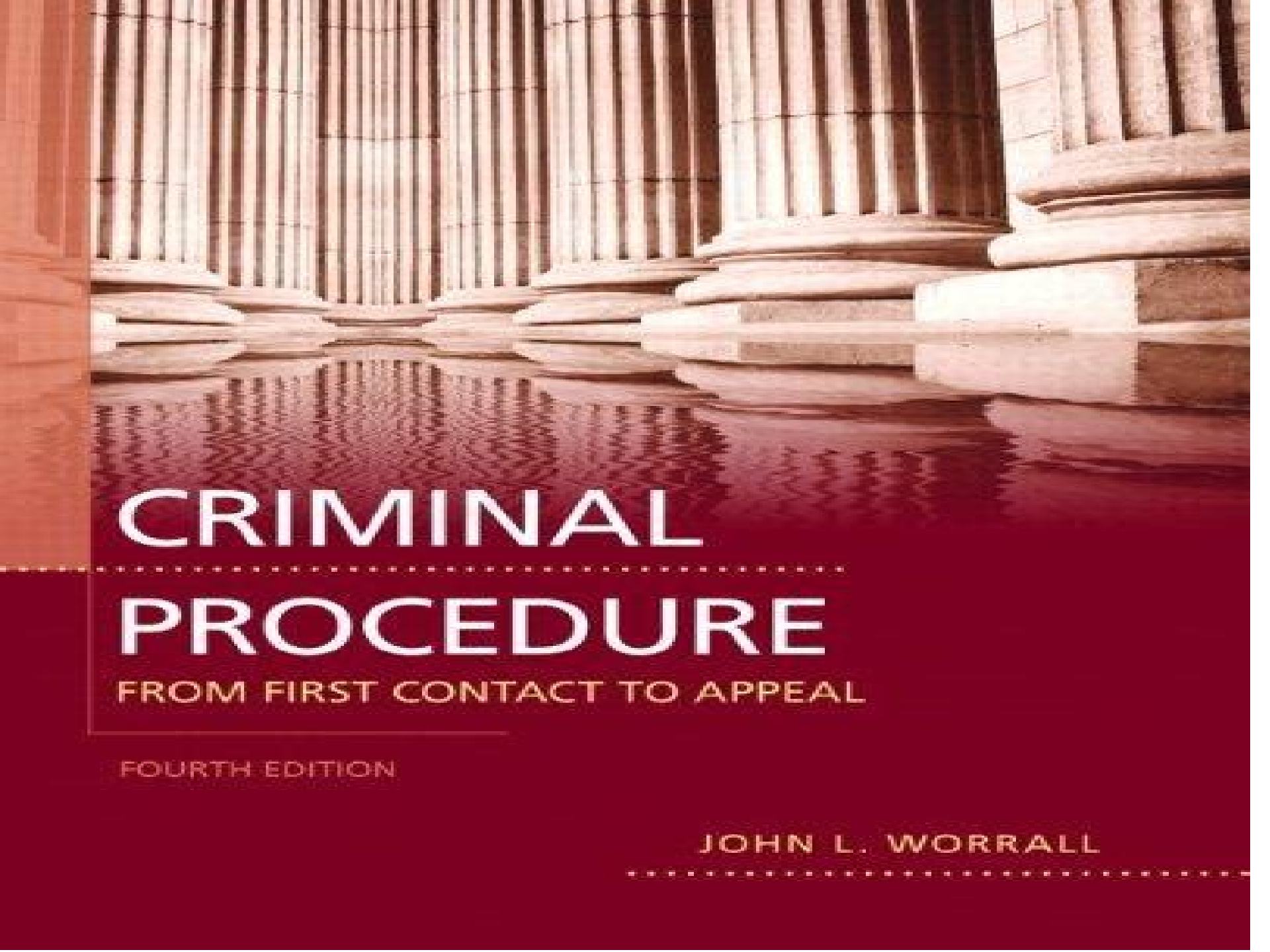




CRIMINAL PROCEDURE

FROM FIRST CONTACT TO APPEAL

FOURTH EDITION

JOHN L. WORRALL

Criminal Procedure From First Contact To Appeal 4th Edition

James R. Acker, David C. Brody



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with the fact that many of the leading books on criminal procedure presupposed a certain degree of familiarity with the criminal process including an understanding of basic terminology. Students came to loathe these books' excessive use of legalese and obtuse descriptions of criminal procedure topics that had no real life applications. In addition, students frequently pointed out, as did I, that there are often significant differences between what the courts require and what happens in the real world of criminal justice. For instance, consider the definition of a seizure for the purposes of the Fourth Amendment. A seizure occurs when a reasonable person would believe he or she is not free to leave. Yet many times students find this definition wanting and ask, "If a person is not seized according to this definition, is he or she really free to leave?" This question highlights the differences between what this book calls theory and reality. It and countless other similar questions prompted me to write a criminal procedure book of my own, one that takes a comprehensive yet basic approach to criminal procedure and that connects the material to the real world with examples and exercises. By way of preview, then, this book presents an introduction to criminal procedure from the point at which an individual first comes into contact with the police all the way through the appeals process. Approximately half of the book is devoted to traditional criminal procedure topics, notably search and seizure as well as interrogation and identification procedures. The remainder of the book moves beyond these topics and discusses the pretrial process, the roles of defense attorneys, prosecutors, and grand juries, plea bargaining, and guilty pleas, rights of criminal defendants at trial and appeals, and habeas corpus. Presentation. The material in *Criminal Procedure* is covered in large part by focusing on the constitutional rights of criminal defendants as interpreted by the U.S. Supreme Court. To this end, many leading Supreme Court decisions are discussed; however, lengthy excerpts from the actual decisions have been reduced to relevant remarks in order to avoid distracting from the many important concepts introduced. In order to maintain a real world focus, the book also incorporates many actual legal documents and excerpts from official policy manuals of police departments and other criminal justice agencies around the United States. Criminal procedure should not be confused with evidence procedure or trial procedure. Evidence procedure concerns the rules for presenting evidence to prove guilt or the lack thereof; thus, evidence courses cover such topics as types of evidence, rules for presenting witness testimony, hearsay, and the like. This book touches on evidence only tangentially by discussing witness questioning and the police actions used to secure evidence through search and seizure. But the focus on evidence does not move beyond these two issues. Likewise, this book is not about trial procedure. That is, it does not address the nuances of criminal trials, including the order of events at trial, what objections can be raised, instructions to the jury, and so on. Trial procedure is a topic typically covered in law school. Instead, this book presents a comprehensive introduction to criminal procedure, thoroughly presenting basic legal concepts and issues in a conversational written style and tone. Given this content coverage and the frequent use of examples from actual legal documents and policy guides, readers who are pursuing careers in criminal justice

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