

Core Criminal Procedure

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Learning Through Multiple-Choice Questions

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Preface

I was a law professor for fifteen years. During that time, my Criminal Procedure students would often ask me about supplemental materials to help them practice what they were learning in class—and as they were learning it. Responding to these requests was easy because there are a number of excellent hornbooks on the market.

But at the same time, my students anticipated the bar exam and wanted exposure to bar-style multiple choice questions. Bar preparation materials are plentiful, but are written with the assumption that students have already learned the material and are preparing for the bar exam. These materials are ill-suited for formative use for two basic reasons. First, they sample topics rather than presenting a comprehensive overview of the subject matter. Second, any given question might sample a sub-topic—or sub-topics—that a student enrolled in the class hasn't been exposed to yet.

The questions in this book were written to fill this gap: to provide bar-style multiple choice questions that can be used formatively, as students are progressing through a law school Criminal Procedure class.

The first half of the book consists of questions divided between three chapters—Fourth Amendment, Fifth Amendment, and Sixth Amendment—to parallel the materials covered in most law school Criminal Procedure classes. Each chapter has multiple subsections, and each subsection focuses on a separate topic.

Within each topic, the questions¹ begin with a basic concept and then go through many of the more predictable variations—using U.S. Supreme Court decisions to determine those variations. In some instances, facts patterns are even derived from Supreme Court cases. This is by design, so students can use the facts to help track and solidify the concepts they are learning in class.

The questions also follow the format used by the National Conference of Bar Examiners on the Multistate Bar Exam. Since the questions were written to present one concept at a time, instead of many concepts all at once, students may find it useful to go through these questions first and then move on to questions provided by bar review companies and released by the bar examiners.

The second half of the book presents concise answers for each question. The answers are intentionally brief and include relevant citations, so students can refer back to their casebooks for more detailed information. In many instances and for ease of reading, I excluded paren-

1. Unless a specific question indicates otherwise, students should assume that marijuana is strictly illegal.

thetical information describing omissions from a quotation, *e.g.*, footnotes, emphasis, internal citations, etc.

In writing this book, I've had a lot of help and support from my friends and colleagues. Special thanks go to Erik Altmann, Jeanette Buttrey, Terry Cavanaugh, Brad Charles, Tonya Krause-Phelan, Cathy McCollum, and Chris Trudeau. Former students Andrea Randall and Garrett Curtis helped with editing.

I worked on this book while caring for my mother, Patricia Swedlow. Whether we were in Pennsylvania or Michigan, at home or in the hospital or hospice, my mother was by my side as I wrote most of this text. I dedicate this book to her: a person who so often had the right answer, no matter what the question.