

---

# CONTENTS

---

<b>Dedication .....</b>	<b>iii</b>
<b>Foreword .....</b>	<b>vii</b>
<i>by Andrew L. Sonner</i>	
<b>Preface to the Third Edition .....</b>	<b>ix</b>
<b>Acknowledgments for the Third Edition ...</b>	<b>xi</b>
<b>Text of the Fourth Amendment .....</b>	<b>xiii</b>
<b>Introduction: A Conceptualization of the Fourth Amendment .....</b>	<b>1</b>
I. The Threshold Applicability of the Fourth Amendment .....	1
A. Katz and the “Reasonable Expectation of Privacy” .....	2
B. Applicability to Place .....	3
C. Applicability to the Person of the Searcher .....	4
D. Applicability to the Person of the Defendant .....	4
1. Proprietary Standing .....	5
2. The Rise and Fall of Automatic Standing .....	5
3. Derivative Standing .....	5
4. Target Standing and Conspirator Standing .....	6
5. Who Are “The People”? .....	6
E. Applicability to Type of Police Conduct .....	6
1. What Is a “Search”? .....	6
2. What Is a “Seizure” of Property? .....	7
3. What Is a “Seizure” of a Person? .....	7
F. Miscellaneous Applicability .....	8
II. The Substance of the Fourth Amendment .....	8
A. The Structure of the Fourth Amendment .....	8
B. Objective Versus Procedural Reasonableness .....	9
C. Administrative Searches and Other Searches Serving “Special Needs Beyond the Investigative Norm” .....	10
D. General Reasonableness and the Special Problem of Examining Bodily Fluids for Traces of Drugs and Alcohol .....	10
E. The Predicate for the Initial Intrusion Versus the Scope and the Manner of Searching .....	11
F. The Manner of Conducting a Search and the Special Problem of “Knock and Announce” .....	12
G. Probable Cause .....	12
H. The Special Problem of Temporarily “Seizing” a Residence While Obtaining a Warrant to Search It .....	13
I. The General Reasonableness Approach Versus the Centrality of the Warrant Requirement Approach .....	14
J. The Centrality of the Warrant Requirement .....	14
K. Exceptions to the Warrant Requirement .....	16
1. Search Incident to Lawful Arrest .....	16
2. The <i>Carroll</i> Doctrine .....	17
3. The Suitcase or Container Exception .....	17
4. Exigent or Emergency Circumstances .....	18
5. Stop and Frisk .....	18
6. The Plain View Doctrine (Plus Plain Feel) .....	19
7. Consent .....	20
8. What the Police May Do in the Context of a Traffic Stop .....	21

L. The Sui Generis Nature of the Law of Arrest .....	22
III. The Sanction for a Fourth Amendment Violation .....	22
A. The Exclusionary Rule .....	22
B. The “Fruit of the Poisoned Tree” Doctrine .....	24
IV. Independent State Grounds .....	25
<b>A Chronology of Supreme Court Justices .....</b>	<b>27</b>
<b>Features of This Book .....</b>	<b>29</b>
<b>Table of Abbreviations .....</b>	<b>31</b>
<b>Survey .....</b>	<b>33</b>
<b>Index .....</b>	<b>151</b>
<b>Table of Cases .....</b>	<b>157</b>
<b>About the Authors, Editors, and Contributors .....</b>	<b>165</b>