Criminal Defense Techniques

HIGHLIGHTS

Electronic Surveillance
- Completely updated to include new sections on the Foreign Intelligence Surveillance Act, the USA Patriot Act, and the Homeland Security Act.

Suppression of Illegally Obtained Evidence: Electronic Surveillance
- Updated to include recent case law and the USA Patriot Act

Assignment of Counsel in State Courts
- New case law and important discussion of sexual predators’ right to counsel

Alibi Evidence
- Updated state statutes and a practical approach for using alibi evidence

Electronic Surveillance Under Federal Law. Chapter 5 has been completely rewritten and updated to include the most recent statutory information and case law. The Foreign Intelligence Surveillance Act, the USA Patriot Act, and the Homeland Security Act are discussed in great detail and how these acts allow the government a lot of latitude in its use of surveillance. Also included is a section on the monitoring of e-mail and voice mail by the government under the Stored Communications Act.

Suppression of Illegally Obtained Evidence: Electronic Surveillance. The focus of Chapter 4B is on the scope of the government’s ability to monitor communications and how that information can be suppressed. The chapter details the approaches that a criminal defense attorney should take in trying to render such evidence inadmissible. The chapter covers practical problems such as how to obtain surveillance logs as well as different methods of proof, such as using experts. This practical chapter will assist the attorney in identifying the issues in light of recently enacted federal laws.

Assignment of Counsel in State Courts. Chapter 14 covers the important area of a person’s right to counsel and includes a detailed discussion of what stage of the proceedings a sexual predator might be entitled to counsel. For example, by virtue of statutory implementation in many states,
persons accused of sexual psychopathy have
the right to be offered counsel at their hear-
ings. In addition, waivers are also discussed
in great detail, including whether a waiver
can be implied and whether the refusal to
accept the public defender or other appointed
counsel may constitute an intelligent waiver
of the right of counsel.

Alibi Evidence. Chapter 29 is a practical
chapter and covers such important issues as
pretrial motions, multiple defendant cases,
and the burden of proof in alibi evidence.
This chapter leads the attorney through all
phases of the process in using such evidence.
The chapter also includes updated statutes
and case law.

Defending Drunk Driving Cases: Evi-
dence Problems. Chapter 51 covers this
very important area of drunk driving and the
various definitions of the phrase “operating
a vehicle.” There are varying definitions
among the states, and several statutory
examples are given. Also explained is the
distinction between “intoxication” and “un-
der the influence” and why this is so impor-
tant in a drunk driving case. In addition,
there is detailed information on a defendant’s
refusing a breathalyzer test and the constitu-
tional, statutory, and evidentiary conse-
quences to such a refusal.

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