

Fastcase Legal Research

The Smarter Solution for Legal Research

In Depth Legal Research | 2010



TRADITIONAL



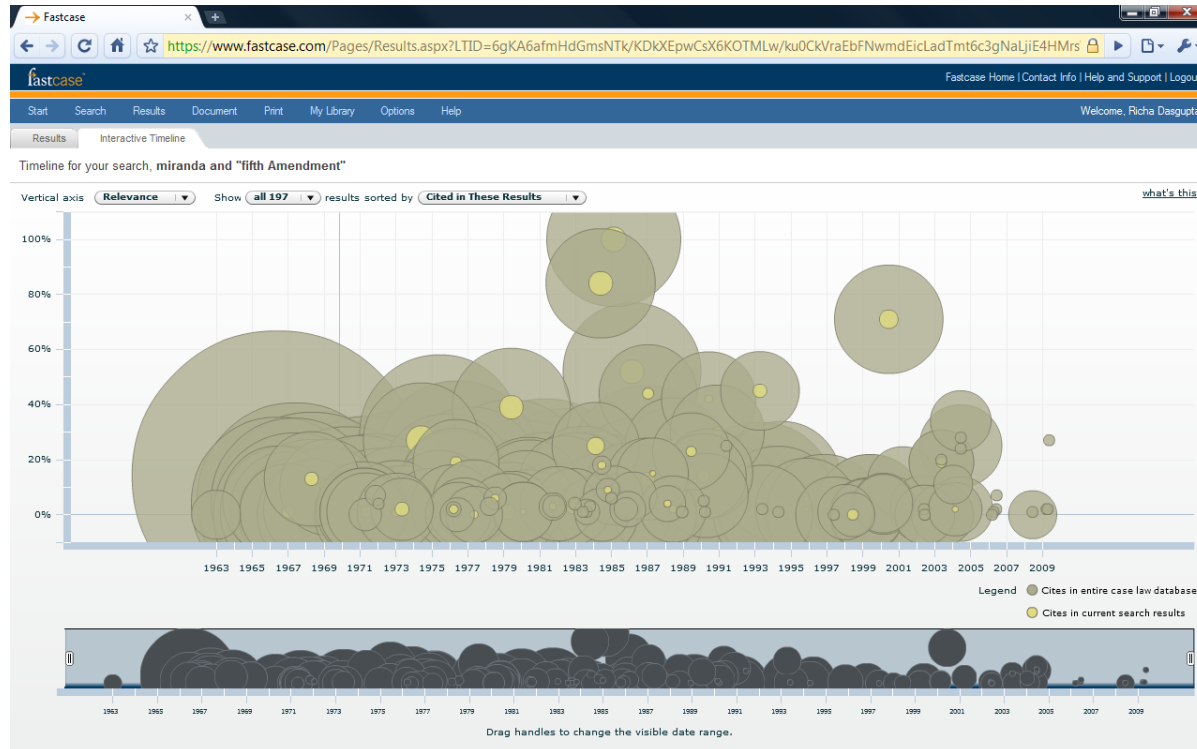
Static search results that are
over inclusive or under inclusive.

SMARTER



1. Search expansively, sort, and filter.

SMARTER



2. Visualize and analyze.

FREQUENTLY ASKED QUESTIONS

- ✓ Can I “Shepardize”?
- ✓ How do I login?
- ✓ What do you cover?



Customer service hours: 8 am to 8 pm EST.

Call: 1-866-773-2782

Email: support@fastcase.com

Chat: Help → Live Help

Visit us on the web for additional resources: [Fastcase](#) → Help & Training





QUICK CASELAW SEARCH

- ✓ Simple Keyword Search
- ✓ Citation Lookup

Best for | Known case citations, unique party names, or docket numbers.



ADVANCED CASELAW SEARCH

- ✓ Keyword Search
- ✓ Natural Language
- ✓ Citation Lookup

Practice Tip | Unless you already have a your case citation handy, **Keyword Search** usually yields the best results.



RESEARCH TIP 1 | START WITH BROAD SEARCHES

- ✓ Use wildcard operators
- ✓ Use within searches instead of phrases in quotation marks
- ✓ Remember to use synonyms

Advanced Caselaw Search

Search Type: Keyword Search (Boolean) Natural Language Citation Lookup

criminal defendants have a post-conviction right to access DNA evidence

Show Search Tips

Search >>

Syntax	Example (click to run a search)	Result
AND, &	copyright AND preemption	cases with both the words "copyright" and "preemption"
OR	landlord OR lessor	cases with either the word "landlord" or "lessor"
NOT	chemical waste NOT management	cases with the words "chemical" and "waste" but not "management"
()	(security OR pledge) AND assignment	cases with either "security" or "pledge", and also the word "assignment"
" "	"felony murder"	cases containing the exact phrase "felony murder"
w/3, /3	capital w/2 punishment	cases in which the word "capital" appears within 2 words of the word "punishment"
*	termin*	wildcard - cases containing variations of the stem, such as "terminal", "terminate", "terminator"

- Select Jurisdictions**
- All Jurisdictions
 - All Federal Appellate
 - All State
 - All District Courts
 - All Bankruptcy Courts

- Recently Searched Jurisdictions**
- S.Ct., Fed. 2nd Cir., D. Conn
 - Fed. 2nd Cir., D. Conn
 - S.Ct.
 - AZ

Individual Jurisdictions...

No Results

No documents found for the following search:

Search Phrase: "criminal defendants have a post-conviction right to access DNA evidence"

Jurisdiction(s): All Jurisdictions

Suggestions:

1. Check your query for spelling errors.
2. Check that you are searching in the correct jurisdictions.
3. Broaden your search to include other possible search terms.
4. For citation searches, make sure you're citing the first page of the case.
5. Modify your existing search or start a new search by clicking below.

New Search >>

Modify Search >>

Advanced Caselaw Search

Search Type: Keyword Search (Boolean) Natural Language Citation Lookup

 Show Search Tips

Syntax	Example (click to run a search)	Result
AND, &	copyright AND preemption	cases with both the words "copyright" and "preemption"
OR	landlord OR lessor	cases with either the word "landlord" or "lessor"
NOT	chemical waste NOT management	cases with the words "chemical" and "waste" but not "management"
()	(security OR pledge) AND assignment	cases with either "security" or "pledge", and also the word "assignment"
" "	"felony murder"	cases containing the exact phrase "felony murder"
w/3, /3	capital w/2 punishment	cases in which the word "capital" appears within 2 words of the word "punishment"
*	termin*	wildcard - cases containing variations of the stem, such as "terminal", "terminate", "terminator"

Select Jurisdictions

- All Jurisdictions
- All Federal Appellate
- All State
- All District Courts
- All Bankruptcy Courts

 Individual Jurisdictions...

Recently Searched Jurisdictions

- S.Ct., Fed. 2nd Cir., D. Conn
- Fed. 2nd Cir., D. Conn
- S.Ct.
- AZ

Relevance	Case	Decision Date	
-----------	------	---------------	--

100%	<p>1. Harvey v. Horan (4th Cir., 2002)</p> <p>(FN2). I do not believe that there is any question that the majority's rejection of a right to access evidence for post-conviction DNA testing is a holding, rather than a mere expression of opinion in dicta. And certainly litigants must now proceed on the understanding that this court has rejected such a right. The majority's statements rejecting any such right are many and unequivocal. See, e.g., Harvey, 278 F.3d at 372 ("The district court found that Harvey had a due process right of access...</p>	March 28, 2002	0
95%	<p>2. Harvey v. Horan, 285 F.3d 298 (4th Cir., 2002)</p> <p>2. I do not believe that there is any question that the majority's rejection of a right to access evidence for post-conviction DNA testing is a holding, rather than a mere expression of opinion in dicta. And certainly litigants must now proceed on the understanding that this court has rejected such a right. The majority's statements rejecting any such right are many and unequivocal. See, e.g., Harvey, 278 F.3d at 372 ("The district court found that Harvey had a due process right of access...</p>	March 28, 2002	28
71%	<p>3. District Attorney's Office for Third Judicial District v. Osborne, No. 08-6 (U.S. 6/18/2009) (2009)</p> <p>The State also performed DQ Alpha testing on sperm found in the blue condom. DQ Alpha testing is a relatively inexact form of DNA testing that can clear some wrongly accused individuals, but generally cannot narrow the perpetrator down to less than 5% of the population. See Dept. of Justice, National Comm'n on the Future of DNA Evidence, The Future of Forensic DNA Testing 17 (NCJ 183697, 2000) (hereinafter Future of Forensic DNA Testing); Dept. of Justice, National Comm'n on the Future of DNA...</p>	June 18, 2009	0
66%	<p>4. Thompson v. State, 985 A.2d 32, 411 Md. 664 (Md. App., 2009)</p> <p>The DNA evidence does not remove the Petitioner from the scene of the crime. The DNA evidence does eliminate the Petitioner from being the ultimate rapist. Yet, even in the Petitioner's testimony at the trial of James Owens, he never claims to be the actual murderer or rapist. His claim was that he stood by as the event occurred. Since the DNA evidence does not show that the Petitioner is innocent of the underlying crime of burglary, coupled with his confession stating that he burglarized the...</p>	November 16, 2009	0
52%	<p>5. Cooper v. Brown, 510 F.3d 870 (9th Cir., 2007)</p> <p>Petitioner's trial was conducted in 1984-1985, prior to the advent of DNA testing. In post-conviction proceedings, Petitioner sought DNA testing to prove his innocence. Subsequent to the passage of California Penal Code section 1405, the People agreed to have certain DNA testing performed in 2001. (See Joint DNA Agreement.) Petitioner, with the assistance of his post-conviction counsel and two nationally recognized DNA experts, entered into a Joint DNA Agreement to test the evidence. The...</p>	December 4, 2007	7
50%	<p>6. Sanchez v. Thaler, No. 07-10812 (9th Cir. 2/12/2010) (9th Cir., 2010)</p> <p>After the TCCA denied Sanchez's state habeas petition, but before he filed his federal habeas claim, Sanchez filed for and received the results of a postconviction DNA test. As the TCCA explained, the DNA testing "established that the DNA profile from the sperm fraction of the vaginal swab was consistent with Veloz's DNA profile," "the epithelial cell fraction was also consistent with a mixture from [Margarita] and Veloz," and "[t]herefore, [Sanchez] did not contribute any...</p>	February 12, 2010	0
43%	<p>7. Wade v. Brady, 612 F.Supp.2d 90 (D. Mass., 2009)</p> <p>DNA testing is different. Because DNA testing can exonerate the defendant, the government may only legitimately deny access to testing if it has a compelling reason to do so. To hold otherwise would subordinate the pursuit of justice to an aid obsession with procedure. Where DNA evidence can prove that a miscarriage of justice was perpetrated by an earlier verdict, our interest in fundamental fairness and the integrity of the criminal justice system require that DNA testing be allowed. Because...</p>	April 30, 2009	0
28%	<p>8. State v. Dupiquey, (SC 18363) (Conn. 3/9/2010) (Conn., 2010)</p> <p>As the United States Supreme Court recently noted, however, postconviction DNA provisions must "recognize the value of DNA evidence but also the need for certain conditions on access to the [s]tate's evidence." District Attorney's Office v. Osborne, supra, 129 S. Ct. 2317. Conditioning access to DNA evidence serves important state interests, including respect for the finality of court judgments and the efficient use of limited state resources. See id., 2326-29 (Alito, J., concurring)...</p>	March 9, 2010	0
27%	<p>9. Dowell v. State (Ala. Crim. App., 2002)</p> <p>Alabama courts have recognized the admissibility of DNA testing since 1991. The Alabama Supreme Court, in Ex parte Perry, 586 So. 2d 242 (Ala. 1991), recognized the existence of a generally accepted theory in the scientific community that supports the conclusion that DNA forensic testing could produce reliable results as to "matching" evidence, and set out the evidentiary standards to be used in determining the admissibility of</p>	June 28, 2002	0

RESEARCH TIP 2 | SEARCH BY CASE NAME

Example | Gideon v. Wainwright, 372 U.S. 335
(1963).

Search | Gideon w/15 Wainwright

Relevance	Case	Decision Date	Authority Check
100%	<p>1. Hale v. State, 162 So.2d 5 (Fla. App. 1 Dist., 1964)</p> <p>Come now the petitioner, Clifton Hale. I am being held in the state prison at the state road camp 3756, Pensacola, Florida, unlawfully. Having been convict of the charge assault with intent to murder and sentence to a term of six month to ten years on this 27th day of September, 1960. Ad in forma pauprise, being insolvent and as a result not being able to employ a counsel I Clifton Hale, the petitioner respectfully states that I was denied do process and equal protection guaranteed by the...</p>	March 10, 1964	7
37%	<p>2. DeMaranville v. State, 161 So.2d 553 (Fla.App. 2 Dist., 1964)</p> <p>On April 23, 1963, appellant filed in the lower court his hand-written motion to vacate and/or set aside judgment and sentence pursuant to Criminal Procedure Rule No. 1, F.S.A. ch. 924 Appendix. In this motion, which was subscribed before a notary public, the defendant swore that at the time of his conviction he was indigent and without sufficient funds to employ legal counsel, and that: "In view of the recent decision by the Supreme Court of the United States, (Gideon vs Wainwright case no...</p>	March 11, 1964	0
33%	<p>3. State v. Martin, 102 Ariz. 142, 426 P.2d 639 (Ariz., 1967)</p> <p>1 Although Johnson v. Zerbst is a pre-Gideon opinion, it is interpretive of the 6th Amendment which contrary to the views of Justice Harlan in his concurrence in Gideon has been in his significant part incorporated into the 14th Amendment along with its previous federal interpretations. See State v. Anderson, 96 Ariz. 123, 392 P.2d...</p>	April 14, 1967	48
30%	<p>4. Neeley v. State, 171 So.2d 605 (Fla. App. 1 Dist., 1965)</p> <p>Our examination of the record convinces us unequivocally that the appellant competently and intelligently waived-through two unchallenged written statements signed by him-his constitutional right to counsel, and so he was not entitled to counsel under the rule laid down by the United States Supreme Court in Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963), and Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 1461 (1938)...</p>	February 11, 1965	0
24%	<p>5. U.S. ex rel. Durocher v. Lavellee, 330 F.2d 303 (C.A.2 (N.Y.), 1964)</p> <p>6 That result is also assumed in the following precedents: Lopez v. United States, 373 U.S. 427, 445, 83 S.Ct. 1381, 10 L.Ed.2d 462, where in a case involving a pre-Gideon trial, Warren, Ch. J., in concurring in the result, stated that a right to counsel might be involved, and cited Gideon; Striker v. Pancher, 6 Cir., 317 F.2d 780, 783, where in a damage suit for deprivation of constitutional rights by a former prisoner against a sheriff the court stated: "Betts v. Brady, 316 U.S. 455, 62 S.Ct....</p>	June 22, 1964	120
23%	<p>6. Woods, In re, 48 Cal. Rptr. 689, 64 Cal.2d 3 (Cal., 1966)</p> <p>We thus turn to the merits of petitioner's contention, aware of the difficulties which the passage of time has created, but equally cognizant that the effort is required. The words of Circuit Judge Kaufman in United States v. LaVallee, 2 Cir., 330 F.2d 303, wherein retrospective application was given the Gideon decision, succinctly states our problem: [64 Cal.2d 6] "(T)he (courts) may find it difficult to determine whether those tried in the remote past were indeed denied the assistance of..."</p>	January 26, 1966	100
21%	<p>7. Loper v. Beto, 405 U.S. 473, 92 S.Ct. 1014, 31 L.Ed.2d 374 (1972)</p> <p>established in Gideon goes to 'the very integrity of the fact-finding process' in criminal trials, and that a conviction obtained after a trial in which the defendant was denied the assistance of a lawyer 'lacked reliability.' Linkletter v. Walker, 381 U.S. 618, 639, 85 S.Ct. 1731, 1743, 14 L.Ed.2d 601 and n. 20. Loper has 'suffered anew' from this unconstitutional deprivation, Burgett v. Texas, supra, regardless of whether the prior convictions were used to impeach him before or after the...</p>	March 22, 1972	338
21%	<p>8. Gideon v. Wainwright, 153 So.2d 299 (Fla., 1963)</p> <p>Inasmuch as it was not announced until April 1, 1963, the existence of our Criminal Procedure Rule #1, was naturally not made known to the United States Supreme Court in the course of the Gideon proceeding. Nevertheless, we consider the promulgation of that rule as being "action not inconsistent" with the Gideon opinion. In fact, we confess it to be action taken pursuant to the directive of the Gideon judgment. In view of that Court's consistent recognition of the effectiveness of a...</p>	May 15, 1963	44
21%	<p>9. Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963)</p> <p>Clarence Earl GIDEON...</p>	March 18, 1963	5,897
10%	<p>10. United States v. ...</p>

RESEARCH TIP 3 | BOOKMARK SEARCH RESULTS

- ✓ Fastcase always uses static urls so you can bookmark your search results (or send them to a colleague or client).
- ✓ Press **Ctrl + D** from the Results screen.



Relevance	Case	Decision Date	Authority Check
100%	<p>1. Hale v. State, 162 So.2d 5 (Fla. App. 1 Dist., 1964)</p> <p>'Come now the petitioner, Clifton Hale. I am being held in the state a term of six month to ten years on this 27th day of September, 1964 denied do process and equal protection guaranteed by the...</p>	March 10, 1964	7
37%	<p>2. DeMaranville v. State, 161 So.2d 553 (Fla.App. 2 Dist., 1964)</p> <p>On April 23, 1963, appellant filed in the lower court his hand-written which was subscribed before a notary public, the defendant swore the Supreme Court of the United States, (Gideon vs Wainwright)</p>	March 11, 1964	0
33%	<p>3. State v. Martin, 102 Ariz. 142, 426 P.2d 639 (Ariz., 1967)</p> <p>1 Although Johnson v. Zerbst is a pre-Gideon opinion, it is interpretive of the 6th Amendment which contrary to the views of Justice Harlan in his concurrence in Gideon has been in his significant part incorporated into the 14th Amendment along with its previous federal interpretations. See State v. Anderson, 96 Ariz. 123, 392 P.2d...</p>	April 14, 1967	48
30%	<p>4. Neelev v. State, 171 So.2d 605 (Fla. App. 1 Dist., 1965)</p> <p>Our examination of the record convinces us unequivocally that the appellant competently and intelligently waived-through two unchallenged written statements signed by him-his constitutional right to counsel, and so he was not entitled to counsel under the rule laid down by the United States Supreme Court in Gideon V. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963), and Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 1461 (1938)...</p>	February 11, 1965	0
24%	<p>5. U.S. ex rel. Durocher v. Lavellee, 330 F.2d 303 (C.A.2 (N.Y.), 1964)</p> <p>6 That result is also assumed in the following precedents: Lopez v. United States, 373 U.S. 427, 445, 83 S.Ct. 1381, 10 L.Ed.2d 462, where in a case involving a pre-Gideon trial, Warren, Ch. J., in concurring in the result, stated that a right to counsel might be involved, and cited Gideon; Striker v. Pancher, 6 Cir., 317 F.2d 780, 783, where in a damage suit for deprivation of constitutional rights by a former prisoner against a sheriff the court stated: 'Betts v. Brady, 316 U.S. 455, 62 S.Ct...</p>	June 22, 1964	120
23%	<p>6. Woods, In re, 48 Cal.Rptr. 689, 64 Cal.2d 3 (Cal., 1966)</p> <p>We thus turn to the merits of petitioner's contention, aware of the difficulties which the passage of time has created, but equally cognizant that the effort is required. The words of Circuit Judge Kaufman in United States v. LaVallee, 2 Cir., 330 F.2d 303, wherein retrospective application was given the Gideon decision, succinctly states our problem: [64 Cal.2d 6] '(T)he (courts) may find it difficult to determine whether those tried in the remote past were indeed denied the assistance of...</p>	January 26, 1966	100
21%	<p>7. Loper v. Beto, 405 U.S. 473, 92 S.Ct. 1014, 31 L.Ed.2d 374 (1972)</p> <p>established in Gideon goes to 'the very integrity of the fact-finding process' in criminal trials, and that a conviction obtained after a trial in which the defendant was denied the assistance of a lawyer 'lacked reliability.' Linkletter v. Walker, 381 U.S. 618, 639, 85 S.Ct. 1731, 1743, 14 L.Ed.2d 601 and n. 20. Loper has 'suffered anew' from this unconstitutional deprivation, Burgett v. Texas, supra, regardless of whether the prior convictions were used to impeach him before or after the...</p>	March 22, 1972	338
21%	<p>8. Gideon v. Wainwright, 153 So.2d 299 (Fla., 1963)</p> <p>Inasmuch as it was not announced until April 1, 1963, the existence of our Criminal Procedure Rule #1, was naturally not made known to the United States Supreme Court in the course of the Gideon proceeding. Nevertheless, we consider the promulgation of that rule as being 'action not inconsistent' with the Gideon opinion. In fact, we confess it to be action taken pursuant to the directive of the Gideon judgment. In view of that Court's consistent recognition of the effectiveness of a...</p>	May 15, 1963	44

Add a Favorite

Add a Favorite
Add this webpage as a favorite. To access your favorites, visit the Favorites Center.

Name:

Create in: ★ Favorites

RESEARCH TIP 4 | RETRIEVE & BATCH PRINT MULTIPLE CASES

- ✓ You can string reporter citations together (separated by commas) to pull up multiple cases at once.
- ✓ Once you have pulled up the cases, you can batch print them in a single document.

Advanced Caselaw Search

Search Type: Keyword Search (Boolean) Natural Language Citation Lookup

285 F.3d 298, 510 F.3d 870, 612 F. Supp.2d 90, 534 F.3d 1282

Show Search Tips

Search >>

Syntax	Example (click to run a search)	Result
AND, &	copyright AND preemption	cases with both the words "copyright" and "preemption"
OR	landlord OR lessor	cases with either the word "landlord" or "lessor"
NOT	chemical waste NOT management	cases with the words "chemical" and "waste" but not "management"
()	(security OR pledge) AND assignment	cases with either "security" or "pledge", and also the word "assignment"
" "	"felony murder"	cases containing the exact phrase "felony murder"
w/3, /3	capital w/2 punishment	cases in which the word "capital" appears within 2 words of the word "punishment"
*	termin*	wildcard - cases containing variations of the stem, such as "terminal", "terminate", "terminator"

Select Jurisdictions	Recently Searched Jurisdictions
<input checked="" type="radio"/> All Jurisdictions	<input type="radio"/> S.Ct., Fed. 2nd Cir., D. Conn
<input type="radio"/> All Federal Appellate	<input type="radio"/> Fed. 2nd Cir., D. Conn
<input type="radio"/> All State	<input type="radio"/> S.Ct.
<input type="radio"/> All District Courts	<input type="radio"/> AZ
<input type="radio"/> All Bankruptcy Courts	

Jurisdiction:

All Jurisdictions

1 to 4 of 4 results

Print List of Results
Print/Save Documents in Queue

Authority Check

Relevance	Case	Decision Date	Entire Database
100%	1. Wade v. Brady, 612 F.Supp.2d 90 (D. Mass., 2009) I. INTRODUCTION... Robert Wade ("Wade") brings this action under 42 U.S.C. § 1983 to vindicate... his due process right to access certain biological evidence post-conviction. He aims to subject that evidence to DNA testing and use the results, which he believes will be exculpatory, to challenge his felony murder conviction. In 2006, I held that there was a Due Process right to postconviction access to biological evidence under certain circumstances and that Wade had...	April 30, 2009	0
100%	2. Bryson v. Gonzales, 534 F.3d 1282 (10th Cir., 2008) David Bryson was convicted of rape and spent 19 years in jail until exonerated by DNA evidence. He then sued Oklahoma City and a number of officials, including Police Chemist Joyce Gilchrist, District Attorney Robert Macy, and former Oklahoma City Police Chief Sam Gonzales, alleging that they falsely procured his original conviction and then prevented him from obtaining access to DNA evidence that he believed would demonstrate his innocence. Mr. Bryson's lawsuit may ultimately demonstrate...	July 28, 2008	8
100%	3. Cooper v. Brown, 510 F.3d 870 (9th Cir., 2007) Kevin Cooper appeals the district court's denial of his third federal petition for a writ of habeas corpus. Sitting en banc, we held that Cooper made out a prima facie case that entitled him to file a second or successive application; authorized... [510 F.3d 874]... him to file it; and remanded for the district court to order that two tests be performed so that "the question of Mr. Cooper's innocence can be answered once and for all." Cooper v. Woodford, 358 F.3d 1117, 1124 (9th...	December 4, 2007	7
100%	4. Harvey v. Horan, 285 F.3d 298 (4th Cir., 2002) ORDER... Appellee filed a petition for rehearing and rehearing en banc... Judge King voted to grant panel rehearing. Chief Judge Wilkinson and Judge Niemeyer voted to deny... No member of the Court requested a poll on the petition for rehearing en banc... Chief Judge Wilkinson filed an opinion concurring in the denial of rehearing and rehearing en banc... Judge Luttig filed an opinion respecting the denial of rehearing en banc... The Court denied the petition for rehearing and rehearing en...	March 28, 2002	28

RESEARCH TIP 5 | FIND SEMINAL CASES

- ✓ Find seminal cases by sorting your search results according to the number of subsequent citations.

Jurisdiction:

All Jurisdictions

1 to 20 of 1,000 results

Print List of Results
Print/Save Documents in Queue

Authority Check
These Results Entire Database

Relevance	Case	Decision Date	These Results	Entire Database
14%	1. Miranda v. State of Arizona Vignera v. State of New York Westover v. United States State of California v. Stewart 8212 761, 584, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed 2d 694 (1966) I turn now to the Court's asserted reliance on the Fifth Amendment , an approach which I frankly regard as a trompe l'oeil. The Court's opinion in my view reveals no adequate basis for extending the Fifth Amendment's privilege against self-incrimination to the police station. Far more important, it fails to show that the Court's new rules are well supported, let alone compelled, by Fifth Amendment precedents. Instead, the new rules actually derive from quotation and analogy drawn from precedents...	June 13, 1966	1,481	32,118
100%	2. Oregon v. Elstad, 470 U.S. 298, 84 L.Ed 2d 222, 105 S.Ct. 1285 (1985) 12. Ante, at 312; see also ante, at 314 ("We must conclude that, absent deliberately coercive or improper tactics in obtaining the initial statement, the mere fact that a suspect has made an unwarned admission does not warrant a presumption of compulsion"). 13. In view of the Court's holding, it is not necessary to consider how that additional burden should be discharged in all cases. In general, however, I should think that before the second session of custodial interrogation begins, the...	March 4, 1985	355	1,411
52%	3. Moran v. Burbine, 475 U.S. 412, 106 S.Ct. 1135, 89 L.Ed 2d 410 (1986) 4. Among its other failings, the dissent declines to follow Oregon v. Elstad, 470 U.S. 298, 105 S.Ct. 1285, 84 L.Ed.2d 222 (1985), a decision that categorically forecloses Justice STEVENS' major premise—that Miranda requires the police to inform a suspect of any and all information that would be useful to a decision whether to remain silent or speak with the police. See also United States v. Washington, 431 U.S. 181, 188, 97 S.Ct. 1814, 1819, 52 L.Ed.2d 238 (1977). The dissent...	March 10, 1986	284	1,550
28%	4. Michigan v. Tucker 8212 482, 417 U.S. 433, 94 S.Ct. 2357, 41 L.Ed 2d 182 (1974) In Johnson v. New Jersey, 384 U.S. 719, 86 S.Ct. 1772, 16 L.Ed.2d 882 (1966), the Court held that statements obtained in violation of Miranda standards must be excluded from all trials occurring after the date of the Miranda decision. Mr. Justice BRENNAN suggests that the fruits derived from unlawful pre- Miranda interrogations be admissible in trials subsequent to the Miranda decision. Though respondent's trial occurred subsequent to the Miranda decision, his...	June 10, 1974	257	838
21%	5. Colorado v. Connelly, 479 U.S. 157, 107 S.Ct. 515, 93 L.Ed 2d 473 (1986) Miranda waiver context than in the Fourteenth Amendment confession context. The sole concern of the Fifth Amendment , on which Miranda was based, is governmental coercion. See United States v. Washington, 431 U.S. 181, 187, 97 S.Ct. 1814, 1818, 52 L.Ed.2d 238 (1977); Miranda , supra, 384 U.S., at 460, 86 S.Ct., at 1620. Indeed, the Fifth Amendment privilege is not concerned "with moral and psychological pressures to confess emanating from sources other than official coercion." Oregon...	December 10, 1986	232	2,010
39%	6. Fare v. Michael, 442 U.S. 707, 99 S.Ct. 2560, 61 L.Ed 2d 197 (1979) per se an invocation of the minor's Fifth Amendment rights, and, on the other, that reversal was required because the State had not carried its burden of proving that respondent, by requesting his probation officer, did not intend thereby to assert his Fifth Amendment privilege. Ibid., 146 Cal.Rptr., at 363-364, 579 P.2d, at 12-13. There may well be ambiguity in this regard. See id., at 477-478, 146 Cal.Rptr., at 361-362, 579 P.2d, at 11. On the basis of that ambiguity, respondent...	June 20, 1979	205	920
14%	7. Brewer v. Williams, 430 U.S. 387, 97 S.Ct. 1232, 51 L.Ed 2d 424 (1977) decisions, the courts below had no occasion to consider whether the principle enunciated in Stone may have been applicable in this case. That question has not been presented in the briefs or arguments submitted to us, 3 and we therefore have no occasion to consider the possible applicability of Stone. The applicability of the rationale of Stone in the Fifth and Sixth Amendment context raises a number of unresolved issues. Many Fifth and Sixth Amendment claims arise in the context of challenges...	March 23, 1977	194	1,549
71%	8. Dickerson v U.S., 530 U.S. 428, 120 S.Ct. 2326, 147 L.Ed 2d 405 (2000) A contrary conclusion is not required by the fact that the Court has subsequently made exceptions from the Miranda rule, see, e.g., New York v. Quarles, 467 U.S. 649. No constitutional rule is immutable, and the sort of refinements made by such cases are merely a normal part of constitutional law. Oregon v. Elstad, 470 U.S. 298, 306 in which the Court, in refusing to apply the traditional "fruits" doctrine developed in Fourth Amendment cases, stated that Miranda's exclusionary rule serves the...	June 26, 2000	183	707
84%	9. New York v. Quarles, 467 U.S. 649, 104 S.Ct. 2626, 81 L.Ed 2d 550 (1984) The Fifth Amendment guarantees that "[n]o person... shall be compelled in any criminal case to be a witness against himself." In Miranda , this Court for the first time extended the Fifth ...	June 12, 1984	175	714

RESEARCH TIP 6 | BROWSE STATUTES IN OUTLINE VIEW

- ✓ When you are looking for a particular statute section, try browsing the entire statute in Outline View.

Example | 42 U.S.C. § 1983



Search Statutes on Fastcase

U.S. Code	Kentucky	North Carolina
Alabama	Louisiana	North Dakota
Alaska	Maine	Oklahoma
Arizona	Maryland	Oregon
Arkansas	Massachusetts	Rhode Island
California	Michigan	South Carolina
Connecticut	Minnesota	South Dakota
Delaware	Missouri	Tennessee
District of Columbia	Montana	Texas
Florida	Nebraska	Utah
Hawaii	Nevada	Vermont
Illinois	New Hampshire	Virginia
Indiana	New Jersey	Washington
Iowa	New Mexico	West Virginia
Kansas	New York	Wisconsin

Search State Websites

Some states (and commercial publishers) claim copyright on their statute collections. We link to their official versions here:

[Colorado](#)

[Georgia](#)

[Idaho](#)

[Mississippi](#)

[Ohio](#)

[Pennsylvania](#)

[Wyoming](#)

Search U.S. Code

Search **Outline View**Search Type: Keyword Search (Boolean) Natural Language Citation Lookup Show Search Tips

Search >>

Syntax	Example (click to run a search)	Result
AND, &	limited AND government	documents with both the words "limited" and "government"
OR	taxation OR representation	documents with either the word "taxation" or "representation"
NOT	executive NOT corporate	documents with the word "executive" but not "corporate"
()	(vote OR ballot) AND election	order of operations: documents with either the word "vote" or the word "ballot", and also the word "election"
**	"Supreme Court"	documents containing the exact phrase "Supreme Court"
w/4, /4	election w/4 vote	documents in which the word "election" appears within 4 words of the word "vote"
*	termin*	wildcard - documents containing variations of the stem, such as "terminal", "terminate", "terminator"

Select Group

 United States Code

Search >>

Results

Maximum results: Results per page:

Search U.S. Code

Search Outline View

United States Code

United States Codes (2006 Edition)

Organic Laws

Title 1 General Provisions

Title 2 The Congress

Chapter 1 Election of Senators and Representatives

Sec. 1. Time for election of Senators

Sec. 1a. Election to be certified by governor

Sec. 1b. Countersignature of certificate of election

Sec. 2. Omitted

Sec. 2a. Reapportionment of Representatives; time and manner; existing decennial census figures as basis; statement by President; duty of clerk

Sec. 2b. Number of Representatives from each State in 78th and subsequent Congresses

Sec. 2c. Number of Congressional Districts; number of Representatives from each District

Sec. 5. Nominations for Representatives at large

Sec. 6. Reduction of representation

Sec. 7. Time of election

Sec. 8. Vacancies

Sec. 9. Voting for Representatives

Secs. 3, 4. Omitted

Chapter 2 Organization of Congress

Chapter 3 Compensation and Allowances of Members

Chapter 4 Officers and Employees of Senate and House of Representatives

Chapter 5 Library of Congress

Chapter 6 Congressional and Committee Procedure; Investigations

Chapter 7 Contested Elections

Chapter 8 Federal Corrupt Practices

Chapter 8a Regulation of Lobbying

RESEARCH TIP 7 | “ANNOTATE” A STATUTE WITH ADVANCED CASELAW SEARCH

- ✓ To find cases citing a particular statute section, construct an Advanced Caselaw keyword search with the statute section in quotation marks.

Example | 42 U.S.C. § 1983

Search | “42 U.S.C. 1983” or (“42 U.S.C.” w/3 1983)



Advanced Caselaw Search

Search Type: Keyword Search (Boolean) Natural Language Citation Lookup Show Search Tips

Search >>

Syntax	Example (click to run a search)	Result
AND, &	copyright AND preemption	cases with both the words "copyright" and "preemption"
OR	landlord OR lessor	cases with either the word "landlord" or "lessor"
NOT	chemical waste NOT management	cases with the words "chemical" and "waste" but not "management"
()	(security OR pledge) AND assignment	cases with either "security" or "pledge", and also the word "assignment"
" "	"felony murder"	cases containing the exact phrase "felony murder"
w/3, /3	capital w/2 punishment	cases in which the word "capital" appears within 2 words of the word "punishment"
*	termin*	wildcard - cases containing variations of the stem, such as "terminal", "terminate", "terminator"

Select Jurisdictions

Recently Searched Jurisdictions

- All Jurisdictions
- All Federal Appellate
- All State
- All District Courts
- All Bankruptcy Courts

- S.Ct.
- NY
- CT
- TX

 Individual Jurisdictions...

Search Options

Date

Start Date: End Date:

Results

Maximum results: Results per page: Sort by: Authority Check Show Number of Citations in Search Results

Jurisdiction:

All Jurisdictions

1 to 20 of 1,000 results

Print List of Results

Print/Save Documents in Queue

Authority Check

Entire Database

Relevance	Case	Decision Date	
100%	1. Connelly v. State, 26 P.3d 1246 (Kan., 2001) "We have never held that state agencies were persons under 42 U.S.C. 1983 for the purpose of suits seeking damages thereunder. The State has consented to suit for damages under the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., but that act does not contain the consent of the State to the filings of actions for damages against it under Section 1983 . (The State of Kansas has not waived its sovereign immunity from suits seeking monetary damages under 42 U.S.C. 1983 .) . . . We have..."	July 20, 2001	19
93%	2. U.S. v. Orleans Parish School Board, 244 F.3d 486 (5th Cir., 2001) In Monell, the Supreme Court held that local governments are persons for the purposes of 42 U.S.C. 1983 . Much of the opinion is concerned with the errors in the Court's decision in <i>Monroe v. Pape</i> , 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed.2d 492 (1961), which had held that local governments are not persons for the purposes of 42 U.S.C. 1983 . That discussion is not relevant to the issue presented by this case. After reviewing why <i>Monroe</i> was wrongly decided, the Court went on to conclude that local...	March 28, 2001	23
88%	3. Naked City, Inc. v. Aregood, 667 F.Supp. 1246 (N.D. Ind., 1987) This case was filed on May 22, 1987; any causes of action under 42 U.S.C. § 1983 or 1985 which accrued before April 17, 1985, must have been filed not later than April 17, 1987, or they are barred by the statute of limitations. To the extent that Goodman may apply in this case, it decreases the likelihood that these plaintiffs will prevail. Of the plaintiffs' claims under 42 U.S.C. §§ 1983 or 1985 which are not the victim of an immunity defense it appears that based upon the...	August 21, 1987	2
78%	4. Tampam Farms, Inc. v. Supervisor of Assessments for Ogle County, 649 N.E.2d 87, 271 Ill.App.3d 798 (Ill.App. 2 Dist., 1995) We note that Tampam has continued to err in arguing standards associated with these State remedies in its section 1983 count (42 U.S.C. § 1983 (1988)). In our previous opinion with regard to the public road claim contained in the section 1983 count (42 U.S.C. § 1983 (1988)) in this case, we stated, "Tampam incorrectly equates its objections "" with an objection to the procedures and practices established by the State to obtain redress for the assessor's actions." (Tampam, Inc....	April 20, 1995	3
76%	5. Prager v. State, 20 P.3d 39 (Kan., 2001) Under the facts of this case and for the reasons set forth in the opinion, it is held: (1) The trial court erroneously dismissed the plaintiff's 42 U.S.C. 1983 (1994) action for injunctive relief against the Kansas Department of Revenue and its Secretary in her official capacity for failure to exhaust administrative remedies, and its ruling doing so is reversed; however, the trial court did correctly dismiss the plaintiff's 42 U.S.C. 1983 action for injunctive relief against the Kansas...	March 23, 2001	12
68%	6. Crutcher v. Com. of Ky., 495 F.Supp. 601 (E.D. Ky., 1980) The enactment of 42 U.S.C. Section 2000e , et seq. did not preempt 42 U.S.C. Section 1983 with regard to suits for discrimination in employment. <i>Johnson v. City of Cincinnati</i> , 450 F.2d 796 (8th Cir. 1971). Additionally, 42 U.S.C. Section 2000e , et seq. provides no greater or lesser protection against discriminatory practices than 42 U.S.C. Section 1983 . <i>Carion v. Yeshiva University</i> , 535 F.2d 722 (2d Cir. 1976). Governor Brown's immunity to suit under 42 U.S.C. Section 2000e , et seq.	July 21, 1980	0
62%	7. KELLY v. PARENTS UNITED, 641 A.2d 159 (DC, 1994) By successfully pursuing a private right of action under the Nurse Assignment Act, Parents United has obtained all the substantive relief it is entitled to receive. Accordingly, there would be no need to reach the constitutional issues under 42 U.S.C. § 1983 , but for the fact that a successful § 1983 claim would justify a discretionary award of attorney's fees under 42 U.S.C. § 1988 , supra note 5, which Parents United would not otherwise be entitled to receive. We therefore must deal with § ...	May 5, 1994	12
61%	8. Davis v. Weatherford (Tenn. Ct. App., 1999) Defendants Bright and Flacy argue that the dismissal of Davis' claims against them should be affirmed because Davis' claim under 42 U.S.C. 1983 is not based on actions they took under color of state law, which is an essential element to a Section 1983 claim. In <i>Polk County v. Dodson</i> , 454 U.S. 312, 325 (1981), the United States Supreme Court held that a public defender does not act under color of state law when representing a defendant in a state criminal proceeding. In this case, Davis...	October 26, 1999	0
60%	9. Sema v. City of San Antonio, 244 F.3d 479 (5th Cir., 2001) Both Sema and the City and Chief Philipus argue that we should define adverse transfer for the purposes of the Texas Public Whistleblower Act by looking to our case law under 42 U.S.C. 1983 . That is, all the parties agree that we should define adverse transfer under the Texas Public Whistleblower Act in the same way as we define adverse employment action under 42 U.S.C. 1983 . Thus, we will review whether the adverse was...	March 26, 2001	22

Thank you for joining us.

Questions → www.fastcase.com/faq

Guides → www.fastcase.com/documentations-and-downloads

Webinars → www.fastcase.com/webinars

Support → 1-866-773-2782 or support@fastcase.com

Comments → comments@fastcase.com

