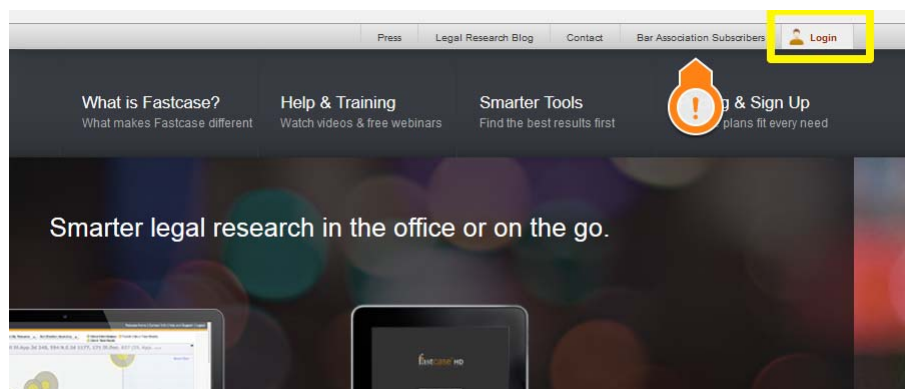


# Advanced Tips for Legal Research on Fastcase

2016

## Getting started — Logging in



## 1. Develop a research strategy

On what issue or issues am I seeking answers?

What legal principles are involved?

Are there add'l search terms that may be useful?

How do judges talk about these concepts?

## Hypothetical—*McFadden v. U.S.*

Issue: Whether, to convict a defendant of distribution of a controlled substance analogue – a substance with a chemical structure that is “substantially similar” to a schedule I or II drug and has a “substantially similar” effect on the user (or is believed or represented by the defendant to have such a similar effect) – the government must prove that the defendant knew that the substance constituted a controlled substance analogue, as held by the Second, Seventh, and Eighth Circuits, but rejected by the Fourth and Fifth Circuits.

## Generate search terms

---

### Question:

- Must the state prove defendant knew a substance is a controlled substance analogue to obtain a conviction for selling it?

### Legal Principles:

- Scierter / Mens rea
- Controlled substance laws
- Analogue Enforcement Act of 1986

### Additional search terms:

- Drug dealing; synthetic drugs

## 2. Expand your search

---

### Use synonyms:

- Drugs or marijuana or controlled substance
- Sell or sale

### Use wildcards:

- Mari?uana — Marijuana; Marihuana
- Sell\* — Selling; sell; sells.

### Use proximity searches, not exact phrases:

- (sell\* or sale) /10 ((synthetic or analog\*) /5 (substance or drug\*))

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Welcome, Josh Auriemma

### Advanced Caselaw Search

**Search Type:**
☒ Keyword Search (Boolean)
 ☐ Natural Language
 ☐ Citation Lookup

☐ Show Search Tips
 Search >>

**Select Jurisdictions**

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

**Recently Searched Jurisdictions**

- ☐ OH
- ☐ D. V.I. , PA, VI
- ☐ VI
- ☐ NV
- ☐ NC

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[Results](#)
[Interactive Timeline](#)

#### No Results

**No documents found for the following search:**

Search Phrase:	"a defendant must know he is selling a controlled substance analogue"
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 >>

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### 3. Find more cases with Forecite

Advanced Caselaw Search

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

`(sell* or sole) /10 ((synthetic or analog*) /5 (substance or drug*))`

☐ Show Search Tips Search >>

**Forecite:** Fastcase has identified 3 additional decisions that may be relevant to your research topic, but do not contain one or more of your search terms. View Results ▲

Case	Date	Relevance	Score
<b>State v. Thompkins</b> , 78 Ohio St.3d 380, 678 N.E.2d 541 (Ohio 1997)	May 14, 1997	16	8,611
<b>State v. Jenks</b> , 574 N.E.2d 492, 61 Ohio St.3d 259 (Ohio 1991)	July 31, 1991	14	6,307
...and the <b>selling</b> of ad space." The shelter program was then undertaken, with the first shelters being installed in 1978 or 1979. In 1983, Yuratovac became aware of some maintenance problems with the bus shelters. The original franchisee of the shelter advertising program went into default on its contract in that it was no longer <b>selling</b> advertising space or maintaining the shelters. By virtue of this default, the shelters and the ad panels became RTA property. Yuratovac related that...			
<b>State v. Hankerson</b> , 70 Ohio St.2d 87, 434 N.E.2d 1362, 24 O.O.3d 155 (Ohio 1982)	May 19, 1982	8	339

[Expand all results](#) [What's Forecite?](#) [Potent Pending](#)

### 4. Remember to look at Authority Check

- Authority Check alerts you to negative citation signals associated with your case, but it also contains a list of all citing cases.
- This is a good feature to access when you find your first helpful case.

Fastcase Home | Contact Info | Help and Support | Logout

Start Search Results Document Print My Library Options Help Welcome, Josh Auerbach

Results Interactive Timeline

Jurisdiction: All Jurisdictions 1 to 20 of 114 results Search >> Add Case >> Print List of Results Print/Save Documents in Queue

**Forecite:** Fastcase has identified 3 additional decisions that may be relevant to your research topic, but do not contain one or more of your search terms. View Results ▼

Relevance	Case	Decision Date	Authority Check
35%	1. <b>People v. Goodell</b> , 152 Cal.Rptr. 243, 131 Cal.App.3d 129 (Cal. App. 2 Dist., 1982)	April 26, 1982	5 48
...that a <b>drug seller</b> who <b>sells</b> only part of his inventory may be convicted and punished separately for the <b>sale</b> of part and the possession for <b>sale</b> of the remainder. (In re Adams, 14 Cal.3d 629, 633, 122 Cal.Rptr. 73, 538 P.2d 473. People v. Sheldon, 254 Cal.App.2d 174, 182, 61 Cal.Rptr. 770.) In this case the record supports the conclusion that appellants had manufactured PCP and that they were in possession of additional pentidine and cyclohexanone with intent to manufacture still more PCP...			
6%	2. <b>U.S. v. Turndorf</b> , 495 F.2d 815 (7th Cir., 2005)	April 19, 2005	8 111
...knew the <b>substance</b> in question was a controlled <b>substance analogue</b> . That is, the defendant must know that the <b>substance</b> at issue meets the definition of a controlled <b>substance analogue</b> set forth in § 802(32)(A). A defendant must know that the <b>substance</b> at issue has a chemical structure substantially similar to that of a controlled <b>substance</b> , and he or she must either know that it has similar physiological effects or intend or represent that it has such effects. We recognize that requiring the government...			

Authority Check Report

Generated on December 9, 2014

State v. Beauchamp, 333 Wis.2d 1, 796 N.W.2d 780, 2011 WI 27 (Wis., 2011)

view document

Print Report

Jurisdiction:

All Jurisdictions

1 to 8 of 8 results

1. State v. Hales (Md. App., 2014)

May 27, 2014

Crawford did not uphold the traditional view that dying declarations serve as an exception both to the common law hearsay rule and the constitutional right of a defendant to confront his accusers.”; **State v. Beauchamp**, 796 N.W.2d 780, 784-85 (Wis. 2011). (“Those principles compel the conclusion that allowing this hearsay exception comports with the protections of the Confrontation Clause.”). Contra United States v. Mayhew, 380 F. Supp. 2d 961, 964-65 (S.D. Ohio 2005) (Mayhew admitted the dying declaration but rationalized the exemption from the Confrontation Clause as an instance of...

2. State v. Richmond (Wis. App., 2013)

November 19, 2013

did not seek a Machner hearing.6 We decline to consider the merits of Richmond’s ineffective assistance claims because he failed to raise them at the trial court.7 See Huebner, 235 Wis. 2d 486, ¶10; **State v. Beauchamp**, 2011 WI 27, ¶39 n.32, 333 Wis. 2d 1, 796 N.W.2d 780 (“A Machner hearing is ‘a prerequisite to a claim of ineffective representation on appeal to preserve the testimony of trial counsel.’”) (citation omitted). By the Court.—Judgment affirmed. This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5. Notes: 1. All references...

3. Grindle v. State (Miss. App., 2013)

August 27, 2013

...not merely in existence but was centuries old by that point, the logic of Giles cannot support the conclusion that the hearsay exception afforded for dying declarations offends the constitution. **State v. Beauchamp**, 796 N.W.2d 780, 792-93 (Wis. 2011). See also Commonwealth v. Nesbitt, 892 N.E. 2d 299, 251 (Mass. 2008) (“Considering the Supreme Court’s guidance on the issue, we are reluctant to expand that right beyond the historical parameters indicated in Crawford.” (quoting People v. Gilmore, 828 N.E. 2d 293, 302 (Ill. App. Ct. 2005))); People v. Clay, 88 A.D.3d 14, 26-27 (N.Y. App. Div. ...

4. State v. Felton, 2012 WI App. 114, 344 Wis. 2d 483, 824 N.W.2d 871 (Wis. App., 2012)

September 18, 2012

...bound by decisions of the United States Supreme Court interpreting federal law, not those of the lower federal courts. State v. Webster, 114 Wis.2d 418, 426 n. 4, 338 N.W.2d 474, 478 n. 4 (1983). **State v. Beauchamp**, 2010 WI App. 42, ¶ 17, 324 Wis.2d 162, 177-178, 781 N.W.2d 254, 261 (“On federal questions, Wisconsin courts are bound only by the decisions of the United States Supreme Court”), aff’d 2011 WI 27, 333 Wis.2d 1, 796 N.W.2d 780. In any event, Felton does not contend that the magistrate judge’s decision affects his appeal. 4. A...

5. People v. Clay (N.Y. App. Div., 2011)

June 28, 2011

PETER B. SKELOS, J.P., THOMAS A. DICKERSON, RANDALL T. ENG., PLUMMER E. LOTT, J.J., APPEAL by the defendant from a judgment of the Supreme Court, (Deborah Dowling, J.), rendered November 21, 2007, in Kings County, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence... Lynn W. L. Fahey, New York, N.Y. (Denise A. Corsi of counsel), for appellant... Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Howard B. Goodman, and Melissa J...

Interactive Timeline

Vertical Axis: Court level

State v. Beauchamp, 333 Wis.2d 1...

S. Ct.

C of A

F. Dist. & Bankr.

State

Citation Summary

Total number of times this case has been cited: 8

Cited by federal appellate cases: 0

Cited by state cases: 8

Cited by district court cases: 0

Cited by bankruptcy court cases: 0

Decision date of most recent cite: May 27, 2014

Citing Law Reviews

Issue 2 - (Wenler 2012): Evading Confrontation: From One Amorphous Standard to Another 35 Seattle U. L. Rev. 473 (2011-2012) (Seattle University Law Review)

the states that recognize dying declarations as an exception to the Sixth Amendment confrontation right.”; Clay, 926 N.Y.S.2d at 609 (approving dying declarations as a Confrontation Clause exception, and listing various state court decisions reaching the same result); State v. Beauchamp, 796 N.W.2d 780, 782-85 (Wis. 2011) (approving dying declarations as a Confrontation Clause exception that was “deeply rooted in the common law”); see also Orenstein, supra note 316, at 1441 (“With few exceptions, courts post-Crawford have held that dying declarations, even when they are...

## 5. Use the Interactive Timeline to Spot Trends and Patterns in the Law

Vertical Axis

Relevance

Page Size

100

Sort

Relevance

Sort Order

Descending

Cites in Entire Database

Forecite (Cites in These Results)

Cites in These Results

(Click and drag to zoom)

6

## 6. Print or Save the Materials you need.

- Fastcase printing is free and unlimited.
- You can batch download as many primary law documents as you need.
- As an example, let's try printing the relevant statute sections for this issue.

Search Statutes

Search Browse

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

21 U.S.C. 813

☐ Show Search Tips

Select Statutes

Current Editions:

☒ United States Code

☒ United States Code (2014 Edition) [info](#)

Public Law 113-201 with additional updates for Titles 2, 6, 7, 10, 12, 14, 15, 16, 17, 19, 20, 21, 22, 26, 31, 33, 36, 38, 42, 44, 47, 49, 52

Last updated on Fastcase: Dec 16, 2014

Last checked for updates: Dec 15, 2014

Citation Syntax	Example
[Title Number] U.S.C. Sec. [Section]	1 U.S.C. Sec. 103
Multiple citations separated by commas	3 103, US Code Statute 10 101, US Code 49 102, USC 2 48

Results Outline View

1 21 U.S.C. Sec. 813 Treatment of controlled substance analogues (United States Code (2014 Edition))

21 U.S.C. Sec. 813 Treatment of controlled substance analogues (United States Code (2014 Edition))

**§813. Treatment of controlled substance analogues**

A controlled substance analogue shall, to the extent intended for human consumption, be treated, for the purposes of any Federal law as a controlled substance in schedule I.

(Pub. L. 91-513, title II, §203, as added Pub. L. 99-570, title I, §1202, Oct. 27, 1986, 100 Stat. 3207-13, amended Pub. L. 100-690, title VI, §6470(c), Nov. 18, 1988, 102 Stat. 4378.)

**REFERENCES IN TEXT**

Schedule I, referred to in text, is set out in section 812(c) of this title.

**AMENDMENTS**

**1988**—Pub. L. 100-690 substituted "any Federal law" for "this subchapter and subchapter II of this chapter".

**Annotations**

1 to 10 of 65 results

**Case** **Decision Date** **Entire Database**

1. [U.S. v. Brown, 415 F.3d 1257 \(Fed. 11th Cir., 2005\)](#) July 8, 2005 [141](#)

The government's position throughout this prosecution has been that, pursuant to 21 U.S.C. § 802(32)(A), 1,4-butanediol is a "controlled substance analogue" of GHB, which Congress added to the statutory list of schedule I controlled substances in 2000. See Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000, Pub. L. No. 106-172, § 3(a), 114 Stat. 7. Under the Controlled Substance Analogue Enforcement Act of 1986 ("the Analogue Act"), 21 U.S.C.

**Authority Check**



The screenshot displays a legal research interface. On the left, a tree view under 'Outline View' lists various chapters and subchapters. 'Subchapter I Control and Enforcement (Sec. 801 to Sec. 904)' is selected. On the right, a search results pane shows a list of links for 'Subchapter I Control and Enforcement (Sec. 801 to Sec. 904)'. The links include:
 

- Part A Introductory Provisions (Sec. 801 to Sec. 803)
- Part B Authority To Control: Standards and Schedules (Sec. 811 to Sec. 814)
  - Sec. 811 Authority and criteria for classification of substances
  - Sec. 812 Schedules of controlled substances
  - Sec. 813 Treatment of controlled substance analogues
  - Sec. 814 Removal of exemption of certain drugs
- Part C Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances (Sec. 821 to Sec. 824)
- Part D Offenses and Penalties (Sec. 841 to Sec. 865)
- Part E Administrative and Enforcement Provisions (Sec. 871 to Sec. 890)
- Part F General Provisions (Sec. 901 to Sec. 904)

 Navigation controls at the top right include 'Highlight: all search terms', 'Find: previous term [P], next term [N]', and buttons for 'Print/Save' and 'Add to My Print Queue'.

## Pick your format

Print Documents

Documents selected:

**Subchapter I Control and Enforcement (Sec. 801 to Sec. 904) (United States Code (2014 Edition))** (79/79 documents left to be printed)

Batch Print Options:

☒ **Separated:** Provides a .zip file containing each document printed in the selected format, limited to 500 documents per print.
   
☐ **Combined:** Documents will be printed in single file with format selected, limited 50 documents per print.

Highlight search terms:

☐ Yes ☒ No

Number of columns:

1

Format:

Adobe Acrobat (PDF)

Print/Save

Cancel



# Organize by bookmarking

Relevance Case Decision Date These Results Entire Database

Forecite: Fastcase has identified 3 additional decisions that may be relevant to your research topic, but do not contain one or more of your search terms. View Results

Relevance	Case	Decision Date	These Results	Entire Database
100%	1. <a href="#">United States v. Wurie (1st Cir., 2013)</a> A smaller number of courts have rejected warrantless cell phone searches, with similarly disparate reasoning. In <i>United States v. Park</i> , No. CR 05-375 SI, 2007 WL 1521573 (N.D. Cal. May 23, 2007), for example, the court concluded that a cell phone should be viewed not as an item immediately associated with the person under Robinson and Edwards but as a possession within an arrestee's immediate control under Chadwick, which cannot be searched once the phone comes into the exclusive control of the ...	May 17, 2013	0	0
99%	2. <a href="#">State v. Patino (R.I. Sup. Ct., 2012)</a> Attempting to reconcile the approved a bill mandating Chafee vetoed the bill, state communications ...	September 4, 2012	0	0
98%	3. <a href="#">United States v. Alabi (1st Cir., 2013)</a> On February 22, 2013, On Oguntoyinbo contends the warrantless search of the that he has ...	April 30, 2013	0	0
85%	4. <a href="#">U.S. v. Maali, 346 F.3d 1008 (9th Cir., 2004)</a> The Master Affidavit had explained that the Master Aff. at 54-57. And, some aspects of computer expert for electronic "residue." (ones, and ...	August 8, 2004	1	2
83%	5. <a href="#">Smallwood v. State (Fla., 2013)</a> Court demonstrates that while the search failed to establish sufficient probable cause to search the vehicle, the search of the vehicle was not a search of the vehicle's contents.	May 2, 2013	0	0

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Name: Electronic data searches

Create in: Favorites (selected) | New folder

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- Research
- Beach easement
- DWI

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### Quick Caselaw Search

[switch to advanced caselaw search](#)

☒ All Jurisdictions

**You have 117 new alerts.**

### Alerts

#### Alerts

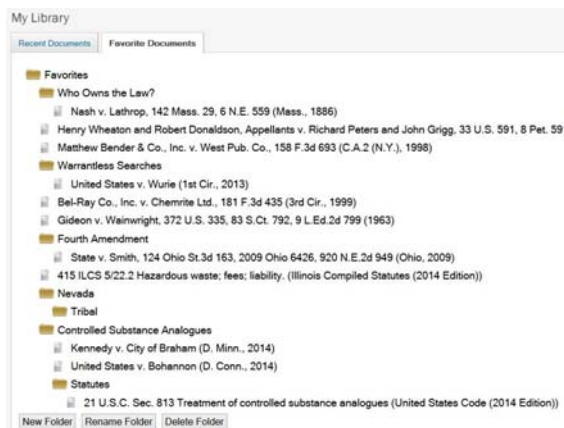
Email Destination of alerts: [JAuriemma@fastcase.com](mailto:JAuriemma@fastcase.com)  
To change it, please user [Options](#) | [Account Settings](#)

- ✕ ["fourth amendment" search\\* \(\(electronic or phone\) /5 date\)](#) - (click this link to re-run your search)  
[17 new cases available](#) - (click this link to see new cases)
- ✕ ["sixth amendment" & confront\\*](#) - (click this link to re-run your search)  
[18 new cases available](#) - (click this link to see new cases)
- ✕ ["fourth amendment" & search\\* & \(\(electronic or phone\) w/5 date\)](#) - (click this link to re-run your search)  
[17 new cases available](#) - (click this link to see new cases)
- ✕ [\(sell\\* or sale\) /10 \(\(synthetic or analog\\*\) /5 \(substance or drug\\*\)\)](#) - (click this link to re-run your search)  
No new cases available.

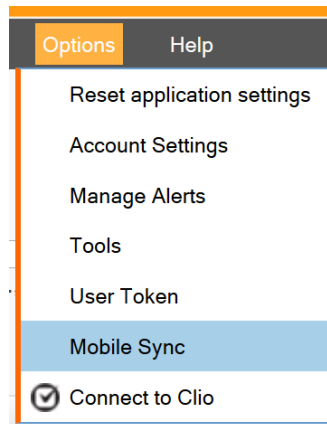
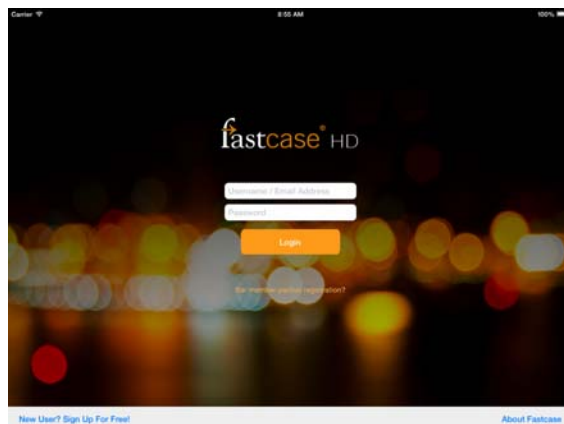
### Case Decision Date

- [Kennedy v. City of Braham \(D. Minn., 2014\)](#) December 12, 2014  
...and the **phone** call that Kennedy later received from Chief Knowles, occurred after she requested the audit, but before she received the results. ( See id. ) Chief Knowles' (1) alleged acknowledgement of the fact that he illegally accessed Plaintiff's **data**, (2) alleged **phone** call to Plaintiff, and/or (3) alleged false statement to Chief Administrator Hoy about the fact that Kennedy requested him to access her private **data** ( id. ¶ 148), did not prevent Plaintiff from accessing the audit report and...
- [United States v. Bohannon \(D. Conn., 2014\)](#) December 15, 2014  
...cellular **phone data** in which Bohannon's **phone** could be is a (relatively) large one. 17 Indeed, SA Zuk was unable to say how large of an area the cell **phone** information might encompass. Although the area indicated by the cellular **data** did not include Bohannon's residence at 103 Crestview, it did include many other buildings. While SA Zuk testified that they did not associate Bohannon with any other location within the cellular **data's** indicated region, that fact does not mean that Bohannon could...

## Organize your favorites into folders



## 8. Use “mobile sync” to pair your accounts



## Ohio Attorneys...

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