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PROGRAM: Warrantless Seizures; 2090130P02; Andover \$ _____

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M C L E
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P R O G R A M S

BOSTON
Wednesday,
October 1, 2008

ANDOVER
Wednesday,
October 8, 2008

SPRINGFIELD
Wednesday,
October 15, 2008

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Warrantless Seizures

Warrantless Seizures

Practical and legal aspects of stops, frisks and arrests

Why attend?

A man sitting on the front steps to his house is approached by the police and told he has to go with them in their cruiser for an "identification procedure." Officers on routine patrol stop and frisk a teenager in a group of his friends because they believe he is walking with a "straight-arm" gait that indicates he is carrying a concealed firearm. Undercover officers in an area with a reputation for drug activity stop and question a man because they believe the handshake they just saw was actually an exchange of narcotics. The police do not have a warrant in any of these scenarios. Does this constitute reasonable police activity or is it an unjustified, unconstitutional intrusion into citizens' liberty and privacy? Should the evidence that was discovered as a result be allowed or suppressed?

Prosecutors and defense attorneys must address these questions each time a case involves evidence that was discovered as a result of a warrantless seizure, and it is evidence that often can make or break the case. Understanding how the courts navigate the delicate balance between legitimate law enforcement on the one hand and individual liberty on the other is essential for criminal law practitioners. The panel of experts, which includes practitioners from both sides of the aisle, teaches you the substantive case law and offers practical tips for more effective oral and written advocacy. Specific topics include the latest developments in the traditional areas of guns, drugs, and violence, as well as cutting edge issues such as police searches into the stored contents of cell phones and other portable electronic devices.

You will learn

- ▶ What police actions constitute seizures and arrests under the 4th Amendment and Article 14 of the Bill of Rights
- ▶ Current state of the law on the required justification for the various versions of a "Terry stop," including questioning, pat frisks, and detention for "bring-back" and "show-up" identification procedures
- ▶ The specific fact patterns that have emerged as guiding principles in gun and drug cases
- ▶ The relevance and weight of "tips," whether known, anonymous, or confidential
- ▶ The lawful scope of searches incident to

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Arrest, Search and Seizure

CONTENTS AT-A-GLANCE

- ▷ Summary of Case Law: Cases with Warrants
- ▷ Summary of Case Law: Warrantless Cases
- ▷ Table of Cases: Cases with Warrants
- ▷ Digest of Cases: Cases with Warrants
- ▷ Table of Cases: Warrantless Cases
- ▷ Digest of Cases: Warrantless Cases

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arrest, including when and if police may access the contents of cell phones and other electronic devices

- ▶ When the police are allowed to enter a private residence without a search warrant
- ▶ Suggestions on challenging the application and scope of "plain feel" searches
- ▶ The types of crimes when police even have authority to make a warrantless arrest
- ▶ How to challenge and defend police training and credibility

Agenda

- ▶ What Situations Constitute a Stop?
- ▶ Recurring and Revealing Fact Patterns—Analogize and Distinguish
- ▶ Differing Perspectives from the Prosecution, Defense, and the Bench
- ▶ Making the Most Effective Use of the Witness at the Hearing
- ▶ "Ask the Experts" Q&A Session

Faculty

Thomas H. Estes, Esq., Cochair, *CPCS, Northampton*; Joshua R. Hanye, Esq., Cochair, *CPCS Trial Unit, Boston*; James B. Krasnoo, Esq., Cochair, *Krasnoo/Kelm LLP, Andover*; Raymond D. Buso, Esq., *Salem*; Randy S. Chapman, Esq., *Chapman & Chapman, Chelsea*; Shira M. Diner, Esq., *CPCS Trial Unit, Boston*; Hon. Raymond G. Dougan, Jr., *Boston Municipal Court*; Michael L. Fabbri, Esq., *Middlesex District Attorney's Office*;

Steven M. Greenbaum, Esq., *Northwestern District, District Attorney's Office*; Edward L. Hayden III, Esq., *Lynn*; John C. Hayes, Esq., *CPCS Trial Unit, Boston*; Hon. Rosalind Henson Miller, *Boston Municipal Court*; Alan Rubin, Esq., *CPCS, Northampton*; Nicholas Joseph Walsh, Esq., *Suffolk District Attorney's Office, Major Felony Bureau, Boston*

DATE AND LOCATION

Wednesday, October 1, 2008
1 – 4 p.m.
MCLE Conference Center,
Ten Winter Place, via Winter Street,
Boston

PROGRAM NO. 2090130P01

DATE AND LOCATION

Wednesday, October 8, 2008
1 – 4 p.m.
Massachusetts School of Law,
500 Federal Street,
Andover

PROGRAM NO. 2090130P02

DATE AND LOCATION

Wednesday, October 15, 2008
1 – 4 p.m.
Springfield Sheraton,
One Monarch Place,
Springfield

PROGRAM NO. 2090130P03

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