

**Procedural Law
Module 6 Study Guide**

What is an agent of the state? How does this apply to evidence law?

How do the rules that regulate police conduct apply to the independent acts of private persons?

What is the “Informer’s Privilege”? What are its limits?

What did the court rule regarding undercover officers in *Lewis v. United States* (1966)?

What is the legal status of passively listening to a suspect's statements once the right to counsel attaches?

What did the Supreme Court rule about undercover officers in *Weatherford v. Bursey* (1977)?

What are the limits on police questioning that keep the encounter from being "custodial" and thus invoking *Miranda*?

What makes a statement “voluntary”? What conduct by police ensures that the statement is not “voluntary”?

What are the legal requirements of a custodial interrogation? How are the rules different for booking questions?

Describe how *custody* is different from *arrest* and how this distinction is taken into account in the law of police interrogations.

What are some common police encounters that do not constitute custody for *Miranda* purposes?

What are the *Miranda* warnings?

What are the rules governing how *Miranda* warnings are given?

What is a *Miranda* waiver? Describe the rules that govern *Miranda* waivers.

What rules govern a *Miranda* interrogation conducted under conditional cooperation by the suspect without an attorney present?

What are the rules governing breaks and withdrawals articulated by the court in *Davis v. United States* (1994)?

What are the rules governing further contact after a suspect has refused to answer questions?

What is a Miranda waiver? When should you proceed without one?

What rules did the court establish concerning undercover interrogations in *Illinois v. Perkins* (1990)?

Describe the *exigent circumstances* exception to *Miranda*.

Describe the Sixth Amendment right to counsel. When does attach? Whom does it apply to?
