

JTIP Handout: Lesson 10 – Challenging Probable Cause and Detention

Bibliography

CASES

Probable Cause Determinations

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Right to Cross-Examine

Crawford v. Washington, 541 U.S. 36 (2004) (holding that the Sixth Amendment’s Confrontation Clause gives defendants the right to confront witnesses and cross-examine their testimony).

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Lee v. Illinois, 476 U.S. 530 (1986) (holding that the trial court’s reliance upon the co-defendant’s confession as substantive evidence against the petitioner violated her rights under the Confrontation Clause of the Sixth Amendment).

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Douglas v. Alabama, 380 U.S. 415, 418 (1965) (holding that the petitioner’s inability to cross-examine the alleged accomplice about a confession that the prosecutor read to the jury denied the petitioner the right to cross-examine under the Confrontation Clause, which is made applicable to the states by the Fourteenth Amendment).

In Re Oliver, 333 U.S. 257 (1948) (holding that the secrecy of the petitioner’s trial violated the Due Process Clause of the Fourteenth Amendment because he was not given reasonable notice of the charge against him, the right to examine the witnesses against him, the right to testify in his own behalf and the right to be represented by counsel).

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