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Miranda: Custody Checklist
with Daniel McNerney, Superior Court Judge, Orange County, CA
Police officers are encouraged to use a "custody checklist" to evaluate whether their contact with a suspect has become de facto custody: 1) Location, 2) Duration, 3) Indicia of restraints; and, 4) Nature of the conversation. *Case cited: U.S. v. Redlighting (2010) DAR 16289.* (11:01)

Remotely Opening Garage Door Not Burglarious Entry
with Jeff Rubin, Deputy District Attorney, Alameda County, CA
A person (with the intent to commit a theft or a felony) who uses a remote control to open a garage door from outside the house does not "enter" the house for purposes of the crime of burglary. The only crime committed is attempted burglary. *Case/Statute cited: People v. Magness 2011 WL 2295135; Pen. Code § 459.* (6:21)

Hit and Run: Driver Must Identify
with William W. Bedsworth, Appellate Court Justice, State of California
If you stop 100 people on the street and ask them what their legal obligation is if they get into an accident where it is probable someone has been injured, you will probably find 75 who know they have to stop. You may find 20 who know they are obliged to render "reasonable assistance" to the injured person. But you might not find any who know they are required to identify themselves as the driver. They would probably think this is a 5th Amendment violation. It is not, and Justice Bedsworth explains the rule in discussing *People v. Guzman (2011) DJDAR 7755 (May 31, 2011).* (8:47)

Reliance on Jailhouse Informant Okay If Info Corroborated
with Jeff Rubin, Deputy District Attorney, Alameda County, CA
Probable cause to arrest or conduct a search may be based on information from a jailhouse informant so long as the information is corroborated. This video discusses a case finding officers provided sufficient corroboration of information provided by such an informant regarding a defense attorney who was smuggling methamphetamine into the jail. *Case cited: Garcia v. County of Merced (9th Cir. 2011) 639 F.3d 1206.* (7:31)

"Second Attempt to Get a Waiver"
with Devallis Rutledge, Special Counsel, Los Angeles CO District Attorney's Office
In Michigan v. Mosley the US Supreme Court ruled that two hours after a custodial suspect invoked his right to silence when questioned about a robbery, it was OK for homicide detectives to re-approach him for a waiver on a homicide case since his robbery invocation had been "scrupulously honored." In Sessoms v. Runnels the Ninth Circuit ruled that per Mosley, homicide detectives from California validly interrogated a murder suspect 5 days after he had invoked silence when arrested and Mirandized by Oklahoma officers. *Cases cited: Michigan v. Mosley (1975) 423 US 96; Sessoms v. Runnels (9 Cir. 2011) WL 2163970.* (6:21)

Privacy in IP Addresses and Stale Warrants
with Jeff Rubin, Deputy District Attorney, Alameda County, CA
Internet users have no reasonable expectation of privacy in their IP address or other information used by their Internet provider to route messages. A warrant is not stale where it remains likely the items sought will still be present at the residence that is the target of the warrant. *Case cited: People v. Stipo (2011) 195 Cal.App.4th 664.* (9:04)