

Arrest, Search, and Investigation in North Carolina

Robert L. Farb Fifth Edition 2016



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♻️ Printed on recycled paper

*For Bonnie, Debbie, Jessica,
Kevin, Chris, and Daphne*

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Preface

This book explains the legal rules that govern an officer's authority to enforce laws and to investigate criminal offenses. It also explains the basic rules of evidence in criminal cases. In addition, it provides—in the footnotes to the text and in the case summaries sections—appellate cases and statutory references to assist in researching particular issues. However, a new law enforcement officer need only read the text to understand the basic legal rules.

The text describes what I believe is the prevailing law in North Carolina state courts and, if the law is unclear, what appears likely to be the prevailing law. The text relies primarily on North Carolina and federal statutory law and on cases of the United States Supreme Court, North Carolina Supreme Court, and North Carolina Court of Appeals, although other appellate court cases are sometimes cited and discussed. The text is current with case law through June 2016 and statutory law through the 2016 legislative session.

I sometimes cite legal treatises. The reader should be aware, however, that treatises sometimes criticize United States Supreme Court and other appellate court rulings and thus disagree with prevailing law. Therefore, they do not necessarily state what is the law in North Carolina state courts. Still, they are valuable aids in understanding legal issues.

The footnotes may refer to appellate cases that are not mentioned in the case summaries, and vice versa. Thus, the reader may want to check both sources for reference material on particular issues.

This is the fifth edition of a book originally published in 1986. The second edition was published in 1992, the third edition in 2003, and the fourth edition in 2011. Relevant case summaries sections appear at the end of each chapter (there are no case summaries for Chapters 1 and 6).

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I welcome comments about this book's scope, organization, or content. Comments may be sent to me at farb@sog.unc.edu.

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