**Crim Pro (Daily?) Outline – August 26, 2015**

**1. Terry Stops/Traffic Stops – “Stop and Frisk”**

Two different, analytical steps: the stop, and the frisk.

**--** They require different “reasonable suspicions:”

1. to STOP: Reas. susp. that crime is afoot (happening or about to happen) (or,

*Hensley*, 1985, HAS happened, past tense).

-- What can you do? BRIEF stop; questions or investigation directed at

either confirming or dispelling officer’s suspicion.

2. to frisk: reas susp that suspect is currently “armed AND dangerous.”

-- What can you do? Frisk for weapons ONLY.

3. *Minn. v. Dickerson* (1993); *Rodriguez* (2015): Officer investigation must CEASE after limited objectives are achieved.

**2. Subsequent Caselaw (very quick and not comprehensive survey).**

(Note that Terry stops are based on “reasonable suspicion,” while most traffic stops are based on probable cause –even certainty– that violation has been committed.)

(Thus Justice Thomas’s dissent in *Rodriguez* had some substance, not crazy.)

*Sibron* (1968, companion to Terry):

*Adams v. Williams* (1972):

*Caballes* (2005) (and *Place*, 1993):

*Ariz. v. Johnson* (2009):

*Atwater* (2001):

*Whren* (1996):

*Rodriguez* (2015):

**3 (if we get to it. Completely different topic, switching gears): *Winship* (1970**