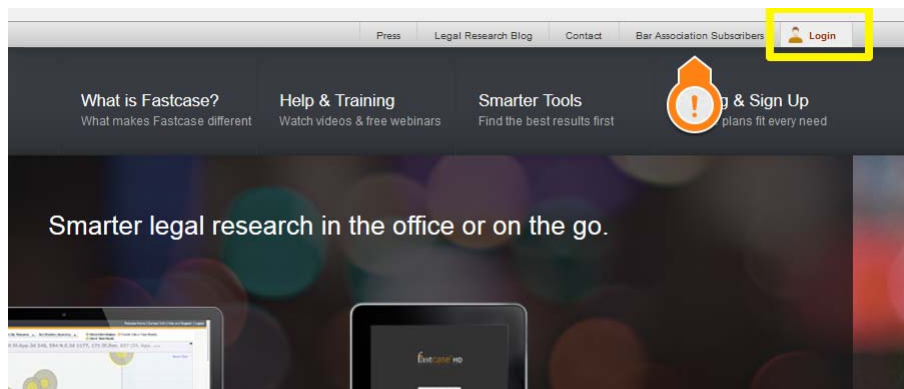


Introduction to Legal Research on Fastcase

2016

Getting started — Logging in



What's in the Fastcase Database?

Scope of Coverage

Law Libraries

Fastcase puts the whole national law library on your desktop, with online access to cases, statutes, regulations, court rules, and bar publications, right at your fingertips.

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 - U.S. Court of Appeals for the Second Circuit
 - U.S. Court of Appeals for the Third Circuit
 - U.S. Court of Appeals for the Fourth Circuit
 - U.S. Court of Appeals for the Fifth Circuit
 - U.S. Court of Appeals for the Sixth Circuit
 - U.S. Court of Appeals for the Seventh Circuit
 - U.S. Court of Appeals for the Eighth Circuit

- Primary Law:
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search case name OR citation (1 Cranch 137)

Quick Caselaw Search [switch to advanced caselaw search](#)

marbury v. madison

☒ All Jurisdictions

You have 43 new alerts.

Start a New Search	Last 10 Searches	Help Options
<ul style="list-style-type: none"> ➤ Advanced Caselaw Search ➤ Search Statutes ➤ Search Regulations ➤ Search Constitutions ➤ Search Court Rules ➤ Search Attorney General Opinions ➤ Search HeinOnline Law Reviews ➤ Search Disciplinary Orders 	<div style="margin-bottom: 5px;">marbury v. madison</div> <div style="margin-bottom: 5px;">hobby lobby</div> <div style="margin-bottom: 5px;">cantan*</div> <div style="margin-bottom: 5px;">1 USC 201</div> <div style="margin-bottom: 5px;">34-S-194</div> <div style="margin-bottom: 5px;">63 NJ Super 369</div> <div style="margin-bottom: 5px;">(((attorney or attorneys) /6 (fee or fees)) /7 (acceptable or appropriate or allow*)) /9 (low or reduced)</div> <div style="margin-bottom: 5px;">(((attorney or attorneys) /6 (fee or fees)) /7 (acceptable or appropriate or allow*))</div> <div style="margin-bottom: 5px;">(((attorney or attorneys) /6 (fee or fees)) /7 (reduced or low)</div> <div style="margin-bottom: 5px;">(attorney or attorneys) /6 (fee or fees)</div>	<ul style="list-style-type: none"> ➤ User Guide ➤ FAQs ➤ Tutorials ➤ Live Chat ➤ E-mail Support ➤ Resources

Results screen

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Results Interactive Timeline

Jurisdiction: All Jurisdictions 1 to 20 of 3,303 results Search Within Add Alert Print List of Results Print/Save Documents in Queue

Forecite: Fastcase has identified 3 additional decisions that may be relevant to your research topic, but do not contain one or more of your search terms. View Results

Relevance	Case	Decision Date	Authority Check
100%	1. Marbury v. Madison , 5 U.S. 137, 2 L. Ed. 60, 1 Cranch 137 (U.S., 1803) William MARLBURY v. James MADISON , Secretary of State of the United States. Supreme Court of the United States February, 1803 MARSHALL. [1 Cranch 138] The supreme court of the U. States has not power to issue a mandamus to a secretary of state of the U. States, it being an exercise of original jurisdiction not warranted by the constitution. Congress have not power to give original jurisdiction to the supreme court in other cases than those described in the...	February 1, 1803	971 971
47%	2. Myers v. United States , 272 U.S. 52, 47 S.Ct. 21, 71 L.Ed. 160 (U.S., 1926) Commonwealth v. Sutherland, 3 Serg. & R. (Pa.) 145, 155; Commonwealth v. Russier, 5 Serg. & R. (Pa.) 451; also Bruce v. Matlock, 86 Ark. 555, 111 S. W. 990; People v. Jewett, 6 Cal. 291; Gray v. McLendon, 134 Ga. 224, 67 S. E. 859; Dubuc v. Voss, 19 La. Ann. 210, 92 Am. Dec. 526; State v. Cowan, 96 Ohio St. 277, 117 N. E. 238; Atty Gen'l v. Brown, 1 Wis. 513. Compare Rankin v. Jauman, 4 Idaho, 53, 36 P. 502; State v. Curtis, 180 Ind. 191, 102 N. E. 627; Shira v. State, 187 Ind. 441, 119 N. E. 633, State...	October 25, 1926	85 365

Navigating cases

- Use the highlight feature to find important information quickly.
- Easily navigate to other cases in your results list that display along the left side of the case.

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Start Search Results Document Print My Library Options Help Welcome, Josh Ausimma

Document Interactive Timeline

Jurisdiction: All Jurisdictions 1 to 20 of 3,303 results Search Within Add Alert Print List of Results Print/Save Documents in Queue

Forecite: Fastcase has identified 3 additional decisions that may be relevant to your research topic, but do not contain one or more of your search terms. View Results

1. **Marbury v. Madison**, 5 U.S. 137, 2 L. Ed. 60, 1 Cranch 137 (U.S., 1803)

William **MARLBURY** v. James **MADISON**, Secretary of State of the United States. Supreme Court of the United States February, 1803 MARSHALL.

The supreme court of the U. States has not power to issue a mandamus to a secretary of state of the U. States, it being an exercise of original jurisdiction not warranted by the constitution. Congress have not power to give original jurisdiction to the supreme court in other cases than those described in the constitution. An act of congress purporting to the constitution cannot become a law. The courts of the U. States are bound to take notice of the constitution. A commission is not necessary to the appointment of an officer by the executive branch. A commission is only evidence of an appointment.

Delivery is not necessary to the validity of letters patent. The President cannot authorize a secretary of state to send the performance

(1 Cranch 138)

of those duties which are imposed by law

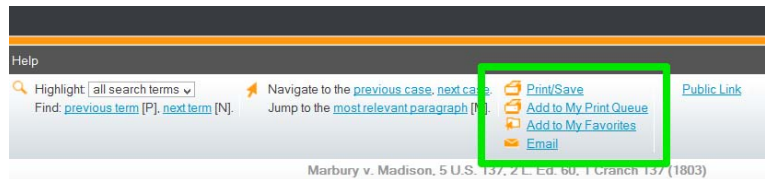
A justice of peace in the district of Columbia is not removable at the will of the President. When a commission for an officer not holding his office at the will of the President, is by him signed and transmitted to the secretary of state to be sealed and recorded, it is irrevocable, the appointment is complete. A mandamus is the proper remedy to compel a secretary of state to deliver a commission to which the party is entitled.

(1 Cranch 137)

As the law stands, viz. December term, 1801, William **MARLBURY**, Dennis **RANDOLPH**, Robert **TARRANT** House, and William **HAGG**, by their counsel, Charles **LEE**, esq. late attorney general of the United States, severally moved the court for a writ to James **MADISON**, secretary of state of the United States, to show cause why a mandamus should not issue compelling him to cause to be delivered to them respectively their several commissions as justices of the peace in the district of Columbia. This motion was supported by affidavits of the following facts, that notice of this motion had been given to Mr. **MADISON**, that Mr. **MADISON**, the late president of the United States, nominated the applicants to the Senate for their offices, and caused to be deposited copies of the process of the district of Columbia, that the Senate advised and consented to the appointments. That commissions in due form were signed by the said president appointing them justices, &c. and that the seal of the United States was in due form affixed to the said commissions by the secretary of state, that the applicants have requested Mr. **MADISON** to deliver them their said commissions, who has not complied with their request, and that their said commissions are withheld from them. That the applicants have made application to Mr. **MADISON** as secretary of state of the United States, as his office, for information whether the commissions were signed and sealed as aforesaid: That explicit and satisfactory information has not been given in answer to that inquiry, either by the secretary of state or any officer in the department of state, that application has been made to the secretary of the Senate for a certificate of the nomination of the applicants, and of the advice and consent of the Senate, who has declined giving such a certificate, whereupon a writ was held to issue upon the 10th day

Print, download, or email cases

These options are available at the top of each Fastcase document in the grey toolbar.



Marbury v. Madison, 5 U.S. 137, 2 L. Ed. 60, 1 Cranch 137 (1803)

5 U.S. 137
2 L. Ed. 60
1 Cranch 137

William **MARBURY**
v.
James **MADISON**, Secretary of State of the United States.
Supreme Court of the United States
February, 1803

Printing options

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Document selected: **Marbury v. Madison, 5 U.S. 137, 2 L. Ed. 60, 1 Cranch 137 (1803)**

Highlight search terms: ☐ Yes ☒ No

Number of columns:

Format:

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 - Nash v. Lathrop, 142 Mass. 29, 6 N.E. 559 (Mass., 1886)
 - Henry Wheaton and Robert Donaldson, Appellants v. Richard Peters and John Grigg, 33 U.S. 591, 8 Pet. 591, 8 L.Ed. 1 (1834)
 - Matthew Bender & Co., Inc. v. West Pub. Co., 158 F.3d 693 (C.A.2 (N.Y.), 1998)
- Warrantless Searches**
 - United States v. Wurie (1st Cir., 2013)
 - Bel-Ray Co., Inc. v. Chemrite Ltd., 181 F.3d 435 (3rd Cir., 1999)
 - Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963)
- Fourth Amendment**
 - State v. Smith, 124 Ohio St.3d 163, 2009 Ohio 6426, 920 N.E.2d 949 (Ohio, 2009)
 - 415 ILCS 5/22.2 Hazardous waste; fees; liability. (Illinois Compiled Statutes (2014 Edition))

Public link — share with anyone

Authority Check: These results: 3/21 Entire database: 3/21

Highlight: all search terms

Find: previous term [P], next term [N]

Navigate to the: previous case, next case

Jump to the: most relevant paragraph [M]

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Marbury v. Madison, 5 U.S. 137, 2 L. Ed. 60, 1 Cranch 137 (1803)

8 U.S. 137
2 L. Ed. 60
1 Cranch 137

William **MARBURY**
v.
James **MADISON**, Secretary of State of the United States.
Supreme Court of the United States
February, 1803

MARSHALL
[1 Cranch 138]

The supreme court of the U. States has not power to issue a mandamus to a secretary of state of the U. States, it being an exercise of original jurisdiction not warranted have not power to give original jurisdiction to the supreme court in other cases than those described in the constitution. An act of congress repugnant to the constitution of courts of the U. States are bound to take notice of the constitution. A commission is not necessary to the appointment of an officer by the executive-Semb. A commissioner appointment.

Delivery is not necessary to the validity of letters patent. The President cannot authorize a secretary of state to omit the performance

[1 Cranch 139]

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Advanced Caselaw Search

- Go to Search > Search Cases from the black toolbar along the top of the screen to access the Advanced Caselaw Search page.
- Many more options are available:
 - Change the search mode
 - Change your jurisdiction
 - Adjust your date range.

The screenshot shows the 'Advanced Caselaw Search' page. A red box highlights the 'Search Type' section at the top, which includes radio buttons for 'Keyword Search (Boolean)', 'Natural Language', and 'Citation Lookup'. A green box highlights the 'Select Jurisdictions' section, which lists various court levels and jurisdictions like 'All Jurisdictions', 'All Federal Appellate', 'All State', 'All District Courts', 'All Bankruptcy Courts', 'Fed. 5th Cir.', 'MO', 'IL', 'TN', and 'D. C. DC'. A blue box highlights the 'Search Options' section, which includes 'Date' filters for 'Start Date' (January) and 'End Date' (December) with dropdown menus for 'Before 1925' and '2014'. On the right, a 'Results' section shows 'Maximum results: Unlimited', 'Results per page: 20', and 'Sort by: Relevance'.

Different types of searches

- Citation Lookup; Natural Language; and Keyword (Boolean)

This screenshot shows the 'Advanced Caselaw Search' page with a navigation bar at the top containing 'Start', 'Search', 'Results', 'Document', 'Print', 'My Library', 'Options', and 'Help'. The 'Search Type' section is highlighted with an orange box, showing three radio buttons: 'Keyword Search (Boolean)' (which is selected), 'Natural Language', and 'Citation Lookup'. Below this is a large text input field and a checkbox labeled 'Show Search Tips'.

Mix and match jurisdictions

Individual Jurisdictions...

- ☒ U.S. Supreme Court and U.S. Courts of Appeal
- ☒ U.S. District Courts
- ☒ U.S. Bankruptcy Courts
- ☒ State Supreme and Appeals Courts

<input type="checkbox"/> Alabama	<input type="checkbox"/> Illinois	<input type="checkbox"/> Montana	<input type="checkbox"/> Rhode Island
<input type="checkbox"/> Alaska	<input type="checkbox"/> Indiana	<input type="checkbox"/> Nebraska	<input type="checkbox"/> South Carolina
<input type="checkbox"/> Arizona	<input type="checkbox"/> Iowa	<input type="checkbox"/> Nevada	<input type="checkbox"/> South Dakota
<input type="checkbox"/> Arkansas	<input type="checkbox"/> Kansas	<input type="checkbox"/> New Hampshire	<input type="checkbox"/> Tennessee
<input type="checkbox"/> California	<input type="checkbox"/> Kentucky	<input type="checkbox"/> New Jersey	<input type="checkbox"/> Texas
<input type="checkbox"/> Colorado	<input type="checkbox"/> Louisiana	<input type="checkbox"/> New Mexico	<input type="checkbox"/> Utah
<input type="checkbox"/> Connecticut	<input type="checkbox"/> Maine	<input type="checkbox"/> New York	<input type="checkbox"/> Vermont
<input type="checkbox"/> Delaware	<input type="checkbox"/> Maryland	<input type="checkbox"/> North Carolina	<input type="checkbox"/> Virginia
<input type="checkbox"/> District of Columbia	<input type="checkbox"/> Massachusetts	<input type="checkbox"/> North Dakota	<input type="checkbox"/> Washington
<input type="checkbox"/> Florida	<input type="checkbox"/> Michigan	<input type="checkbox"/> Ohio	<input type="checkbox"/> West Virginia
<input type="checkbox"/> Georgia	<input type="checkbox"/> Minnesota	<input type="checkbox"/> Oklahoma	<input type="checkbox"/> Wisconsin
<input type="checkbox"/> Hawaii	<input type="checkbox"/> Mississippi	<input type="checkbox"/> Oregon	<input type="checkbox"/> Wyoming
<input type="checkbox"/> Idaho	<input type="checkbox"/> Missouri	<input type="checkbox"/> Pennsylvania	<input type="checkbox"/> Guam

Select All Clear All

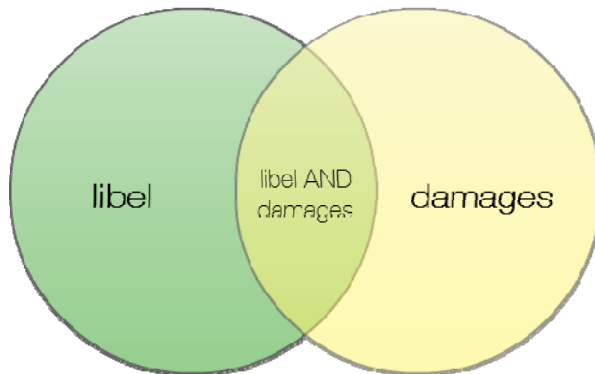
Search >>

- Select Individual Jurisdictions to search within one particular state, district, circuit etc.
- Or mix and match in any combination.

Operators for keyword searches

Operator	Example	Description
AND, &	libel AND damages	Results must contain both "libel" and "damages"
OR	premarital OR prenuptial	Results must contain either "premarital" or "prenuptial"
NOT	negligence NOT criminal	Results must contain "negligence" but must not contain the word "criminal"
w/3, /3	custody w/15 interrogation	Results must contain "custody" within 15 words of "interrogation." Select a number to limit the distance between words
, !	testif	Results must contain some variation of the stem "testif" such as testified, testifying, etc.
?	mari?uana	Results must contain a m-a-r-i-__-u-a-n-a with one letter being substituted for the question mark
" "	"estate tax"	Results must contain the exact phrase: estate tax
()	(confront OR cross-examine)	Altering the order of operations (more later)

AND — libel AND damages



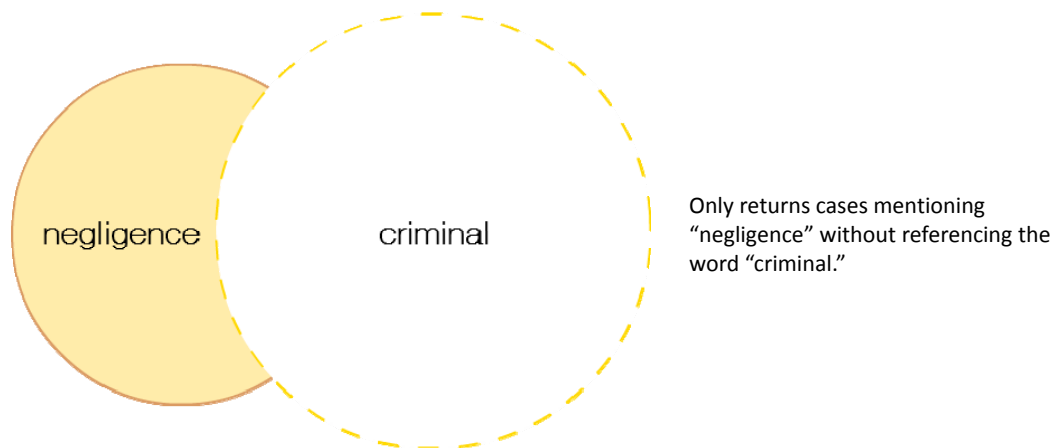
Only returns cases at the intersection
— ones containing both the words libel
and damages.

OR — prenuptial OR premarital



Returns all cases around the perimeter
of the two words — either those using
the word prenuptial or the word
premarital.

NOT — negligence NOT criminal



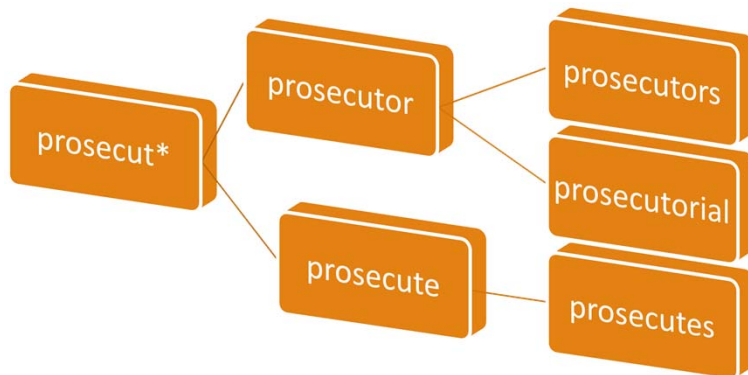
Proximity or within — w/# or /#

custody /5 interrogation — return cases where **custody** appears within 5 words of **interrogation**

Sample matches:

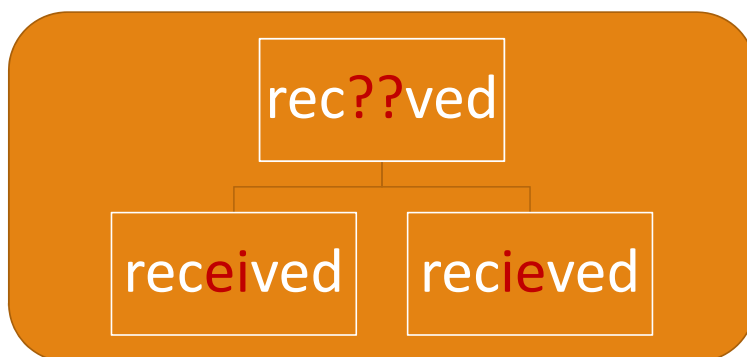
in-custody interrogation of a suspect	(w/1 matches.)
unless in-custody <u>police</u> interrogation is	(w/2 matches.)
interrogation <u>while in</u> custody may give	(w/3 matches.)
when in custody <u>for purposes of</u> interrogation	(w/4 matches.)

Root expander (*, !)



Return all cases beginning with the letters prosecut — **important:** for a Boolean search, Fastcase doesn't return past-tense, future tense, gerunds, etc.

Single letter wildcard — ?



rec??ved — return all cases with either spelling (correct or wrong) of received

“Quotation marks”

“notice of appeal” — returns only cases with the exact phrase notice of appeal

Sample matches:

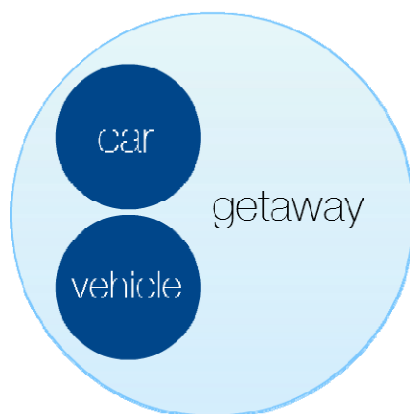
Defendant timely filed her **notice of appeal** with

One must file **notice of appeal** with the prothonotary

Not in search results:

Defendant erroneously filed two **notices of appeal** with

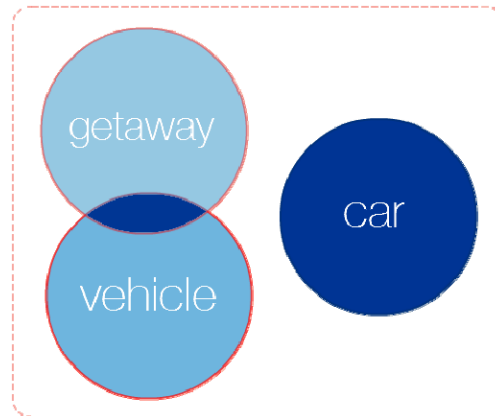
Parentheses — ()



Consider the following search:
car OR vehicle AND getaway

car OR vehicle AND getaway

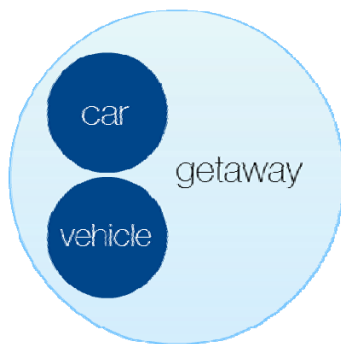
What Fastcase actually sees:
(vehicle AND getaway) OR car



Subtle but important distinction

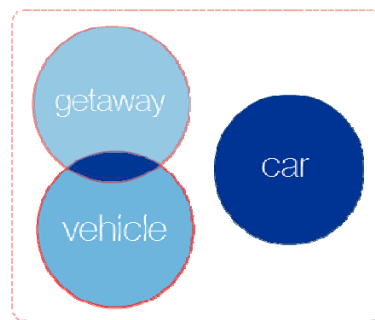
Correct:

(car OR vehicle) AND getaway



Incorrect:

car OR (vehicle AND getaway)



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Advanced Caselaw Search

Search Type: ☒ Keyword Search (Boolean) ☐ Natural Language ☐ Citation Lookup

Search: "sixth amendment" & confront*

☐ Show Search Tips Search >>

Select Jurisdictions

☒ All Jurisdictions
☐ All Federal Appellate
☐ All State
☐ All District Courts
☐ All Bankruptcy Courts

☐ Individual Jurisdictions...

Recently Searched Jurisdictions

☐ NC
☐ NJ
☐ IL
☐ MO
☐ Fed. 5th Cir.

Search Options

Date

Start Date: January Before 1925
End Date: December 2014

Results

Maximum results: Unlimited
Results per page: 20
Sort by: Relevance

Authority Check

☒ Show Number of Citations in Search Results
☒ Show Number of Citations in Entire Database

Sorting search results

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Jurisdiction: All Jurisdictions 1 to 20 of 46,813 results Search >> Add Item >> Print List of Results Print/Save Documents in Queue

Favorite: Fastcase has identified 3 additional decisions that may be relevant to your research topic, but do not contain one or more of your search terms. View Results >

Relevance	Case	Decision Date	Authority Check	These Results	Entire Database
100%	1. Williams v. Rhoads , 132 S.Ct. 2221 (U.S., 2012) ...of the Confrontation Clause. See ante, at 2225. There is no textual justification, however, for limiting the confrontation right to statements made after the accused's identity became known. To be sure, the Sixth Amendment right to confrontation attaches "[i]n criminal prosecutions," at which time the accused has been identified and apprehended. But the text of the Confrontation Clause does not constrain the time at which one becomes a "witness." Indeed, we have previously held that a defendant...	June 18, 2012	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
72%	2. California v. Green , 399 U.S. 149, 90 S.Ct. 1930, 26 L.Ed.2d 489 (U.S., 1970) ...of the Sixth Amendment Confrontation Clause. Commentators have been prone to slide too easily from confrontation to cross examination. Against this amorphous backdrop I reach two conclusions. First, the Confrontation Clause of the Sixth Amendment reaches no farther than to require the prosecution to produce and available witness whose declarations it seeks to use in a criminal trial. Second, even were this conclusion deemed untenable as a matter of Sixth Amendment law, it is surely agreeable...	June 23, 1970	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
69%	3. Mayfield v. Craig , 497 U.S. 836, 110 S.Ct. 3157, 111 L.Ed.2d 866 (U.S., 1990) ...of the Sixth Amendment's guarantee of the right to jury trial." The Court makes the impossible plausible by recharacterizing the Confrontation Clause, so that confrontation (redesignated "face-to-face confrontation") becomes only one of many "elements of confrontation" Ante, at 546. The reasoning is as follows: "The Confrontation Clause guarantees not only what it explicitly provides for—"face-to-face" confrontation but also implied and collateral rights such as cross-examination, oath, and...	June 27, 1990	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
69%	4. U.S. v. Booker , 125 S.Ct. 738, 160 L.Ed.2d 821, 543 U.S. 220, 2005 WL 50106 (U.S., 2005) ...violating the Sixth Amendment. Because the Guidelines as written possess the virtue of combining a mandatory determination of sentencing ranges and discretionary decisions within those ranges, they allow ample latitude for judicial factfinding that does not even arguably raise any Sixth Amendment issue. The principal basis for the Court's chosen remedy is its assumption that Congress did not contemplate that the Sixth Amendment would be violated by depriving the defendant of the right to a jury trial.	January 12, 2005	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
69%	5. State v. Beauchamp , 333 Wn.2d 1, 796 N.W.2d 780, 2011 WL 277 (Wn., 2011) Beauchamp's Sixth Amendment right to confront witnesses nor his corresponding right under the Wisconsin Constitution. 9 As the court of appeals noted, "the Sixth Amendment's guarantee of the confrontation right does not apply where an exception to the confrontation right was recognized at the time of the founding." 10 Beauchamp concedes that the dying declaration exception was an established hearsay exception at common law. The Crawford Court acknowledged the dying declaration hearsay...	May 3, 2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
65%	6. Melendez-Diaz v. Massachusetts , 557 U.S. 305, 129 S.Ct. 2527, 174 L.Ed.2d 314, 77 U.S.W.4574, 9 Cal. Daily Op. Serv. 7994, 2009 Daily Journal D.A.R. 3063, 21 Fla. L. Weekly Fed. S. 990 (U.S., 2009) ...violated his Sixth Amendment right to be confronted with the witnesses against him. The Appellate Court of Massachusetts rejected the claim, affirmance order, 69 Mass App. 1114, 870 N.E.2d 676, 2007 WL 2189152, *4, n. 3 (July 31, 2007), relying on the Massachusetts Supreme Judicial Court's decision in Commonwealth v. Verde, 444 Mass. 279, 263-285, 827 N.E.2d 701, 705-706 (2005), which held that the authors of certificates of forensic analysis are not subject to confrontation under the Sixth Amendment...	June 25, 2009	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Suggested Results

Filtering results

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1 to 20 of 46,813 results

Search Within Add Alert Print List of Results Print/Save Documents in Queue

Jurisdiction:

- All Jurisdictions
- U.S. Supreme Court
- Federal 1st Circuit
- Federal 2nd Circuit
- Federal 3rd Circuit
- Federal 4th Circuit
- Federal 5th Circuit
- Federal 6th Circuit
- Federal 7th Circuit
- Federal 8th Circuit
- Federal 9th Circuit
- Federal 10th Circuit
- Federal 11th Circuit
- Federal Circuit
- Federal D.C. Circuit
- Bankruptcy Appellate Panel of the First Circuit
- Bankruptcy Appellate Panel of the Ninth Circuit
- U.S. Court of Federal Claims
- United States Tax Court
- U.S. Court of International Trade

69%

3. [Maryland v. Craig](#), 497 U.S. 836, 110 S.Ct. 3157, 111 L.Ed.2d 666 (U.S., 1990)

...of the **Sixth Amendment's** guarantee of the right to jury trial." The Court makes the impossible plausible by recharacterizing the **Confrontation Clause** argument, or that the issue should be assessed as a matter of plain error in light of the way it has been raised. Had a **confrontation** argument been raised before the State concluded its case, inquiry could have been made as to which **analyst** or **analysts** defendant wanted produced. Even at this stage...

Search within

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Results Interactive Timeline

1 to 20 of 27,492 results

Search Within Add Alert Print List of Results Print/Save Documents in Queue

Relevance	Case	Decision Date	Authority Check
100%	1. Mendez-Diaz v. Massachusetts , 557 U.S. 305, 129 S.Ct. 2527, 174 L.Ed.2d 314, 77 U.S.W.4574, 9 Cal. Daily Op. Serv. 7594, 2009 Daily Journal D.A.R. 9363, 21 Fla. L. Weekly Fed. S. 990 (U.S., 2009)	June 25, 2009	1,223 1,038
62%	2. Derr v. State (Md. App., 2011)	September 29, 2011	0 0
62%	3. Conners v. State , 92 So. 3d 676 (Miss., 2012)	July 19, 2012	12 20
59%	4. Bullock v. New Mexico , 131 S.Ct. 2705, 180 L.Ed.2d 610 (U.S., 2011)	June 23, 2011	257 261
57%	5. Williams v. Binos , 132 S.Ct. 2221 (U.S., 2012)	June 18, 2012	148 208
55%	6. State v. Michaels (N.J., 2014)	August 6, 2014	0 0

Authority Check: These Results Entire Database

Suggested Results

Authority Check Report Generated on December 9, 2014

State v. Beauchamp, 333 Wis.2d 1, 796 N.W.2d 780, 2011 WI 27 (Wis., 2011) [view document](#)

Authority Check is an automated system that identifies later-citing cases, but it is not a citator, and does not include editorial information telling you whether your case is still good law.

Interactive Timeline

Vertical Axis: Court level

State v. Beauchamp, 333 Wis.2d 1...

S. Ct.
C of A
F.
Dist. & Bankr.
State

1900 1950 2000

Cited Cases

Citation Summary

Total number of times this case has been cited: 8

Cited by federal appellate cases: 0

Cited by state cases: 8

Cited by district court cases: 0

Cited by bankruptcy court cases: 0

Decision date of most recent cite: May 27, 2014

Citing Law Reviews

Issue 2 - (Wenler 2012): Evading Confrontation: From One Amorphous Standard to Another 35 Seattle U. L. Rev. 473 (2011-2012) (Seattle University Law Review)

...the states that recognize dying declarations as an exception to the Sixth Amendment confrontation right... Clay, 926 N.Y.S.2d at 609 (approving dying declarations as a Confrontation Clause exception, and listing various state court decisions reaching the same result); State v. Beau champ, 796 N.W.2d 780, 782-85 (Wis. 2011) (approving dying declarations as a Confrontation Clause exception that was "deeply rooted in the common law"); see also Orenstein, supra note 316, at 1441 ("With few exceptions, courts post-Crawford have held that dying declarations, even when they are...

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All Citing Cases

1. [State v. Hales \(Md. App., 2014\)](#) May 27, 2014

Crawford did not upend the traditional view that dying declarations serve as an exception both to the common law hearsay rule and the constitutional right of a defendant to confront his accusers... **State v. Beauchamp, 796 N.W.2d 780, 784-85 (Wis. 2011)** ("Those principles compel the conclusion that allowing this hearsay exception comports with the protections of the Confrontation Clause"). Contra United States v. Mayhew, 380 F. Supp. 2d 961, 964-65 (S.D. Ohio 2005) (Mayhew admitted the dying declaration but rationalized the exemption from the Confrontation Clause as an instance of...

2. [State v. Richmond \(Wis. App., 2013\)](#) November 19, 2013

did not seek a Machner hearing. We decline to consider the merits of Richmond's ineffective assistance claims because he failed to raise them at the trial court. See Huebner, 235 Wis. 2d 486, ¶10. **State v. Beauchamp, 2011 WI 27, ¶39 n.32, 333 Wis. 2d 1, 796 N.W.2d 780** ("A Machner hearing is 'a prerequisite to a claim of ineffective representation on appeal to preserve the testimony of trial counsel'") (citation omitted). By the Court.—Judgment affirmed. This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5. Notes: 1. All references...

3. [Grindle v. State \(Miss. App., 2013\)](#) August 27, 2013

...not merely in existence but was centuries old by that point, the logic of Giles cannot support the conclusion that the hearsay exception afforded for dying declarations offends the constitution. **State v. Beauchamp, 796 N.W.2d 780, 792-93 (Wis. 2011)**. See also Commonwealth v. Nesbitt, 892 N.E.2d 299, 251 (Mass. 2008) ("Considering the Supreme Court's guidance on the issue, we are reluctant to expand that right beyond the historical parameters indicated in Crawford." (quoting People v. Gilmore, 828 N.E.2d 293, 302 (Ill. App. Ct. 2005))); People v. Clay, 88 A.D.3d 14, 26-27 (N.Y. App. Div. ...

4. [State v. Felton, 2012 WI App. 114, 344 Wis. 2d 483, 824 N.W.2d 871 \(Wis. App., 2012\)](#) September 18, 2012

...bound by decisions of the United States Supreme Court interpreting federal law, not those of the lower federal courts. State v. Webster, 114 Wis.2d 418, 426 n. 4, 338 N.W.2d 474, 478 n. 4 (1983). **State v. Beauchamp, 2010 WI App. 42, ¶17, 324 Wis.2d 162, 177-178, 781 N.W.2d 254, 261** ("On federal questions, Wisconsin courts are bound only by the decisions of the United States Supreme Court"), aff'd 2011 WI 27, 333 Wis.2d 1, 796 N.W.2d 780. In any event, Felton does not contend that the magistrate judge's decision affects his appeal. 4. A.

5. [People v. Clay \(N.Y. App. Div., 2011\)](#) June 28, 2011

PETER B. SKELOS, J.P., THOMAS A. DICKERSON, RANDALL T. ENG, PLUMMER E. LOTT, J.J., APPEAL by the defendant from a judgment of the Supreme Court, (Deborah Dowling, J.), rendered November 21, 2007, in Kings County, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence... Lynn W. L. Fahey, New York, N.Y. (Denise A. Corsi of counsel), for appellant... Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Howard B. Goodman, and Melissa J...

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U.S. v. Johnson, 196 F.Supp.2d 795 (N.D. Iowa, 2002)

196 F.Supp.2d 795

UNITED STATES of America, Plaintiff,
v.
Angela JOHNSON, Defendant.
Nos. CR 00-3034-MWB, CR 01-3046-MWB.
United States District Court, N.D. Iowa, Central Division.
April 23, 2002.

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Alfred E. Willett, Terpstra, Epping & Willett, Cedar Rapids, IA, Dean A. Stowers, Rosenberg Law Firm, Des Moines, IA, Thomas P. Frenchs, Frenchs Law Office, Waterloo, IA, Patrick J. Bernigan, Watson & Dameron, LLP, Kansas City, MO, Philip A. MacTaggart, Federal Public Defender, Davenport, IA, Robert R. Rigg, Drake University Legal Clinic, Des Moines, IA, for Defendant.

Patrick J. Reinert, Charles J. Williams, U.S. Atty's Office, Northern District of Iowa, Cedar Rapids, IA, for U.S.

MEMORANDUM OPINION AND ORDER REGARDING GOVERNMENT'S NOTICE OF INTENT TO USE

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U.S. v. Johnson, 403 F.Supp.2d 721 (N.D. Iowa, 2005) December 16, 2005

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her seventeenth ground for judgment of acquittal or new trial, is that this court and the Eighth Circuit Court of Appeals erred in allowing into evidence the testimony of jailhouse informant Robert McNeese and other fruits of his evidence. This ground reviews issues extensively litigated pretrial. See United States v. Johnson, 196 F.Supp.2d 795 (N.D.Iowa 2002) (ruling on defendant's motion to suppress evidence from jailhouse informant as to indictment on non-capital offenses), rev'd, 338 F.3d 918 (8th Cir.2003), rev'd, 352 F.3d 339 (8th Cir.2004) (panel rehearing), cert. denied, ___ U.S. ...

U.S. v. Johnson, 354 F.Supp.2d 939 (N.D. Iowa, 2005) January 3, 2005

► **Negative treatment indicated in a citation in this case**

...in return for obtaining incriminating evidence about other prisoners. However, the court based its finding of agency prior to September 11, 2000, solely on the these grounds, because the record plainly did not support a finding of agency under the "bright line rule" stated in Moore. See United States v. Johnson, 196 F.Supp.2d 795, 863-871 (N.D.Iowa 2002), rev'd, 338 F.3d 918, and rev'd, 352 F.3d 339 (8th Cir.2003), cert. denied, ___ U.S. ___, 126 S.Ct. 76, 160 L.Ed.2d 46 (2004). Second, the Eighth Circuit Court of Appeals...

U.S. v. Horken, 378 F.Supp.2d 928 (N.D. Iowa, 2004) June 7, 2004

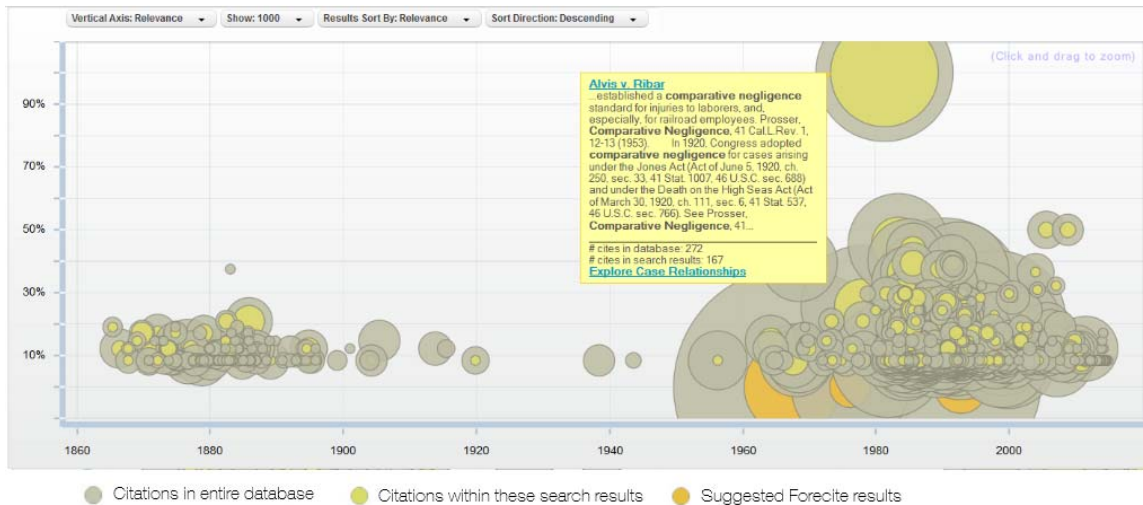
► **Negative treatment indicated in a citation in this case**

...of this motion begins with a review of some additional factual background. 1. Additional factual background As this court explained in a ruling in the companion case against Angela Johnson, see United States v. Johnson, 196 F.Supp.2d 795 (N.D.Iowa 2002), rev'd, 338 F.3d 918 (8th Cir.2003), and rev'd, 352 F.3d 339 (8th Cir.2003), a jailhouse informant named Robert McNeese succeeded in obtaining a great deal of information from Johnson while both were incarcerated in the Benton County...

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2. <i>Taylor v. Taylor</i> , 158 S.W.3d 352 (Tenn., 2005)	January 14, 2005	381

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