

How to Conduct a Criminal Case (Rev. Ed.) (Book Review)

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Recommended Citation

McNally, James B. M. (1936) "How to Conduct a Criminal Case (Rev. Ed.) (Book Review)," *St. John's Law Review*: Vol. 11 : No. 1 , Article 31.

Available at: <https://scholarship.law.stjohns.edu/lawreview/vol11/iss1/31>

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Section 77B of the Bankruptcy Act by the adoption of official forms and the promulgation of appropriate General Orders and local rules. The work also embraces forms on review and appeal.

The "Practice Hints", notes and reminders are valuable, while the inclusion of the Bankruptcy Act, General Orders and Equity Rules will prove very helpful in serving well the needs of the practitioners in the field. The book is well arranged, compiled and indexed. It is a useful, practical handbook of forms, and should find a place on the library table of every bankruptcy and reorganization practitioner.

SAMUEL C. DUBERSTEIN.*

HOW TO CONDUCT A CRIMINAL CASE. Revised edition. By William Harman Black. New York: Prentice-Hall, Inc., 1935, pp. lxxvi, 483.

The last two editions of this work, the first "A Real Criminal Case", and the second "How to Conduct a Criminal Case", met with kind consideration from the profession and the author may again be assured that this edition will have the hearty approval of both the bench and the bar. As stated in its preface, legislative enactments since the last edition was printed in 1929 have made the third edition necessary. The book outlines in chronological order every step in a criminal cause from the time of the arrest of a defendant to the final disposition of the proceeding. Each separate step is described in its order and all alternative treatment is plainly indicated.

Based upon the author's experience as Acting District Attorney in the largest criminal law office in the world and thirteen years as a Trial Judge in the Supreme Court, it may be described as a ready reference to important and much used criminal procedure and forms, thus giving a lawyer who devotes his attention to civil practice an extremely useful volume in calling quickly to mind something that he once knew but has since forgotten. The book can be relied upon to give purposeful direction to a layman as well as to a practicing attorney. A graphic index reference chart, visualizing an entire criminal proceeding, accompanies the book, and a cursory glance at this chart enables the reader to determine the status of a criminal cause with very little effort. In writing the book it appears to have been the purpose of the author to place in the hands of the public a practical working manual of criminal procedure in plain, ordinary, everyday language with a view to a complete understanding of every point which may be raised in the course of a criminal proceeding from the time of the commission of the crime to the moment of the execution of sentence or acquittal of the defendant.

Technical motions, such as motions to dismiss indictments and motions to inspect the Grand Jury minutes, are treated completely and in a very understandable and colloquial fashion. An attorney who has devoted his attention to civil causes and is preparing for the trial of a criminal proceeding may ascertain by a reference to its pages such commonplace information as the

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exact mechanics of empanelling a jury in a criminal cause. Even a defendant's motion to dismiss an indictment on the trial, and the verbiage used on the motion when made orally, are set forth in clear and concise language. Such unusual subjects as the removal of cases from the Court of Special Sessions in New York City under certification by a justice of the Supreme Court, or a judge of General Sessions, or a county judge in counties other than New York County, or that it is reasonable that the charge be prosecuted by indictment, a practice authorized in some cases by the Inferior Criminal Courts Act, are treated at length in the volume. On that subject there is very little literature. Interesting, involved and practical matters, such as extraditions, habeas corpus, demurrers and bail bonds, are treated in such a frank and understandable manner that a reading of the pages devoted to these subjects is genuine pleasure. All in all, the volume is a well-written, practical work arranged in orderly fashion, telling a "simple, understandable story of the procedure followed in a criminal case from an arrest to a final sentence or discharge, with a graphic chart, a graphic index, and accurate forms for every step."

JAMES B. M. McNALLY.*

CASES ON CRIMINAL LAW AND PROCEDURE. CASES ON CRIMINAL LAW. Third Edition. By William E. Mikell. St. Paul: West Publishing Co., 1933, pp. xxiii, 775. CASES ON CRIMINAL PROCEDURE. Third Edition. By William E. Mikell. St. Paul: West Publishing Co., 1935, pp. x, 303.

In 1933, Professor Mikell published the third edition of his "Cases on Criminal Law". The present volume, under the title of "Cases on Criminal Law and Procedure", contains a reprint of the 1933 publication on Criminal Law and the original third edition of "Cases on Criminal Procedure".

The author does not indicate in either of his prefaces whether or not the two topics are to be treated jointly in the classroom. If they are to be so treated, much would depend upon the ingenuity of the instructor in weaving the cases into a logical whole, inasmuch as no attempt in this direction is found in the volume. On the other hand, if the topics are to be treated consecutively, little is to be gained from co-publication unless it be that cross referencing is made less laborious.

The topics on Criminal Procedure are arranged in the standard method.¹ The cases are selected from a variety of jurisdictions and are naturally intended to construe fundamental principles, rather than to impart the technique of prosecution in any specific state. Supplementing the cases are many "pertinent sections" of the American Law Institute's Code of Criminal Procedure, the inclusion of which tends to picture more fully the various steps in the prosecu-

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¹ See Book Review, Mikell, Cases on Criminal Law (3d ed. 1933), Edward J. O'Toole (1934) 8 ST. JOHN'S L. REV. 443. In view of this, only the materials in "Cases on Criminal Procedure" are reviewed here.