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COMPUTERIZED KNOWLEDGE REPRESENTATION AND COMMON LAW REASONING

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I. INTRODUCTION

The law is an applied science which involves the analytic application of legal norms to fact patterns.1 Practicing attorneys assume the responsibility for discovering the relevant facts underlying a client's request for legal representation and determining how these facts may fit into an established legal framework. This legal framework is generally characterized by legal precedent,2 statutes or codes, and judges' personal predilections.3

The practice of law also involves a combination of inductive4 and deductive legal reasoning.5 Benjamin Cardozo identifies four distinct aspects of legal reasoning: logical analysis, historical development, custom, and social justice.6 Of these four aspects, only the first is purely

2. See E. Levi, An Introduction to Legal Reasoning 1-2 (1949) ("[T]he basic pattern of legal reasoning . . . is a three-step process described by the doctrine of precedent in which . . . similarity is seen between cases; next the rule of law inherent in the first case is announced; then the rule of law is made applicable to the second case.").
5. See generally I. Copi, Introduction to Logic (6th ed. 1982). Deductive reasoning is a method of analysis where the antecedent necessarily entails the conclusion. For example, an antecedent composed of the premises "If I live in Pittsburgh, then I live in Pennsylvania" and "I live in Pittsburgh" necessarily entails the conclusion "I live in Pennsylvania." See infra text accompanying notes 10-22.
The goal of this paper is to explore the possibilities of devising a computerized expert legal system which is capable of deriving legal conclusions and giving legal advice based on a particular fact situation. In order to reach legal conclusions, such a system should draw upon a knowledge base composed of codes, statutes, and common law. Furthermore, the system should determine whether particular codes, statutes, or precedent mandate a result in each case.

Such a system is currently technologically infeasible. Technology aside, however, a computerized expert legal system is inherently limited by the inability of humans to program computers to accurately recognize the realm of human relationships, reason inductively, or represent legal knowledge. Each of these obstacles are knowledge representation problems which can be surmounted only by encoding tremendous amounts of information and formal reasoning procedures as data structures. This paper will analyze these knowledge representation problems, suggest a means toward their resolution, and offer an expert legal system which models common law legal reasoning using essentially deductive reasoning.

II. THE KNOWLEDGE REPRESENTATION PROBLEM EXPLAINED: THE HUMAN MIND MODEL

The ability of a computer to store the bulk of legal doctrine in memory presents relatively few theoretical problems. However, this poses the immense practical problem of ascertaining the bulk of legal doctrine and transcribing it into a form which computers can understand. In order to effectively store and manipulate data of any amount, a computer must have a cross-indexing scheme. An illustration of the type of cross-indexing system used in computer systems may be found in the human mind.

It is believed that observed facts are processed by the hippocampus, and are stored as memories in the cerebral cortex. One school of thought suggests a “subject model” concept of memory storage in which long-term memory is arranged in the cerebral cortex by subject. Memories are formed through the brain's information pathways—pathways referred to as “traces.” This “subject model” of memory storage sug-
suggests that subjects are arranged by relevant words known as "mnemonics." A mnemonic device generally engrains a fact in the cerebral cortex by means of a clearly established trace. However, according to this theory, even though particular memories are processed by one's brain, they may, nevertheless, become irretrievable, that is, "forgotten," when their respective traces are unclear.

The subject model suggests that the ideal design for tailoring a computerized expert legal system should be based upon mnemonic traces. As a result, developers of expert legal systems are faced with the immense task of devising an indexing system which can store vast amounts of information, and which can recall the same information through a variety of traces.

III. LOGIC AND LEGAL ANALYSIS

Legal reasoning involves the application of historical development, custom, social justice and logic. Legal analysis has been described as the logical derivation of legal conclusions from particular fact situations in light of some body of legal doctrine. Insofar as any and all logical systems can be computerized, and insofar as legal analysis involves logic, legal analysis can be computerized.

A computer is essentially a machine for explicating a logical system. Computers lend themselves to logical analysis mainly through three different logic operations: "tests," "conditional branches," and "repeats." Tests cause the comparison between two pieces of data. Conditional branches cause the computer to adjust its operation and change the sequence of steps the computer carries out. The repeat function allows a computer to repeat a set of instructions. Although these functions alone do not appear to be very powerful, a standard personal computer can perform more than 600,000 conditional branch operations every second. Thus, by repeating these three basic logical functions, computers can perform almost any kind of logical analysis.

To the extent that legal analysis involves logical analysis, legal analysis is composed of two modes of logical reasoning: deductive and inductive reasoning. Deductive analysis lends itself to computerization. Inductive analysis, however, involves classification of attributes.

11. Id. at 30.
13. Id.
15. Id. at 78.
16. Leith & Philip, supra note 12, at 348.
and classes to determine similarities and differences with existing fact patterns. For a computer to perform inductive reasoning, it must be able to recognize class distinctions and relationships between those classes.

Deductive and inductive arguments are sometimes distinguished from one another in terms of the relative generality of their premises and conclusions. For instance, deductive reasoning is the process of inferring the particular from the general. This is best illustrated by the following classic example:

All humans are mortal.
Socrates is human.
Therefore, Socrates is mortal.

Conversely, inductive reasoning is the process of inferring the general from the particular. The following is an example of an inductive argument:

Socrates is a human and is mortal.
Bob Hope is a human and is mortal.
Ronald Reagan is a human and is mortal.
Rene Descartes is a human and is mortal.
Therefore, all humans are mortal.

While the relative generality of premises is one factor distinguishing between deductive and inductive reasoning another, more convincing, factor arguably differentiates the two. Specifically, in a deductive argument, the conclusion follows from the premises with absolute necessity. However, in an inductive argument, the conclusion follows only with a degree of probability which is less than certainty. Thus, an inductive conclusion is subject to change by the introduction of counterexamples.

There are three types of inductive arguments, each of which uses a distinct mechanism. First, inductive reasoning may proceed by analogy. Analogy involves inferring resemblance between two objects—class attributes of a first object are recognized, and a second object is determined to be either a member or a non-member of those same classes.

Second, inductive reasoning may proceed by generalization. Generalization may occur when two or more objects share two particular characteristics, and where a class of additional objects share one of the two particular characteristics. Through the generalization process, the second particular characteristic is inferentially attributed to all of the

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17. I. Copi, supra note 5, at 51.
18. Id. at 52.
19. Id. at 53.
20. Id. at 54.
additional objects as well. 21

Finally, inductive reasoning may operate by means of a “cause-and-effect” analysis. A causal connection is inferred between events or characteristics which frequently seem to occur or appear together. 22

Although people generally reason inductively, legal analysis is essentially deductive. Where the fact pattern of a particular case fits within the scope of an established rule, a particular legal conclusion will necessarily follow. The clearest example of the deductive nature of legal analysis is found in the application of strict liability laws. Not all fact patterns, however, fit neatly under a rule of law.

Sometimes cases which involve almost identical fact situations may result in conflicting holdings. Thus, while the fact situations may be similar at first glance, there is at least one factor which legally distinguishes the two. It is in such instances that the ideal expert legal system will have to use inductive reasoning to determine the distinguishing factor. Unfortunately, programming a computer to recognize legally relevant facts is the greatest obstacle to automating inductive reasoning. If an expert legal system could discern legally relevant facts, it could then determine similar fact patterns, and apply established rules of law to particular cases.

IV. COMPUTERIZED LEGAL ANALYSIS

As discussed above, lawyers can store and trigger cases and concepts in their minds through the use of natural language tags. 23 Similarly, computerized legal analysis requires concepts to be classified under computerized tags, so that the relevant information may be retrieved when needed. However, formulating computerized tags presents a knowledge representation problem.

Since the 1960s, much attention and effort has been directed toward the use of computers to retrieve data in order to expedite the process of legal research. 24 Prior to the 1960s, lawyers were forced to manually search for all relevant constitutions, statutes, and case law. Although constitutions are relatively brief, statutes, codes, and case law comprise the bulk of legal knowledge and require huge libraries to store them in printed form. “Accompanying indices” and “digests” have been developed in order to enable practitioners to sort through this morass. One such indexing scheme is the West Key Number System. 25 The West

21. See supra text accompanying notes 18-19 (the “Socrates” example of inductive reasoning).
22. I. Copi, supra note 5, at 54.
23. See supra text accompanying notes 8-9.
25. The “West Key Number System” is a copyright of West Publishing Company.
system breaks all legal concepts down into West “topics” and assigns key numbers to both these topics and sub-topics. Legal concepts are thereby arranged in a hierarchic structure with major topics at the top of the structure and specific holdings at the bottom. However, even with these numeric aids, manually locating relevant statute sections, code sections, or cases is often inefficient and ineffective. A better solution may be computerizing legal indexing schemes and the body of legal knowledge.

LEXIS and WestLaw are the foremost attempts at computerizing legal retrieval systems. Both operate via a method of keyword search known as “key-word-in-combination.” These systems require the user to input key words or phrases to retrieve the cases containing the same key words or phrases. LEXIS and WestLaw are inherently ineffective, however, because the key word or phrase input and searched is not necessarily connected to the context of the case in which it appears. WestLaw is relatively more effective than LEXIS since, in addition to mere words, a user may input West Key Number System topic and sub-topic numbers. However, even WestLaw is inefficient because it is still overly broad and often retrieves large amounts of irrelevant information.

For example, suppose one wishes to research whether intentionally grabbing a book from another’s hand is a battery. An appropriate key phrase to input into the system might be the following:

battery & “unconsented to grab*”

The ampersand requires the system to retrieve only those cases which contain all key words or phrases which appear on both sides of the ampersand; the asterisk tells the system to retrieve all variations of the root word immediately preceding the asterisk; and the quotation marks tell the system to retrieve the enclosed phrase in its exact form. This particular search did not retrieve any cases in either the “all federal” or “all state” database. Perhaps limiting the search to an “unconsented to” “grab” was the factor which caused the search to fail. Perhaps it would be less restrictive if the key phrase included only the word “unconsented” in the same sentence as the word “grab” without requiring them to be immediately next to each other. Hence, a new search might appear as follows:

battery & unconsented /s grab*

The signal “/s” requires the system to retrieve cases where both key words on either side of the “/s” appear in the same sentence. As expected, several cases satisfied this search. However, only one case was directly on point—the others were irrelevant.

Thus, oftentimes a LEXIS or WestLaw search results in cases

26. Both LEXIS and WestLaw enable the user to research particular jurisdictions.
which bear no relationship to the particular issue the user is researching. A query often retrieves irrelevant information, and the information that is relevant is sometimes overlooked by the system because the user’s key word or phrase does not precisely fit the appropriate case.

V. COMPUTER MODELING OF LEGAL CONCEPTS

To correct these problems, the query should be based on the legal concepts being researched. In order to permit concept-based legal research, programmers must surmount the knowledge representation problem involved in modeling these concepts for use by computers.

One such system for overcoming the knowledge representation problem was proposed by Wesley Hohfeld in 1919. Hohfeld based his system of analysis on four elements: rights, powers, privileges and immunities and their counterparts: duties, no-rights, liabilities, and disabilities. Legal analysis, according to Hohfeld, is only a matter of following a set of logical rules that operate on these elements. However, Hohfeld’s approach, and the entire field of analytical jurisprudence, was not well received in his time.

More recent efforts include the work of Georg von Wright, who developed an analytical model called deontic logic. Von Wright used mathematical logic to describe the obligations that run between people. While von Wright was not a lawyer, his system resembles Hohfeld’s. Like Hohfeld’s system, von Wright’s deals with commands and permissions, states of affairs, and transitions between states.

Layman Allen constructed a model of legal analysis using symbolic logic and propositional calculus. To Allen, a statement of legal doctrine may be paraphrased in the form of two propositions: one proposition is a set of legal consequences and the other is a set of conditions that imply these consequences. For example, a legal consequence will follow when condition 1, condition 2, etc. are satisfied. This method of legal analysis is similar to the propositional calculus of the programming language “Prolog.”

Another commentator suggests the use of structural representa-

28. See generally W. HOHFELD, FUNDAMENTAL LEGAL CONCEPTIONS AS APPLIED IN JUDICIAL REASONING (1919).
29. Meldman, supra note 10, at 34.
30. Id.
33. Meldman, supra note 10, at 37.
34. See infra text accompanying notes 53-54.
tions. "These representations comprise relatively complicated structures assembled from primitive data items that represent relatively simple things and relations in the everyday world." This model portrays factual situations as "things" and "relations." Things and relations are distinguishable since relations always run from one thing to a second thing. Meldman contends that if the relational structure of the factual components is explicitly represented, it is likely that a case retrieval system would find fewer irrelevant cases.

It is important to note that a system which takes into account relational structures has never been implemented because, regardless of the model used, large numbers of cases would have to be translated into representational data structures. As a result, it is uncertain whether these systems would provide improved performance.

VI. OTHER KNOWLEDGE REPRESENTATION TECHNIQUES

A. PATTERN MATCHING

Pattern matching may be used to organize an expert legal system based on pattern recognition rather than reasoning. Legal concepts may be defined as a particular series of bits. Each bit represents the presence or absence of an attribute which a legal expert/programmer has deemed important in the definition of that legal concept. A legal conclusion follows when the system finds that the pattern of bits in the definition matches the user-defined pattern.

Pattern recognition programs are usually based on classifier systems; that is, information about a set of conditions is encoded as a string of bits with each bit representing a specific feature that is typically binary in nature. A classifier system also allows the expert to weight the relative importance of the presence or absence of each bit.

An example of such a classifier system is as follows:

35. Meldman, supra note 10, at 42.
36. Id.
37. Id. at 44.
38. Id.
39. Binary code is the basis of all computer programming. Binary code is comprised of only two character types, the number "0," referred to as "off," and the number "1," referred to as "on." Computers respond to particular patterns of binary code, known as "machine language," in ways unique to that pattern. Each digit of a binary number represents that corresponding power of the number "2"; for example, the corresponding powers of 2 of a typical binary number are as follows:

<table>
<thead>
<tr>
<th>Binary Number</th>
<th>10111</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corresponding Powers of 2</td>
<td>43210</td>
</tr>
</tbody>
</table>

The binary number 10111 simply means that 2 to the 4th power, 16, is "on," 2 to the 3rd power, 8, is "off," 2 to the 2nd power, 4, is "on," 2 to the 1st power, 2, is "on," and 2 to the 0 power, 1, is "on." Thus, the binary number 10111 equals $16 + 4 + 2 + 1 = 23$. 
Battery:
1. Intent
2. Contact
3. Consent
4. Privilege
5. Injury
6. Plate
7. Book
8. Rocketship

This is a small subset of the total set of attributes. The greater the number of class attributes included in a classifier system, the more accurate the total system.

The expert's job is to identify those class attributes that are relevant. After class attributes are identified, the expert must incorporate a classifier definition. Using the battery class attributes identified above, a classifier system of battery might be defined as follows:

Battery:
A. 1, 2, 3
B. 4, 5
C. 6, 7, 8

(NOTE: An underline indicates the negation of the attribute.)

A = those attributes which must be present;
B = those attributes whose absence would indicate negative evidence;
and
C = those attributes which are helpful when present but not damaging when absent.

Because microcomputers are able to compare bit attributes, expert legal systems using legal concepts defined in the above manner could be developed for microcomputers.

B. LEARNING

Another question which often arises is whether computers are able to "learn." Learning systems are able to extract knowledge from raw data or through intersystem informative exchanges, including conversations with users. A learning system should be able to identify the facts it does not already know, acquire this knowledge cumulatively, and incorporate the knowledge into its current knowledge structure. If a legal information system was able to learn, it could update itself and thereby provide the user with the most current legal advice. This is the last obstacle to creating the ideal expert legal system.

Generally, computers learn by translating specific instances into

40. *See supra* text accompanying notes 10-22.
general rules. “Martin’s Law” stands for the proposition that one cannot learn anything unless one almost knows it already. Professor Winston demonstrates how a computer can learn class descriptions from positive and negative samples. He calls this procedure “hit and near miss.” In this procedure, a teacher presents carefully chosen samples. The computer “learns” whatever rules it can from the samples, and it then forgets the individual samples. The computer learns through what Winston calls “induction heuristics”; that is, a model evolves through known class attributes and non-attributes. Eventually, the procedure forms general rules from specific instances.

VII. A COMPUTER MODEL OF COMMON LAW LEGAL REASONING

In recent years, researchers have attempted to model legal reasoning using computers capable of exhibiting “artificial intelligence”—that is, the capacity for “common sense,” or the intelligent reasoning which is generally characteristic of humans. The failure of this approach led researchers to direct their attention toward the development of teleozetic expert systems capable of receiving factual input in highly focused areas and applying the input to goals in the form of conditional statements. These efforts have yielded expert legal systems which incorporate the rules of a highly focused field of law, and which ask the user about the user's specific fact situation. The system then applies these facts to its endogenous rule hierarchy and offers a legal solution. Thus, modern expert legal systems offer users the opportunity to quickly and conveniently analyze the merits of a case, and to determine whether or how the case ought to proceed.

This progression of computer-modeled legal reasoning made it possible for the author of this article to develop a program entitled Com-

42. Id.
44. Id. at 385.
45. See McCarty, Reflections on Taxman: An Experiment in Artificial Intelligence and Legal Reasoning, 90 HARV. L. REV. 837 (1977) (one of the first attempts to model legal reasoning using artificial intelligence).
46. See Ciampi, Artificial Intelligence and Legal Information Systems, in ARTIFICIAL INTELLIGENCE AND LEGAL INFORMATION SYSTEMS 49, 51 (C. Ciampi ed. 1982).
47. See Coulter, The Self-Determinism of Teleogenic Systems, 5 J. CYBERNETICS 9 (1976) (teleozetic systems are capable of receiving factual input, selecting among a set of internally stored goals, and determining whether these goals have been satisfied).
48. Conditional statements are merely “if-then” rules; for example, “If I live in Pittsburgh, then I live in Pennsylvania” is a conditional statement. See infra text accompanying note 55.
49. See Popp & Schlink, JUDITH: A Computer Program to Advise Lawyers in Reasoning a Case, 15 JURIMETRICS J. 303 (1975); see also McCarty, supra note 45, at 837.
puter Aided Criminal Trial Evidence Admissibility Heuristic (CACTUS). CACTUS enables the user to determine whether evidence obtained by either a police search or a confession to police may be admitted against the defendant at a criminal trial. CACTUS prompts the user for "yes" or "no" answers to a subset of its hierarchy of questions, and provides the user with a determination of whether a particular piece of evidence may be admitted at the defendant's trial. As each question appears on the video display terminal, the user may choose to answer the question with the letter "Y" or the letter "N," or, to learn more about the legal principle underlying each question, the user could input the letter "P." CACTUS is simple to use and understand and may be employed by legal practitioners, judges, or curious laypersons, regardless of the user's level of computer expertise.

In order to construct an expert system for use within a particular area of law, the legal principles underlying that area of law must be transformed into computer source code—statements a computer can recognize. The algorithm which constitutes CACTUS is a multi-level hierarchy of conditional statements abstracted in an artificial intelligence programming language called Prolog.

VIII. THE PROLOG LANGUAGE

Prolog derives its name from the term "Programming in Logic." Although all computer programming languages are a function of logic, Prolog is relatively more powerful than other programming languages because it closely emulates the logic of human thought and problem-solving processes.

Programming languages such as BASIC, Pascal, and "C" are procedural languages. A computer program written in one of these languages consists of a kind of step-by-step recipe which tells the computer how to solve the problem at hand. Prolog, by contrast, is a declarative language. A Prolog program provides the computer with a description of the problem to be solved and lets the Prolog language, itself, supply the procedural instructions.

A problem-solving component is inherent in every Prolog computer program. The heart of the language is therefore an "inference engine" which draws conclusions from facts which are not explicitly given in the program itself. A Prolog program consists of statements of fact describing a problem and rules for dealing with such facts. For example, consider the following syllogism:

50. See infra app. A.
51. See infra text accompanying notes 56-72.
52. CACTUS was developed with the aid of TurboProlog which is a registered trademark of Borland International, Inc.
(1) All men are mortal.
(2) Socrates is a man.
(3) Socrates is mortal.\footnote{See supra text accompanying notes 10-22.}

A Prolog program facing this problem would convey facts (1) and (2), and the computer would derive conclusion (3) with the aid of the Prolog language.\footnote{See Shafer, Prolog - Just the Beginning, MACUser, Mar. 1987, at 122-26.}

Of course, facts (1) and (2) must be presented to the computer in syntactically correct source code. CACTUS' source code consists of many such syntactically correct rules of fact. In order to understand CACTUS' source code, Prolog should be conceptualized by translating the language into rules of predicate logic. Thus, an explanation of predicate logic is in order.

**IX. PREDICATE LOGIC**

Predicate logic is particularly useful for translating natural language principles into computer source code.\footnote{See generally I. Copi, supra note 5 (a general discussion of logic).} The rules contained in CACTUS are readily constructed into natural language statements. Predicate logic incorporates the rules of inference of traditional logic, and thereby allows new consequences to be derived from antecedents. These rules of inference are common to most modern expert legal systems and are inherent to CACTUS as well.

The operation of predicate logic is largely dependent upon language symbols and rules which govern their use, commonly known as "syntax." In this respect, the syntax of predicate logic is similar to the syntax of arithmetic and mathematics. Predicate logic is also composed of connectives that logically relate syntactically valid statements.

For the purpose of interpreting CACTUS and other similar expert legal systems, only a cursory understanding of predicate logic is required. All predicates are presumed to be syntactically valid in CACTUS' source code.

The most basic rules of inference are expressed in the following "truth-table" analysis of predicate logic.
In the truth-table above, the letters "P" and "Q" represent syntactically valid predicate logic statements. For example, "P" may represent the statement "I live in Pittsburgh." Similarly, "Q" may represent the statement "I live in Pennsylvania." The truth values of either P or Q may be represented as true, "T," or false, "F."

The logical connectives used in the above truth-table are interpreted as follows:

<table>
<thead>
<tr>
<th>LOGICAL CONNECTIVES</th>
<th>INTERPRETATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;-&quot;</td>
<td>Negation (&quot;Not&quot;)</td>
</tr>
<tr>
<td>&quot;&amp;&quot;</td>
<td>Conjunction (&quot;And&quot;)</td>
</tr>
<tr>
<td>&quot;V&quot;</td>
<td>Disjunction (&quot;Or&quot;)</td>
</tr>
<tr>
<td>&quot;=&gt;&quot;</td>
<td>Conditional (&quot;If-Then&quot;)</td>
</tr>
</tbody>
</table>

The statement "-P" means "It is not the case that I live in Pittsburgh," or, more simply, "I do not live in Pittsburgh." Similarly, "-Q" means "I do not live in Pennsylvania." "P & Q" means "I live in Pittsburgh and I live in Pennsylvania." "-P & Q" means "I do not live in Pittsburgh, but/and I live in Pennsylvania." "P V Q" means "I live in Pittsburgh or I live in Pennsylvania." "P => Q" means "If I live in Pittsburgh, then I live in Pennsylvania." And finally, "P => -Q" means "If I live in Pittsburgh, then I do not live in Pennsylvania."

The truth value of each of the last seven complex statements, namely -P, -Q, P & Q, and so on, is a function of the truth values of the first two atomic predicates, P and Q. For example, looking across the first row in the truth-table above, notice that because P and Q are both true, "T," then -P is false, "F," -Q is false, P & Q is true, -P & Q is false, P V Q is true, P => Q is true, and P => -Q is false. Likewise, the truth values of the last seven complex predicates in the three remaining rows in the truth-table are also functions of the truth values of the first two atomic predicates.

These predicates may also represent other natural language statements such as legal principles. For example, the predicate "Q" may represent the statement "Defendant is guilty of battery." The predicate
"P" may represent the statement "Defendant touched Complainant." Similarly, in order to represent the remaining elements of battery, the predicate "L" may represent "Defendant intended to touch, or was substantially certain that he was likely to touch, Complainant." "M" may represent "Defendant's touching of Complainant was offensive," and "N" may represent "Complainant suffered an injury caused by Defendant's touching."

The complex predicate for battery, as defined here, would be represented as 
\[(L \& M \& N \& P) \Rightarrow Q\]; in other words, if the elements L, M, N, and P are all satisfied, then the antecedent \((L \& M \& N \& P)\) is true, and Q is a true statement as well. If one or more of the predicates L, M, N, and P are false, then the antecedent \((L \& M \& N \& P)\) must be false, and the consequence, Q, must also be false. Thus, in order for Defendant to be guilty of battery—that is, in order to establish that "Q" is true—the prosecutor must establish at Defendant's criminal trial that all of the elements of battery, as they are represented by the symbols L, M, N, and P, are true.

This type of logic is inherent in the CACTUS expert legal system and is represented by Prolog's unique syntax and connectives. As mentioned above, CACTUS is designed to determine whether a particular piece of evidence, gained either through a police search or by a confession to police, may be admitted at Defendant's criminal trial. The structure of CACTUS is a hierarchy of interrelated, complex predicate clauses which are either satisfied or "failed" in accordance with the user's response to a subset of CACTUS' hierarchy of questions. CACTUS interprets the user's responses and makes a determination as to the admissibility of evidence based on the rules of inference characteristic of predicate logic.

X. AN APPLICATION OF PREDICATE LOGIC TO LEGAL REASONING: CACTUS

A. THE STRUCTURE OF CACTUS

CACTUS' source code was developed using the artificial intelligence programming language Prolog and is divided into standard Prolog sections. These sections include an untitled section at the very top of the program containing the system commands—"nowarnings" and "code=3000." These commands relate more to the interaction between the program and the computer than to the interaction between the user and the program. An understanding of these commands is important only to the Prolog programmer.

56. See infra app. A.
57. Id., lines 80, 90.
The Prolog "database" section contains several elements including "question(string)." These database elements are dynamic facts; for example, a limitless number of "strings" may be assigned to the element "question(string)" as long as the assignment is made in proper TurboProlog syntax. Once a particular value is assigned to a database element, for example, "question(Case)," that value will remain an asserted fact throughout the program. Note that there may be two or more permanent assignments to a particular database element throughout the program, for example, "question(X)." These asserted facts may then be used within the program's hierarchy.

The "predicates" section of CACTUS contains the terms "admis," "inadmis," and so on. These terms are similar in form and function to standard predicates used in predicate logic. These predicates are incorporated into clauses which are similar to predicate logic statements.

The "goal" section of CACTUS is the starting point of the Prolog search process; the goal identifies the initial consequent-predicate. CACTUS' initial consequent-predicate is "inadmis;admis." The semi-colon which appears in CACTUS' goal is a disjunctive logical connective—it represents "or." Therefore, Prolog will attempt to satisfy CACTUS' goal by satisfying "inadmis" or, if "inadmis" fails, by satisfying "admis."

In the "inadmis" portion of CACTUS' goal, Prolog will determine whether the predicate "inadmis" is satisfied by looking throughout the "clauses" section of the source code in order to find the first clause where "inadmis" appears as the consequent. The first clause which contains "inadmis" as its consequent is represented as "inadmis if hello, confession—standing, not(valid—confession) . . . ." The "if" which follows "inadmis" is logically identical to the symbol "< = " as it is used in predicate logic. The statements "hello," "confession—standing," "not(valid—confession)," and "not(fruit—poisonous—tree)," are predicates established by the programmer in the "predicates" section. The
remaining statements within the antecedent are "built-in" predicates which are automatically executed, and, therefore, "satisfied," by Prolog. In order to determine whether "inadmis" is satisfied, Prolog must determine whether each of the programmer-defined predicates within the clause are satisfied. Prolog will first determine whether the programmer-defined predicate "hello" is satisfied by looking at the first clause which features "hello" as its consequent—that is, to the left of "if." The clause which features "hello" as its consequent is entirely composed of "built-in" Prolog predicates. Once the computer has automatically performed these functions, the predicate "hello" is satisfied.

Similarly, Prolog will determine whether "confession—standing" is satisfied by looking to the first clause where it appears as the consequent. Prolog will automatically satisfy built-in predicates and determine whether programmer-defined predicates such as "clearbase" and "affirm" are satisfied, by using the same method of finding the clause where each programmer-defined predicate appears as the consequent. This process continues until Prolog reaches the point where all built-in predicates have been automatically satisfied, and there are no programmer-defined predicates which have not been either satisfied or failed. Prolog will, thereby, have satisfied one of the two disjuncts of CACTUS' goal, "inadmis" or "admis," and the user will be provided with a response to the inquiry.

CACTUS was written in a manner which requires no computer expertise on the part of the user. Thus, CACTUS is "user friendly." To start CACTUS, the user need only type "CACTUS" into the computer. CACTUS will automatically respond with a subset of its total set of commands and questions. The user must respond to these questions with a single letter: either "Y" for yes, "N" for no, or "P" for the underlying legal principle. By responding to a question with the letter "P," the user will be able to read about the particular legal principle underlying the instant question. The name of the case in which each principle is promulgated is provided as well. Thus, CACTUS enables students to appreciate the status of the law of searches and confessions as it stood in 1985, and it enables legal practitioners to structure a relatively complete, logical argument.

CACTUS does not allow the user to "speak" to the computer using "natural language"—that is, by way of complete or partial English sentences. LEXIS and WestLaw are two of only a very few law-related

69. See infra app. A, line 2660.
70. See id., line 8260.
71. See infra app. B.
72. See id., panels 5, 11.
computer programs or systems which allow the user to input messages which are relatively similar to the spoken or written English language.

This deficiency in CACTUS was intentional. Natural language computer programs are difficult, time-consuming, and expensive to create. CACTUS, on the other hand, was created by the author of this article, during a nine-month period, for the sole purpose of modeling the deductive analysis which composes an important part of the process of legal reasoning.

However, one should note that because legal reasoning involves both deductive and inductive reasoning, CACTUS does not accurately reflect the complete process of legal reasoning.

CACTUS is one of the first law-related computer programs which uses the artificial intelligence capabilities of Prolog. It was created to provide insight into the relationship between artificial intelligence and legal reasoning and to enable expert legal systems developers to more fully utilize Prolog's natural language and learning potential.

B. USING CACTUS TO DETERMINE THE ADMISSIBILITY OF EVIDENCE

Appendix B contains the sequential print-out of a typical execution of CACTUS. This particular execution was based upon the following fact scenario.

John Doe was released from a prison for the criminally insane in February of 1987. Doe had been convicted on two counts of arson and incarcerated for two years based on these convictions. The prosecutor proved that Doe, acting alone, set fire to two of his Gotham City neighbors' homes for no apparent reason other than his general dislike for these neighbors. As a result, Doe was diagnosed as insane under standard psychiatric principles.

During April and May of 1987, a series of unusual fires erupted in Gotham City in homes and buildings immediately adjacent to where Doe lived prior to his incarceration. Police investigators recognized similarities between these new fires and those for which Doe had been convicted. Consequently, in June of 1987, Doe's activities became the subject of constant undercover police surveillance.

Early in the course of their investigation of Doe, undercover police detectives learned that Doe was living with his girlfriend, Jane Elk, a suspected low level drug courier for an organized crime ring in Gotham City. The police also learned that there were two outstanding warrants for Elk's arrest. The police decided to postpone Elk's arrest until they had enough evidence to arrest Doe as well. For this reason, copies of Elk's arrest warrants were provided to the investigation teams who were assigned the task of observing Doe.

During the early morning hours of June 11, 1987, Doe was observed
by Gotham City Police Department detectives, Wolf and Hunt, driving from Elk’s apartment complex. The detectives followed Doe in an unmarked police car to a gasoline station several blocks from Elk’s apartment. Doe purchased several one-gallon containers of kerosene from the gasoline station attendant, and put the canisters in the trunk of his car. Doe then drove to the home of one of his former neighbors.

Wolf and Hunt followed Doe as he turned off his car lights and rolled to a stop in the driveway of a darkened home. Doe exited the car, removed the kerosene canisters from its trunk, and walked toward the house. As Doe was opening one of the kerosene canisters, a member of the household awoke and turned on the front floodlights. Doe ran and jumped into his car, then sped away from the residence. The police detectives, believing that they had just observed an attempted arson, put their removable “Kojak” police light on the roof of their cruiser and pursued Doe in a high-speed chase.

Wolf and Hunt lost Doe during their pursuit. The detectives then proceeded to Elk’s apartment complex in the hope that Doe would return there. Within fifteen minutes, Doe returned to the apartment complex, pounding his fist and shouting obscenities. The detectives surreptitiously followed Doe as he entered the complex and proceeded to Elk’s apartment.

After a few minutes, Wolf and Hunt broke down Elk’s apartment door. Inside they found Doe and Elk sitting at the kitchen table “snorting” some of Elk’s cocaine. The officers arrested Doe, confiscated the cocaine he had been snorting, and impounded his car. The officers also arrested Elk pursuant to the outstanding arrest warrants against her. The detectives did not search Doe’s or Elk’s persons or possessions any further.

The question now is whether evidence obtained by the detectives during their “raid” on Elk’s apartment will be admissible in a criminal trial. As illustrated by Appendix B, the focus will be exclusively on whether the cocaine may be admitted at Doe’s trial.

As indicated above, in order to execute the program the user need only type the word “CACTUS” into the computer. The computer will respond by displaying a window which introduces and explains the use of CACTUS. The user must then hit any key.

CACTUS will ask the user: “Is the instant evidence the result of a confession by Defendant to the police?” The above facts do not reveal any information about a confession by Doe to police. Therefore, the answer to this question must be “N” for “no.”

CACTUS will then ask the user: “Was the Defendant the target of

73. See id., panel 1.
74. See id., panel 2.
a search by the police?" Even though it appears that the cocaine was owned by Elk, Doe was using it when the police confiscated it, so Doe was, in a sense, searched. Therefore, the answer to this question must be "Y" for "yes."

CACTUS continues by asking the user: "Did Defendant have a legitimate expectation of privacy in his own property which was the subject of a search?" If the user feels that the term "legitimate expectation of privacy" is unclear, the letter "P" for "principle," should be typed to access the legal principle underlying each question, and thereby gain more insight into what CACTUS is asking.

After accessing the underlying legal principle, CACTUS will return to the previously unanswered question. Because, in this case, Doe did not own the cocaine, he did not have a legitimate expectation of privacy in it. Therefore, the answer to this question must be "N."

Since the privacy expectation may be applied to objects which are owned by another person, CACTUS will then respond by asking the user: "Did Defendant have a legitimate expectation of privacy in the property of another which was the subject of a search?" It is clear that Doe will want to keep the cocaine from being entered into evidence. Therefore, he will argue that he did have a legitimate expectation of privacy relating to Elk's cocaine. Therefore, the answer to this question should be "Y."

CACTUS will respond by asking the user: "Can it be said that Defendant's expectation of privacy in his own, or another's, property is socially worthy?" Although cocaine consumption is both illegal and immoral, the answer to this question should probably be "Y." Where one has a legitimate expectation of privacy in another person's property, that expectation should be regarded as socially worthy unless and until it can be shown that the underlying property is illegal in nature. Otherwise, the careful and fair nature of our judicial process would be compromised.

CACTUS continues by asking the user: "Did the police obtain a search warrant before they conducted the search?" At the time of the search, the detectives had only Elk's arrest warrants in their possession. Thus, they confiscated the cocaine without a search warrant. Therefore, the answer to this question should be "N."

CACTUS will then ask the user: "Did Defendant have a dangerous

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75. See id., panel 3.
76. See id., panel 4.
77. See id., panel 5.
78. See id., panel 6.
79. See id., panel 7.
80. See id., panel 8.
81. See id., panel 9.
weapon within his immediate control, and did the search occur contemporaneously with Defendant's arrest?" 82 It is unclear whether the kerosene was a "dangerous weapon," and whether it was within Doe's "immediate control." Again, if the user types "P," CACTUS will display the legal definitions of these terms. However, the underlying legal principle is only tangentially on point. 83 Kerosene is not, in itself, a dangerous weapon. Nor was the kerosene in Doe's automobile trunk within his immediate control. Therefore, the answer to this question should be "N." 84

CACTUS will respond by asking the following two questions: "Did the arresting officers make a search of Defendant's residence while accompanying Defendant in order to monitor his movements?" and "Did the arresting officers make a search of Defendant's person due to a reasonably held belief that Defendant was carrying a concealed weapon?" 85 According to the facts, the answers to these questions should be "N."

CACTUS will continue by asking the user: "Were there others present at the site of Defendant's arrest who might have destroyed evidence while the arresting officers would otherwise have left to obtain a search warrant?" 86 Arguably, because officers Wolf and Hunt arrested both Doe and Elk together, there was no one at Elk's apartment who could have destroyed the cocaine if it had been left there pending a search warrant. However, it was at the officers' discretion whether to arrest Elk with Doe. They could have left Elk behind and taken the cocaine without a search warrant. In order to save time and effort, they merely consolidated tasks which were within their legal power to perform. Therefore, the answer to this question should be "Y."

CACTUS will then ask the user: "Did the officers arrest Defendant while both Defendant and the officers were in hot pursuit from the scene of Defendant's alleged crime?" 87 This question should be answered negatively for several reasons. First, it is unclear whether attempted arson is a crime. Second, it is unclear whether Doe actually attempted arson. Finally, Doe was not arrested while Wolf and Hunt were in hot pursuit.

CACTUS will respond by asking the user: "Did Defendant pose a threat of injury to himself or to others?" 88 Doe clearly intended to cause some harm to the residents of the home from which he fled. The fact that he had been incarcerated in a prison for the criminally insane

82. See id., panel 10.
83. See id., panel 11.
84. See id., panel 12.
85. See id., panels 13-14.
86. See id., panel 15.
87. See id., panel 16.
88. See id., panel 17.
for arson convictions supports this intent. Therefore, the answer to this question should be "Y."

CACTUS will continue by asking the user: "Were the arresting officers providing assistance to victims of Defendant's alleged crime when they discovered the evidence in question?" The facts suggest that the answer to this question should be "N."

CACTUS will then ask the user: "Was a home searched without a warrant during the course of Defendant's arrest for a crime other than a routine felony?" Because officers Wolf and Hunt should know the law, and conducted their search without a search warrant, it may be surmised that arson may not be a "routine felony." Therefore, the answer to this question should be "Y."

In brief, the questions which appear in Panels 20 through 36 should be answered in the negative. That is, given the facts as set out above, the user should respond to each question with the letter "N."

In Panel 37, CACTUS will ask the user: "If the police conducted an illegal search or obtained an illegal confession, was the same evidence discovered or discoverable through an independent source?" Because the police had outstanding warrants against Elk, they could have arrested her in the apartment at any time during the surveillance of Doe. While arresting Elk, the officers would be allowed to take any evidence in plain view. Doe was snorting the cocaine within plain view of Wolf and Hunt. Therefore, if they had been at Elk's apartment for the sole purpose of arresting Elk, they would have been able to confiscate the cocaine.

Furthermore, there was nothing illegal in the way Wolf and Hunt conducted their search. Although they did not have a search warrant when they confiscated the cocaine, they lawfully entered Elk's apartment in order to arrest Doe. Once inside the apartment, the detectives contemporaneously confiscated the cocaine that was in plain view. Therefore, the answer to this question should be "Y."

Finally, CACTUS will generate for the user its determination: The evidence is admissible at Doe's trial.

This same analysis should be followed for each piece of evidence to be presented at trial. CACTUS will respond with a different subset of questions according to the user's answers.

89. See id., panel 18.
90. See id., panel 19.
91. See id., panels 20-36.
92. See id., panel 37.
93. See id., panel 38.
XI. THE VALUE OF EXPERT LEGAL SYSTEMS

There are four distinct issues to consider when analyzing the value of expert legal systems. The first is whether expert legal systems are useful to legal practitioners in their day-to-day research. The second is whether expert legal systems have any practical value for laypersons. The third is whether expert legal systems have any predictive value with regard to future court decisions. Finally, while expert legal systems may be useful from an objective point of view, it is important to examine whether they may have subjective monetary value to practitioners and laypersons. In other words, will users think the benefits justify the costs?

A. THE UTILITY OF EXPERT LEGAL SYSTEMS WITH REGARD TO LEGAL RESEARCH

There are two general types of expert systems: “top-down” or “backward-chaining” systems, and “bottom-up” or “forward-chaining” systems. Top-down programs begin with a single question or a small, well defined set of questions. Depending upon the user’s responses to these questions, the program proceeds down a “root-like” structure to other logically related questions or sets of questions until it reaches the bottom point of a particular “root.”

Bottom-up expert systems, on the other hand, begin at the bottom of the root-like hierarchical structure and ask the user about every issue at the bottom of the root structure. Depending upon the user’s responses to this set of questions, the program proceeds up the root-like structure until it reaches the top.

Both types of expert systems are of value to the legal practitioner. They provide information regarding the legal principles underlying certain fact situations. However, top-down programs, such as CACTUS, are of less research value to the legal practitioner than bottom-up programs. This is true because the former restricts the user’s access to information regarding legal principles to just one branch of the root-like structure. Top-down programs presume that the user has a broad base of legal knowledge, or that he will be satisfied with a narrow argument. Bottom-up programs, on the other hand, inform the user about a wide variety of legal principles underlying a particular set of facts, thereby enabling him to construct broad, deep arguments and alternative arguments. Bottom-up programs are more time consuming to use, but less time consuming to create.

Furthermore, top-down programs more accurately model human legal reasoning. In a pure sense, legal reasoning involves the applica-

tion of facts to a set of legal principles.\footnote{See supra text accompanying notes 23-26.} Legal practitioners begin with a set of facts, apply these facts to threshold questions and questions regarding prima facie elements and defenses, and derive a conclusion therefrom. Arguably, this method is subscribed to only by judges and legal scholars, and not by practicing attorneys.\footnote{See infra text accompanying notes 97-98.} Similarly, top-down programs query the user for facts and apply these facts to internal threshold questions and questions relating to elements and defenses.

CACTUS could have been written either as a top-down or bottom-up program. However, CACTUS was written as a top-down program in order to model legal reasoning as accurately as possible. Although, top-down programs are not ideal for research purposes, they are useful tools for discovering the means by which legal practitioners reason.

B. THE UTILITY OF EXPERT LEGAL SYSTEMS WITH REGARD TO THE NEEDS OF LAYPERSONS

While a top-down expert system may not be very valuable to the legal practitioner, it may be quite valuable to the inexperienced layperson who seeks legal guidance. If a layperson is involved in a legal proceeding, and seeks legal guidance from an expert legal system, he will generally do so in order to competently represent himself in a relatively minor matter, or to determine whether to seek the assistance of an attorney. If by using a top-down expert system, the layperson derives the answer he desires, the layperson will know instantly how to proceed with his case because the system enables the user to construct a well-defined argument. Alternatively, if the top-down system arrives at a conclusion contrary to his wishes, the layperson can then choose between forgetting the matter, resolving the matter extra-judicially, or seeking the guidance of an attorney.

C. THE PREDICTIVE VALUE OF EXPERT LEGAL SYSTEMS WITH REGARD TO COURT DECISIONS

The estimate a legal expert will give regarding the predictive value of expert legal systems will turn on whether the expert is a legal positivist or a legal realist. Legal positivists maintain that moral judgments about the goodness or badness of human laws cannot be established by reasoning, but are merely expressions of human feelings or choices.\footnote{See generally H.L.A. HART, THE CONCEPT OF LAW (1961).} One can predict future court decisions by identifying collective social values and deriving conclusions from them.

Legal realists, on the other hand, maintain that legal certainty is
rarely attainable, and perhaps, undesirable, in a changing society. Legal realists posit that predictions with regard to future court decisions cannot be had in any accurate form.

The same philosophical distinction is vital to determine whether expert legal systems have any predictive value with regard to future court decisions. Legal positivists would maintain that, as long as the collective social conscience can be ascertained, it can be transformed into an expert legal system, and an accurate forecast of court decisions can be made. Legal realists would maintain the opposite position: since no man can predict court decisions with a high degree of certainty, a computer is also incapable of doing so because it is merely a function of the former.

The legal realist philosophy is more appealing because it recognizes that predictions of court decisions must take into account a myriad of values for a myriad of variables. Such a task is beyond the realm of human capability, and computers are therefore also precluded from accomplishing this goal. Thus, while expert legal systems may have some research value to the practitioner and layperson, they are poor barometers for court decisions with regard to particular cases.

D. A FORECAST OF THE ACCEPTANCE OF EXPERT LEGAL SYSTEMS BY PRACTITIONERS AND LAYPERSONS

Expert legal systems appear to have some theoretical value to practitioners and laypersons. However, such systems must have commercial value as well in order to inspire private industry to further develop and refine them. In this regard, expert legal systems may be useful for practitioners to screen out spurious cases, and to expedite the research process underlying clients' cases. Expert systems may also execute ancillary, mechanical tasks which occupy large portions of an attorney's limited time.

An expert system, or a set of such systems, which is capable of resolving many of the practitioner's problems would be invaluable. Given the recent increase in the number of people practicing law, attorneys must become more efficient, and perhaps, must lower their fees in order to compete. Although there is neither an integrated expert system, nor a set of expert systems which can tackle all of the attorney's mundane tasks, apparently such systems do indeed have commercial value because the trend in legal software development is toward this goal.

98. See D. Burton, supra note 3; K. Llewelyn, supra note 3; J. Frank, supra note 3; D. MacCormick, supra note 3.
APPENDIX A
CACTUS SOURCE CODE

nowarnings
code=2000

/*
  THE FOLLOWING DATABASE FUNCTIONS ARE VARIABLE IN THE
  Sense that different values are attributed — I.E.,
  "Instantiated" — to each of the "String" and "Char"
  variables throughout Cactus, and the instantiated
  commands are used for various subroutines.*/
database
  question(string)
  explanation(string,string)
  answer(string,char)

/*
  The following predicates identify to the computer the
  various clause functions it will encounter as it
  processes the hierarchical logic structure of Cactus
*/
predicates
  admis
  inadmis
  search—standing
  confession—standing
  valid—search
  valid—confession
  target
<table>
<thead>
<tr>
<th>Page</th>
<th>Terms</th>
</tr>
</thead>
<tbody>
<tr>
<td>430</td>
<td>expect—privacy</td>
</tr>
<tr>
<td>440</td>
<td>socially—worthy</td>
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<td>450</td>
<td>plain—view</td>
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<td>460</td>
<td>open—field</td>
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<td>470</td>
<td>dog—sniff</td>
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<td>480</td>
<td>warrant—exception</td>
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<td>490</td>
<td>search—incident—arrest</td>
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<td>500</td>
<td>exigent—circumstances</td>
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<td>510</td>
<td>home—arrest</td>
</tr>
<tr>
<td>520</td>
<td>automobile—scope</td>
</tr>
<tr>
<td>530</td>
<td>inventory—search</td>
</tr>
<tr>
<td>540</td>
<td>stop—frisk</td>
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<td>550</td>
<td>administrative—search</td>
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<td>560</td>
<td>consent—search</td>
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<tr>
<td>570</td>
<td>immediate—control</td>
</tr>
<tr>
<td>580</td>
<td>dorm—room</td>
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<td>590</td>
<td>probable—cause—weapon</td>
</tr>
<tr>
<td>600</td>
<td>destroy—evidence</td>
</tr>
<tr>
<td>610</td>
<td>hot—pursuit</td>
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<tr>
<td>620</td>
<td>threat—innocent</td>
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<td>assistance—victims</td>
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<td>non—routine—felony</td>
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<td>gravity—crime</td>
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<td>defendant—home</td>
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<td>mobile—vehicle</td>
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<td>680</td>
<td>seizable—items</td>
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<td>690</td>
<td>custodial—arrest</td>
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<td>700</td>
<td>scope—inventory—search</td>
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<td>710</td>
<td>incarcerated—inventory—search</td>
</tr>
<tr>
<td>720</td>
<td>carrying—weapon</td>
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<td>730</td>
<td>informant—stop—frisk</td>
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<td>740</td>
<td>drug—courier</td>
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<tr>
<td>750</td>
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<tr>
<td>760</td>
<td>specific—articulable</td>
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<tr>
<td>770</td>
<td>car—stop—frisk</td>
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<td>780</td>
<td>finger—printing</td>
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<td>790</td>
<td>seizure—apartment</td>
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<td>800</td>
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<tr>
<td>810</td>
<td>school—inspection</td>
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<tr>
<td>820</td>
<td>liquor—inspection</td>
</tr>
<tr>
<td>830</td>
<td>defendant—voluntary—consent</td>
</tr>
<tr>
<td>840</td>
<td>third—party—consent</td>
</tr>
<tr>
<td>850</td>
<td>right—refuse</td>
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<tr>
<td>860</td>
<td>subtle—coercion</td>
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</table>
1310 knowingly—intelligently
1320 implied—waiver
1330 with—legal—counsel
1340 not—initiated—proceedings
1350 not—suspicion—focused
1360 unaccusatory—questions
1370 not—interrogation—restarted
1380 miranda—again
1390 unrelated—crime
1400 defendant—communicated
1410 street—questioned
1420 fruit—poisonous—tree
1430 independent—source
1440 inevitable—discovery
1450 attenuated—chain
1460 surveillance
1470 hello
1480 type—crime
1490 confession—conditions
1500 defendant—property
1510 third—party—property
1520 affirm
1530 clearbase
1540 help
1550 clearanswer
1560 go—on
1570 whose—property
1580 warrant—used
1590 filler1
1600 filler2
1610 filler3
1620 filler4
1630 filler5
1640 filler6
1650 filler7
1660 filler8
1670 filler9
1680 filler10
1690 filler11
1700 filler12
THE FOLLOWING GOAL INDICATES THE STARTING POINT FOR THE COMPUTER'S ANALYSIS OF THE CLAUSES IN CACTUS. THAT IS, THE COMPUTER WILL FIRST DETERMINE WHETHER THE "INADMIS" CLAUSES IS SATISFIED. IF IT FAILS, THEN THE COMPUTER WILL DETERMINE WHETHER THE "ADMIS" CLAUSE IS SATISFIED.

THE FOLLOWING CLAUSES COMPRIZE THE LOGICAL STRUCTURE OF CACTUS. SOME CLAUSES DEFINE MESSAGES OR QUESTIONS WHICH WILL BE POSED TO THE USER. THE REMAINING CLAUSES DEFINE THE LOGICAL RELATIONSHIP BETWEEN CLAUSES, THEREBY CREATING THE LOGICAL HIERARCHY OF CACTUS.

THE FOLLOWING "INADMIS" AND "ADMIS" CLAUSES ARE ALTERNATIVE CLAUSES WHICH OCCUPY A PARALLEL LEVEL IN THE CACTUS STRUCTURE, JUST BELOW THE TOP "GOAL" LEVEL. IF THE FIRST "INADMIS" CLAUSE FAILS, THEN THE COMPUTER WILL ATTEMPT TO SATISFY THE SECOND "INDAMIS" CLAUSE. IF THAT FAILS AS WELL, THEN THE "ADMIS" CLAUSE WILL AUTOMATICALLY BE SATISFIED BY DEFAULT.

inadmis if hello,confession—standing,not(valid—confession),
not(fruit—poisonous—tree),clearwindow,nl,
makewindow(4,15,9,"CACTUS DETERMINATION",0,0,25,80),
cursor(12,15),write("The evidence is INADMISSIBLE at defendant's trial."),makewindow(2,139,9,"",20,0,5,80),
cursor(2,35),write("HIT ANY KEY"),readchar(X),removewindow,removewindow.
inadmis if search—standing,not(valid—search),
not(fruit—poisonous—tree),clearwindow,
nl,makewindow(4,15,9,"CACTUS DETERMINATION",0,0,25,80),
cursor(12,15),write("The evidence is INADMISSIBLE at Defendant's trial."),makewindow(2,139,9,"",20,0,5,80),
cursor(2,35),write("HIT ANY KEY"),readchar(X),removewindow,removewindow.
admis if clearwindow,nl,makewindow(4,15,9,"CACTUS DETERMINATION",0,0,25,80),
cursor(12,15),write("The evidence is ADMISSIBLE at Defendant's trial."),makewindow(2,139,9,"",20,0,5,80),
cursor(2,35),write("HIT ANY KEY"),readchar(X),removewindow,removewindow.
/* = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = */
= COMMENT =
= = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = = =
affirm if question(Case),readchar(Answer),
asserta(answer(Case,Answer)),answer(Case,'Y');
answer(Case,'y');question(Case),answer(Case,'P'),help;
question(Case),answer(Case,'p'),help.
help if makewindow(2,15,15,"CACTUS PRINCIPLE",1,0,9,80),
question(Case),explanation(Case,Phrase),
write(Phrase),cursor(6,35),write("HIT ANY KEY"),
clearanswer,readchar(X),removewindow,affirm.
clearbase if answer(X,Y),retract(answer(X,Y)),fail;
question(X),retract(question(X)),fail;clearwindow.
clearanswer if answer(X,Y),retract(answer(X,Y)),fail;go—on.
/* NOTE: Where a letter response is requested by CACTUS, respond with only a single letter: 'Y', 'N', or 'P'. */

hello if clearwindow,nl,
makewindow(1,15,9,"CACTUS",0,0,25,80),
cursor(5,36),write("HELLO.")
cursor(8,36),write("Welcome to CACTUS, the")
cursor(11,10),write("Computer Aided Criminal Trial Evidence Admissibility Heuristic")
cursor(12,10),write("This program will enable the user to determine whether evidence")
cursor(13,10),write("obtained either by a search or confession may be admitted at a")
cursor(14,30),write("criminal trial.")
cursor(17,20),write("NOTE: Where a letter response is requested by CACTUS,")
cursor(18,22),write("respond with only a single letter: 'Y', 'N', or 'P'.")
cursor(22,35),write("<HIT ANY KEY>")

/* NOTE: Where a letter response is requested by CACTUS, respond with only a single letter: 'Y', 'N', or 'P'. */

target if clearbase,asserta(question(target1)),
clearwindow,cursor(10,10),write("Is the instant evidence the result of a search")
cursor(11,10),write("by police?")
cursor(20,35),write("<Y> or <N>")
affirm.

expect—privacy if whose—property,socially—worthy.
whose—property if defendant—property; third—party—property.

defendant—property if clearbase,

asserta(question(rawlings1)), clearwindow,
cursor(10,10), write("Did Defendant have a legitimate expectation of privacy"),
cursor(11,10), write("in his own property which was the subject of a search?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

third—party—property if clearbase,

asserta(question(rawlings2)), clearwindow,
cursor(10,10), write("Did Defendant have a legitimate expectation of privacy"),
cursor(11,10), write("in the property of another which was the subject"),
cursor(12,10), write("of a search?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

socially—worthy if clearbase, asserta(question(katz)),
clearwindow,
cursor(10,10), write("Can it be said that Defendant's expectation of 
privacy in his own, or another's, property is"),
cursor(12,10), write("socially worthy?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

valid—search if search—warrant; warrant—exception; plain—view;

open—field; dog—sniff; surveillance.

plain—view if clearbase, asserta(question(brown)),
clearwindow,
cursor(10,10), write("Was the object of the search in plain view of"),
cursor(11,10), write("the arresting officers?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

open—field if clearbase, asserta(question(oliver)),
clearwindow,
cursor(10,10), write("Was the object of the search discovered in"),
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3430 cursor(11,10), write("an open field by the arresting
3440 officers?")",
3450 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
3460
dog—sniff if clearbase, asserta(question(place)), clearwindow,
3480 cursor(10,10), write("Was the object of the search
3490 discovered by a"),
3500 cursor(11,10), write("trained dog which sniffed a container
3510 of some sort?")",
3520 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
3530
3540 surveillance if clearbase, asserta(question(knotts)),
3550 clearwindow,
3560 cursor(10,10), write("Was the object of the search
3570 discovered by the"),
3580 cursor(11,10), write("use of an electronic beeper which
3590 revealed nothing more"),
3600 cursor(12,10), write("than what a visual surveillance would
3610 otherwise have"),
3620 cursor(13,10), write("revealed?"),
3630 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
3640
3650 search—warrant if warrant—used, filler1.
3660
3670 filler1 if basis—knowledge, informant—veracious,
3680 corroborated—facts, self—verifying; good—faith—exception.
3690
3700 warrant—used if clearbase, asserta(question(gates99)),
3710 clearwindow,
3720 cursor(10,10), write("Did the police obtain a search
3730 warrant"),
3740 cursor(11,10), write("before they conducted the search?"),
3750 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
3760
3770 basis—knowledge if clearbase, asserta(question(gates1)),
3780 clearwindow,
3790 cursor(10,10), write("Did the police get a search warrant
3800 by"),
3810 cursor(11,10), write("relying on an informant who has a
3820 reliable basis"),
3830 cursor(12,10), write("of knowledge?"),
3840 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
3850
3860 informant—veracious if clearbase, asserta(question(gates2)),

...
clearwindow,
cursor(10,10),write("Did the police get a search warrant by"),
cursor(11,10),write("relying on an informant who is honest in that"),
cursor(12,10),write("regard?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.
cursor(10,10),write("Did the police get a search warrant by relying on an informant who provided them with"),
cursor(12,10),write("information which corroborated the facts in this"),
cursor(13,10),write("case?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.
cursor(10,10),write("Did the police get a search warrant by relying on an informant whose information was generally"),
cursor(12,10),write("self-verifying in nature?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.
good—faith—exception if not(misleading—affidavit), not(rubber—stamp—magistrate),not(inadequate—affidavit), not(facially—deficient).
misleading—affidavit if clearbase,asserta(question(leon1)), clearwindow,
cursor(10,10),write("Did the police get a search warrant by")
cursor(11,10),write("submitting a misleading affidavit to the issuing")
cursor(12,10),write("magistrate?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.
rubber—stamp—magistrate if clearbase,asserta(question(leon2)),clearwindow,
cursor(10,10),write("Did the police get a search warrant
by”),
cursor(11,10),write("submitting an affidavit to a rubber-
stamping magistrate?")-
cursor(20,30),write("<Y> or <N> or <P> rinciple”), affirm.

inadequate-affidavit if clearbase, asserta(question(leon3)),
clearwindow,
cursor(10,10),write("Did the police get a search warrant
by’’),
cursor(11,10),write("submitting an inadequate affidavit to
the issuing magistrate?”),
cursor(20,30),write("<Y> or <N> or <P> rinciple”), affirm.

facially-deficient if clearbase, asserta(question(leon4)),
clearwindow,
cursor(10,10),write("Did the police get a search warrant
by’’),
cursor(11,10),write("submitting a facially deficient
affidavit to the”’),
cursor(12,10),write("issuing magistrate?”’),
cursor(20,30),write("<Y> or <N> or <P> rinciple”), affirm.

warrant-exception if search-incident-arrest;
exigent-circumstances;
home-arrest;automobile-scope;inventory-search;stop-
frisk;
administrative-search;consent-search.

search-incident-arrest if immediate-control;dorm-room;
probable-cause-weapon.
immediate-control if clearbase, asserta(question(chimel)),
clearwindow,
cursor(10,10),write("Did Defendant have a dangerous weapon
within”),
cursor(11,10),write("his immediate control, and did the
search occur”’),
cursor(12,10),write("contemporaneously with Defendant’s
arrest?”’),
cursor(20,30),write("<Y> or <N> or <P> rinciple”), affirm.
dorm-room if clearbase, asserta(question(chrisman)),
clearwindow,
cursor(10,10),write("Did the arresting officers make a
search of “),
cursor(11,10),write(“Defendant’s residence while accompanying”),
cursor(12,10),write(“Defendant in an effort to monitor his movements?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.

probable—cause—weapon if clearbase,
asserta(question(robinson)),clearwindow,
cursor(10,10),write(“Did the arresting officers make a search of”),
cursor(11,10),write(“Defendant’s person due to a reasonably held”),
cursor(12,10),write(“belief that Defendant was carrying a concealed”),
cursor(13,10),write(“weapon?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.

exigent—circumstances if destroy—evidence;hot—pursuit;
threat—innjury;assistance—victims.

destroy—evidence if clearbase,asserta(question(kale1)),
clearwindow,
cursor(10,10),write(“Were there others present at the site of”),
cursor(11,10),write(“Defendant’s arrest who might have destroyed evidence”),
cursor(12,10),write(“while the arresting officers would otherwise have left”),
cursor(13,10),write(“to obtain a search warrant?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.

hot—pursuit if clearbase,asserta(question(kale2)),
clearwindow,
cursor(10,10),write(“Did the officers arrest Defendant while both Defendant”),
cursor(11,10),write(“and the officers were in hot pursuit from the scene of”),
cursor(12,10),write(“Defendant’s alleged crime?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.

threat—innjury if clearbase,asserta(question(kale3)),
clearwindow,
cursor(10,10),write(“Did Defendant pose a threat of injury
to himself or”),
cursor(11,10),write(“to others?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.
assistance—victims if clearbase,asserta(question(thompson)),
clearwindow,
cursor(10,10),write(“Were the arresting officers providing assistance to”),
cursor(11,10),write(“victims of Defendant’s alleged crime when they discovered”),
cursor(12,10),write(“the evidence in question?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.
Were the arresting officers providing assistance to victims if clearbase,asserta(question(thompson)),
clearwindow,
Were the arresting officers providing assistance to victims if clearbase,asserta(question(thompson)),
clearwindow,
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Were the arresting officers providing assistance to victims if clearbase,asserta(question(thompson)),
clearwindow,
Were the arresting officers providing assistance to victims if clearbase,asserta(question(thompson)),
clearwindow,
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

7000 automobile—scope if mobile—vehicle;seizable—items;
custodial—arrest.

7010 mobile—vehicle if clearbase,asserta(question(carney)),
clearwindow,
cursor(10,10),write("Was a search made of a readily
mobile"),
cursor(11,10),write("vehicle?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

7020 seizable—items if clearbase,asserta(question(ross)),
clearwindow,
cursor(10,10),write("Was a search made of an automobile by
officers who"),
cursor(11,10),write("had probable cause to believe that
there were seizable items inside?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

7030 custodial—arrest if clearbase,asserta(question(belton)),
clearwindow,
cursor(10,10),write("Was a search made of an automobile by
officers who"),
cursor(11,10),write("had already placed Defendant in
custodial arrest?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

7040 inventory—search if filler2,scope—inventory—search,
icarcerated—inventory—search.

7050 filler2 if clearbase,asserta(question(opperman)),
clearwindow,
cursor(10,10),write("Did police conduct an inventory
search of Defendant’s")
cursor(11,10),write("automobile?")
cursor(20,30),write("<Y> or <N>")
cursor(20,30),write("<Y> or <N>")

7060 scope—inventory—search if clearbase,
asserta(question(opperman)),clearwindow,
cursor(10,10),write("Was an inventory search of
Defendant’s automobile")
cursor(11,10),write("confined only to the passenger
compartment, and not")
cursor(12,10),write("performed upon the trunk as well?")

cursor(20,30),write("<Y> or <N> or <P>inciple"), affirm.

incarcerated—inventory—search if clearbase,
asserta(question(lafayette)), clearwindow,
cursor(10,10),write("Was an inventory search of Defendant's automobile?")
cursor(11,10),write("performed after Defendant was incarcerated?")
cursor(20,30),write("<Y> or <N> or <P>inciple"), affirm.

stop—frisk if carrying—weapon; informant—stop—frisk;
drug—courier; illegal—aliens; specific—articulable;
car—stop—frisk; finger—printing; seizure—apartment.

carrying—weapon if clearbase, asserta(question(terry)),
clearwindow,
cursor(10,10),write("Did the arresting officers search Defendant's person?")
cursor(11,10),write("without first moving him to another location, under reasonable")
cursor(12,10),write("suspicion that Defendant was carrying a weapon?")
cursor(20,30),write("<Y> or <N> or <P>inciple"), affirm.

informant—stop—frisk if clearbase, asserta(question(adams)),
clearwindow,
cursor(10,10),write("Did the arresting officers search Defendant's person?")
cursor(11,10),write("without first moving him to another location, based on a tip")
cursor(12,10),write("from a reliable informant?")
cursor(20,30),write("<Y> or <N> or <P>inciple"), affirm.

drug—courier if clearbase, asserta(question(mendenhall)),
clearwindow,
cursor(10,10),write("Did the arresting officers search Defendant's person")
cursor(11,10),write("or any of his containers, without first moving him to another")
cursor(12,10),write("location, because Defendant appeared to fit a")
cursor(13,10),write("'drug courier profile'?")
cursor(20,30),write("<Y> or <N> or <P>inciple"), affirm.
illegal—aliens if clearbase, asserta(question(delgado)),
cursor(10,10), write("Was the search conducted in a place
of business in"),
cursor(11,10), write("an attempt by officers to find
illegal aliens?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

specific—articulable if clearbase, asserta(question(place2))
cursor(10,10), write("Were/Are the arresting officers able
to provide")
cursor(11,10), write("specific and articulable facts which
provided")
cursor(12,10), write("reasonable suspicion to search
Defendant's")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

car—stop—frisk if clearbase, asserta(question(long))
cursor(10,10), write("Did the arresting officers have
reasonable suspicion to")
cursor(11,10), write("stop and search Defendant's car, and
did they confine their")
cursor(12,10), write("search to the passenger compartment
of Defendant's car?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

finger—printing if clearbase, asserta(question(hayes))
cursor(10,10), write("Did the search consist of a seizure
of Defendant's person")
cursor(11,10), write("for the sole purpose of
fingerprinting Defendant?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

seizure—apartment if clearbase, asserta(question(segura))
cursor(10,10), write("Did the search consist of a seizure
of a residence while")
cursor(11,10), write("a search warrant was being
obtained?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.

administrative—search if health—inspection;
school—inspection;liquor—inspection.

health—inspection if clearbase,asserta(question(camara)),
clearwindow,
cursor(10,10),write("Was the search conducted for health
inspection purposes?"),
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.

school—inspection if clearbase,asserta(question(tlo)),
clearwindow,
cursor(10,10),write("Did the search consist of a school
inspection of students by"),
cursor(11,10),write("school administrators?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.

liquor—inspection if clearbase,asserta(question(colonnade)),
clearwindow,
cursor(10,10),write("Did the search consist of a liquor
or firearms inspection by the"),
cursor(11,10),write("appropriate governing authority?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.

consent—search if filler3;filler5.

filler3 if filler4,defendant—voluntary—consent.

filler4 if clearbase,asserta(question(consent1)),
clearwindow,
cursor(10,10),write("Did Defendant consent to the
search?")
cursor(20,30),write("<Y> or <N> or <P>inciple"),affirm.

defendant—voluntary—consent if right—refuse,
not(subtle—coercion),not(defendant—custody),
not(intimidating—environment),not(inferior—intelligence),
police—contact,not(vulnerable—state—mind),
not(limit—consent).
	right—refuse if clearbase,asserta(question(consent1)),
clearwindow,
cursor(10,10),write("Was Defendant aware that he had
the"),
cursor(11,10),write("right to refuse the search?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"), affirm.
cursor(11,10),write("Was Defendant subtly, or otherwise, coerced?")
cursor(11,10),write("by police officers to give his consent?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"), affirm.
cursor(10,10),write("Was Defendant in police custody at the time when")
cursor(11,10),write("he gave his consent?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"), affirm.
cursor(10,10),write("Did Defendant consent to the search amidst a")
cursor(11,10),write("generally intimidating environment?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"), affirm.
cursor(10,10),write("Was Defendant of inferior intelligence or education")
cursor(11,10),write("at the time of his consent?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"), affirm.
cursor(10,10),write("Did Defendant have sufficient prior contact with")
cursor(11,10),write("the police so that he was, more probably than")
cursor(12,10),write("not, aware of his right to withhold consent?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"), affirm.
vulnerable-state—mind if clearbase, asserta(question(consent7)),clearwindow, cursor(10,10),write("Was Defendant in a particularly vulnerable state"),
cursor(11,10),write("of mind at the time when he gave consent?"),
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

limit—consent if clearbase,asserta(question(consent8)), clearwindow, cursor(10,10),write("Did Defendant revoke his consent or limit it"),
cursor(11,10),write("so as to exclude the area which revealed the"),
cursor(12,10),write("instant evidence?")

cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

filler5 if filler6 and third—party—consent.

filler6 if clearbase,asserta(question(consent9)), clearwindow, cursor(10,10),write("Did a third party give his consent to a search"),
cursor(11,10),write("by police which revealed the instant evidence?"),
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

third—party—consent if -power—authority;possessory—interest;

defendant—agent;assumed—risk;apparent—authority.

power—authority if clearbase,asserta(question(consent9)), clearwindow, cursor(10,10),write("Did the third have the power of authority to"),
cursor(11,10),write("give his consent?")

cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.

possessory—interest if clearbase, asserta(question(consent10)),clearwindow, cursor(10,10),write("Did the third party have a possessory interest"),
cursor(11,10),write("in the thing searched?")

cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.
defendant—agent if clearbase, asserta(question(consent11)),
clearwindow,
cursor(10,10), write("Was the third party acting as
Defendant’s"),
cursor(11,10), write("agent when he gave his consent?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

assumed—risk if clearbase, asserta(question(consent12)),
clearwindow,
cursor(10,10), write("Can it be said that Defendant assumed
the risk"),
cursor(11,10), write("that the third party would give his
consent?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

apparent—authority if clearbase,
asserta(question(consent13)), clearwindow,
cursor(10,10), write("Did the third have the apparent
authority"),
cursor(11,10), write("to give his consent?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

ằm = COMMENT =

THE FOLLOWING CLAUSES DEAL WITH ISSUES WHICH RELATE
TO EVIDENCE GATHERED THROUGH A CONFESSION BY THE
DEFENDANT TO POLICE.

confession—standing if clearbase, asserta(question(conf)),
clearwindow,
cursor(10,10), write("Is the instant evidence the result of
a confession by"),
cursor(11,10), write("Defendant to the
police?")
cursor(20,35), write("<Y> or <N>") affirm.
valid—confession if waived—miranda—rights, confession—conditions.
valid—confession if waived—miranda—rights,
with—legal—counsel.
miranda-rights if not(filler9),filler10.
filler9 if clearbase,asserta(question(miranda1)),
clearwindow,
cursor(10,10),write("Was Defendant read his Miranda rights before"),
cursor(11,10),write("he confessed to police?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.
filler10 if not-custody,not-interrogated;
public—safety—exception;not—initiated—proceedings.
not—custody if street—questioned;general—cooperation;
car—briefly—stopped;not—stationhouse;not—police—car;
not—own—home;person—briefly—stopped.
street—questioned if clearbase,asserta(question(miranda1)),
clearwindow,
cursor(10,10),write("Was Defendant questioned by the police on the street?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.
general—cooperation if clearbase,asserta(question(orozco)),
clearwindow,
cursor(10,10),write("Did Defendant voluntarily answer questions from the")
cursor(11,10),write("police while they were all on the street?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.
car—briefly—stopped if clearbase,
asserta(question(beckimer)),clearwindow,
cursor(10,10),write("Was Defendant’s car briefly stopped by officers in the")
cursor(11,10),write("flow of traffic for a misdemeanor traffic violation")
cursor(12,10),write("during which time he answered police questions?")
cursor(20,30),write("<Y> or <N> or <P>rinciple"),affirm.
not—stationhouse if clearbase,asserta(question(beckwith)),
clearwindow,
cursor(10,10),write("Did Defendant answer police questions while he was")
outside of the police stationhouse, and while he was''),
cursor(12,10),write("otherwise not in police custody?'"),
cursor(20,30),write(" <Y> or <N> or <P> rinciple"), affirm.

not—police—car if clearbase, asserta(question(brewer1)),
clearwindow,
cursor(10,10),write("Did Defendant answer police questions while he"),
cursor(11,10),write("outside of a police car, and while he was"),
cursor(12,10),write("otherwise not in police custody?'"),
cursor(20,30),write(" <Y> or <N> or <P> rinciple"), affirm.

not—own—home if clearbase, asserta(question(miranda2)),
clearwindow,
cursor(10,10),write("Was Defendant arrested and interrogated within his own home?'"),
cursor(20,30),write(" <Y> or <N> or <P> rinciple"), affirm.

person—briefly—stopped if clearbase,
asserta(question(terry2)), clearwindow,
cursor(10,10),write("Did Defendant answer questions while he was only briefly stopped?'"),
cursor(20,30),write(" <Y> or <N> or <P> rinciple"), affirm.

not—interrogated if voluntary—statement; indirect—questions;
not(unlikely—elicit—response).
voluntary—statement if clearbase,
asserta(question(miranda3)), clearwindow,
cursor(10,10),write("Were any statements made by Defendant truly volunteered?'"),
cursor(20,30),write(" <Y> or <N> or <P> rinciple"), affirm.

indirect—questions if clearbase, asserta(question(miranda4)),
clearwindow,
cursor(10,10),write("Were Defendant's statements made in response to questions"),
cursor(11,10),write("which were only indirect in nature, e.g., regarding"),
cursor(12,10),write("his identity?'"),
cursor(20,30),write(" <Y> or <N> or <P> rinciple"), affirm.
unlikely—elicite—response if clearbase,
asserta(question(innes)),clearwindow,
cursor(10,10),write(“Did police carry on a discussion in
Defendant’s presence which”),
cursor(11,10),write(“was likely to elicit a response from
Defendant?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.

public—safety—exception if clearbase,
asserta(question(quarrels)),clearwindow,
cursor(10,10),write(“Were the police forced to take
immediate action”),
cursor(11,10),write(“which caused them to fail to
administer to the”),
cursor(12,10),write(“Defendant his Miranda rights?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.
not—initiated—proceedings if not(not—suspicion—focused);
not(unaccusatory—questions).

not—suspicion—focused if clearbase,
asserta(question(brewer2)),clearwindow,
cursor(10,10),write(“Had police suspicion focused on
Defendant when they first”),
cursor(11,10),write(“asked him questions; i.e., was he a
primary suspect?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.
unaccusatory—questions if clearbase,
asserta(question(escobedo)),clearwindow,
cursor(10,10),write(“Were police questions of an
accusatory nature?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.
waived—miranda—rights if filler11,filler12.
filler11 if clearbase,
asserta(question(miranda5)),clearwindow,
cursor(10,10),write(“Did Defendant waive his Miranda right
to remain”),
cursor(11,10),write(“silent immediately prior to the
alleged”),
cursor(12,10),write(“confession?”),
cursor(20,30),write(“<Y> or <N> or <P>rinciple”),affirm.
filler12 if knowingly-intelligently; implied—waiver;
defendant—communicated.

knowingly—intelligently if clearbase,
asserta(question(miranda5)), clearwindow,
cursor(10,10), write("Did Defendant knowingly and
intelligently waive his"),
cursor(11,10), write("Miranda rights?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

implied—waiver if clearbase, asserta(question(butler)),
clearwindow,
cursor(10,10), write("Could Defendant’s waiver of his
Miranda rights be inferred"),
cursor(11,10), write("from his other words or behavior?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

with—legal—counsel if clearbase,
asserta(question(miranda6)), clearwindow,
cursor(10,10), write("Was Defendant in the presence of his
legal counsel when he"),
cursor(11,10), write("answered police questions?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.

not—interrogation—restarted if miranda—again;
unrelated—crime; defendant—communicated.
miranda—again if clearbase,
asserta(question(miranda7)), clearwindow,
cursor(10,10), write("Was interrogation restarted after
Defendant refused to speak,"),
cursor(11,10), write("and was Defendant re-read his Miranda
rights?")
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
unrelated—crime if clearbase,
asserta(question(mosley)), clearwindow,
cursor(10,10), write("Was interrogation restarted
controlling an unrelated crime?"),
cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
defendant—communicated if clearbase,
asserta(question(bradshaw)), clearwindow,
cursor(10,10), write("Did Defendant restart further communication of his own avail?"),
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.

confession—conditions if voluntary—confession;

independent—proof.

voluntary—confession if totality—circumstances; not(filler7).

totality—circumstances if not(abusive—method),
not(poor—condition), not(policе—force).

abusive—method if clearbase, asserta(question(confession1)),
clearwindow,
cursor(10,10), write("Did the police use abusive methods to elicit a confession from"),
cursor(11,10), write("Defendant?"),
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.

poor—condition if clearbase, asserta(question(confession2)),
clearwindow,
cursor(10,10), write("Was Defendant in poor mental or physical condition"),
cursor(11,10), write("at the time of his confession?"),
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.

police—force if clearbase, asserta(question(confession3)),
clearwindow,
cursor(10,10), write("Did the police use force, threats or deception to elicit a"),
cursor(11,10), write("confession from Defendant?"),
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.

independent—proof if clearbase, asserta(question(jackson)),
clearwindow,
cursor(10,10), write("Was there proof, independent of Defendant's confession,"),
cursor(11,10), write("that he committed the alleged crime?")
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.

filler7 if filler8, unnecessary—delay.
filler8 if clearbase, asserta(question(confession4)),
clearwindow,
cursor(10,10), write("Was there a substantial delay between the time"),
cursor(11,10), write("of Defendant's arrest and his arraignment"),
cursor(12,10), write("during which time the Defendant confessed?")
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.
unnecessary—delay if testimony—conflicts;
not(judge—unavailable).
testimony—conflicts if clearbase, asserta(question(mcnab)),
clearwindow,
cursor(10,10), write("Did the delay cause Defendant's confession to"),
cursor(11,10), write("conflict with his testimony at the time of his"),
cursor(12,10), write("trial?")
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.
judge—unavailable if clearbase,
asserta(question(confession4)), clearwindow,
cursor(10,10), write("Was the delay due to the unavailability of a judge"),
cursor(11,10), write("to arraign Defendant?")
cursor(20,30), write("<Y> or <N> or <P> principle"), affirm.

WHAT = COMMENT =

THE FOLLOWING "FRUIT OF THE POISONOUS TREE" CLAUSES

FRUIT OF THE POISONOUS TREE

FRUIT OF THE POISONOUS TREE if independent—source;
inevitable—discovery; attenuated—chain.

independent—source if clearbase, asserta(question(segura2)),
clearwindow,
cursor(10,10), write("If the police conducted an illegal search or obtained an illegal"),
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11330 cursor(11,10), write("confession, was the same evidence
11340 discovered or discoverable"),
11350 cursor(12,10), write("through an independent source?"),
11360 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
11370
eventual discovery if clearbase, asserta(question(nix)),
11380 clearwindow,
11390 cursor(10,10), write("If the police conducted an illegal
11400 search or obtained an illegal"),
11410 cursor(11,10), write("confession, would the same evidence
11420 inevitably have been"),
11430 cursor(12,10), write("discovered nonetheless?"),
11440 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
11450
eventual—chain if clearbase, asserta(question(wongsun)),
11460 clearwindow,
11470 cursor(10,10), write("If the police conducted an illegal
11480 search or obtained an illegal"),
11490 cursor(11,10), write("confession, was the causal link
11500 between the illegal action and"),
11510 cursor(12,10), write("the evidence attenuated?"),
11520 cursor(20,30), write("<Y> or <N> or <P>rinciple"), affirm.
11530
copyright comment =
11540 explanation (rawlings1, "If Defendant's own property was
11550 searched, he must have an expectation of privacy in such
11560 property for standing to contest admissibility of the
11580 2556, 65 L.Ed.2d 633 [1980].")
11590
copyright comment =
11600 explanation (rawlings2, "If a third party's property was
11610 searched, Defendant must have an expectation of privacy in
11620 such property for standing to contest admissibility of the
11640 2556, 65 L.Ed.2d 633 [1980].")
11770 explanation(katz, "Defendant's expectation of privacy in searched property must be considered a socially worthy expectation for standing to contest admissibility of the evidence. Katz v. United States, 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 [1967].").

11840 explanation(brown, "Evidence obtained without a search warrant by a police officer who observed the evidence in 'plain view' is admissible at trial. Texas v. Brown, 460 U.S. 730, 103 S.Ct. 1535, 75 L.Ed.2d 502 [1983].").

11890 explanation(oliver, "Evidence obtained without a search warrant by a police officer who observed the evidence in an 'open field' is admissible at trial. Oliver v. United States, 466 U.S. 170, 104 S.Ct. 1735, 80 L.Ed.2d 214 [1984].").

11950 explanation(place, "Evidence obtained without a search warrant by a police officer who observed the evidence in personal luggage in public areas is admissible at trial. United States v. Place, 462 U.S. 696, 103 S.Ct. 2637, 77 L.Ed.2d 110 [1983].").

12070 explanation(gates99, "Unless police rely upon a search warrant exception, they must first obtain a warrant before they conduct a search. Illinois v. Gates, 462 U.S. 213, 103 S.Ct. 2317, 76 L.Ed.2d 527 [1983].").

12120 explanation(gates1, "If police rely on an informant to obtain a search warrant, the evidence is admissible only if the informant has a reliable basis of knowledge to 'tip' the police. Illinois v. Gates, 462 U.S. 213, 103 S.Ct. 2317, 76 L.Ed.2d 527 [1983].").

12180 explanation(gates2, "If police rely on an informant to obtain a search warrant which reveals the evidence in question, the warrant is valid only insofar as the informant is..."
honest in that regard. Illinois v. Gates, 462 U.S. 213, 103
S.Ct. 2317, 76 L.Ed.2d 527 [1983].")).

If police rely on an informant to obtain
a search warrant, the evidence revealed is admissible only
if the facts of the case corroborate the information
provided by the informant. Illinois v. Gates, 462 U.S. 213,
103 S.Ct. 2317, 76 L.Ed.2d 527 [1983].

If police rely on an informant to obtain
a search warrant, the evidence revealed is admissible only
if the information provided by the informant is 'self-
S.Ct. 2317, 76 L.Ed.2d 527 [1983].

If police submitted a misleading
affidavit to a magistrate in order to obtain a search
warrant, then that warrant is invalid. United States v.
Leon, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 [1984].")).

If police submitted an affidavit to a
'rubber-stamping' magistrate in order to obtain a search
warrant, then that warrant is invalid. United States v.
Leon, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 [1984].

If police submitted an inadequate
affidavit to a magistrate in order to obtain a search
warrant, then that warrant is invalid. United States v.
Leon, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 [1984].

If police submitted a facially deficient
affidavit to a magistrate in order to obtain a search
warrant, then that warrant is invalid. United States v.
Leon, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 [1984].

Police officers may make a warrantless
search of an arrestee's person or home only insofar as the
search is incidental to, or contemporaneous with,
custodial arrest. Chimel v. California, 395 U.S. 752, 89
S.Ct. 2034, 23 L.Ed.2d 685 [1969].

Police officers may conduct a
warrantless search of an arrestee's residence while
accompanying Defendant in order to monitor his/her

explanation(robinson,"Police officers may conduct a warrantless search of an arrestee's person only if the officer has a reasonably held belief that the arrestee is carrying a concealed weapon. United States v. Robinson, 414 U.S. 218, 94 S.Ct. 467, 38 L.Ed.2d 427 [1973].").

explanation(valel,"Police officers may conduct a warrantless search of an arrestee's premises where others are present who may destroy vital evidence while the officer takes the arrestee to police headquarters. Vale v. Louisiana, 399 U.S. 30, 90 S.Ct. 1969, 26 L.Ed.2d 409 [1970].").

explanation(vale2,"Police officers may conduct a warrantless search of an arrestee's premises only insofar as the arrest was made after the officers were in 'hot pursuit' of the arrestee from the scene of an alleged crime. Vale v. Louisiana, 399 U.S. 30, 90 S.Ct. 1969, 26 L.Ed.2d 409 [1970].").

explanation(vale3,"Police officers may conduct a warrantless search of an arrestee and the area within his immediate control if the arrestee poses a threat to himself or to others. Vale v. Louisiana, 399 U.S. 30, 90 S.Ct. 1969, 26 L.Ed.2d 409 [1970].").

explanation(thompson,"Police officers may conduct a warrantless search of an arrestee's premises in order to find victims or other suspects. Thompson v. Louisiana, 469 U.S. 17, 105 S.Ct. 409, 83 L.Ed.2d 246 [1984].")

explanation(payton,"Police officers may make an arrest within the arrestee's home only if the arrest is for something other than a routine felony. Payton v. New York, 445 U.S. 573, 100 S.Ct. 1371, 63 L.Ed.2d 639 [1980].")

explanation(welsh,"Police officers may make an arrest within the arrestee's home only if the gravity of the underlying offense necessitates doing so. Welsh v. Wisconsin, 466 U.S. 740, 104 S.Ct. 2091, 80 L.Ed.2d 732 [1984].").
"Evidence is inadmissible where police officers act upon an arrest warrant, enter the home of a third party, and discover the evidence in plain view. Steagald v. United States, 451 U.S. 204, 101 S.Ct. 1642, 68 L.Ed.2d 38 [1981]."


"Police officers may make a warrantless search of any part of an automobile if they have probable cause to believe that there are seizable items therein. United States v. Ross, 456 U.S. 798, 102 S.Ct. 2157, 72 L.Ed.2d 572 [1982]."

"Police officers may make a warrantless search of an automobile only if the driver has already been placed in custodial arrest. New York v. Belton, 453 U.S. 454, 101 S.Ct. 2860, 69 L.Ed.2d 768 [1981]."

"Police officers may make an inventory search of an arrestee's impounded automobile which extends only to the passenger compartment, and to containers therein. State v. Opperman, 247 N.W.2d 673 (S.D. 1976)."

"Police officers may conduct an inventory search of an arrestee's impounded automobile only after the arrestee has been incarcerated. Lafayette, 462 U.S. 640, 103 S.Ct. 2605, 77 L.Ed.2d 65 [1983]."

"Police officers may 'stop and frisk' a person only insofar as they have reasonable suspicion to believe that he/she is carrying a dangerous weapon. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 [1968]."

"Police officers may make a warrantless search of a person based on information from a reliable informant. Adams v. Williams, 407 U.S. 143, 92 S.Ct. 1921, 32 L.Ed.2d 612 [1972]."
Police officers may make a warrantless search of a person, or any of his containers, if that person fits a 'drug courier profile.' United States v. Mendenhall, 446 U.S. 544, 100 S.Ct. 1870, 64 L.Ed.2d 497 [1980].

Police officers may stop and frisk individuals in a place of business where such officers are attempting to discover illegal aliens. Immigration and Naturalization Serv. v. DelGado, 466 U.S. 210, 104 S.Ct. 1758, 80 L.Ed.2d 247 [1984].

Evidence obtained without a search warrant in public areas is admissible only if the officers provide specific and articulable facts which create a reasonable suspicion. United States v. Place, 462 U.S. 696, 103 S.Ct. 2637, 77 L.Ed.2d 110 [1983].

Evidence obtained by officers from a warrantless search of an automobile is admissible only if the search was limited to the passenger compartment. Michigan v. Long, 463 U.S. 1032, 103 S.Ct. 3469, 77 L.Ed.2d 1201 [1983].

A person may be seized and detained for fingerprinting purposes, given probable cause. Hayes v. Florida, 470 U.S. 811, 105 S.Ct. 1643, 84 L.Ed.2d 705 [1985].

Police officers may seize and occupy an arrestee's residence while other officers leave to obtain a search warrant. Segura v. United States, 468 U.S. 796, 104 S.Ct. 3380, 82 L.Ed.2d 599 [1984].

Evidence obtained from a health inspection is admissible at trial. Camara v. Municipal Court, 387 U.S. 523, 87 S.Ct. 1727, 18 L.Ed.2d 930 [1967].

Evidence obtained from an inspection of students by school administrators is admissible at trial. New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 85 L.Ed.2d 720 [1985].

Evidence obtained from a state liquor
and firearms inspection may be admitted at trial.

Colonnade Catering Corp. v. United States, 397 U.S. 72, 90 S.Ct. 774, 25 L.Ed.2d 60 [1970]."

Explanation(consent1, "Evidence obtained from a consenting Defendant is admissible only insofar as the Defendant knew that he had the right to refuse the search. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].")

Explanation(consent2, "Evidence obtained from a consenting Defendant is admissible only insofar as the Defendant was neither expressly nor subtly coerced. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].")

Explanation(consent3, "Evidence obtained from a consenting Defendant is admissible only insofar as the Defendant was not in police custody at the time. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].")

Explanation(consent4, "Evidence obtained from a consenting Defendant is admissible only insofar as the Defendant was not subjected to an intimidating environment. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].")

Explanation(consent5, "Evidence obtained from a consenting Defendant is admissible only insofar as the Defendant is not of low intelligence or poor education. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].")

Explanation(consent6, "Evidence obtained from a consenting Defendant is admissible if the Defendant has had prior contact with the police. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].")

Explanation(consent7, "Evidence obtained from a consenting Defendant is admissible only insofar as the Defendant was not in a vulnerable state of mind. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].")
Evidence obtained from a consenting Defendant is admissible only if the Defendant's words or conduct did not limit his consent so as to exclude the searched area. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].

Evidence obtained by police who relied upon the consent of a third party is admissible only insofar as the third party had the authority to give his consent. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].

Evidence obtained by police who relied upon the consent of a third party is admissible if the third party had a possessory interest in the thing searched. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 [1973].

Evidence obtained by police who relied upon the consent of a third party is admissible if the third party acted as Defendant's agent. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct.2041, 36 L.Ed.2d 854 [1973].

Evidence obtained by police who relied upon the consent of a third party is admissible if the Defendant assumed the risk that a third party would give his consent. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct.2041, 36 L.Ed.2d 854 [1973].

Evidence obtained by police who relied upon the consent of a third party is admissible if the third party had apparent authority to give his consent. Schneckloth v. Bustamonte, 412 U.S. 218, 93 S.Ct.2041, 36 L.Ed.2d 854 [1973].

A confession obtained by police who used abusive methods to elicit the confession is not admissible as evidence at trial. Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 [1964].

A confession obtained by police from an arrestee who is in poor physical or mental
condition is not admissible at trial. Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 [1964]."").

"A confession obtained by police who used force, threats, or deception to elicit the confession is not admissible as evidence at trial. Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 [1964]."").

"A confession is inadmissible if it is made during a long delay between arrest and arraignment, unless the delay was caused by the unavailability of a judge. Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 [1964]."").

"A confession is inadmissible unless there is also some independent proof linking Defendant to the crime. Jackson v. Denno, 378 U.S. 368, 84 S.Ct. 1774, 12 L.Ed.2d 908 [1964]."").

"A confession made during an inexcusably long delay between the time of arrest and arraignment is inadmissible at a federal trial. McNabb v. United States, 318 U.S. 332, 63 S.Ct. 608, 87 L.Ed. 819 [1943]."").

"Answers to non-intrusive police questions made briefly on the street are admissible at trial. Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 [1966]."").

"Answers made voluntarily to police by an arrestee who generally cooperates are admissible at trial. Orozco v. Texas, 394 U.S. 324, 89 S.Ct. 1095, 22 L.Ed.2d 311 [1969]."").

"Miranda warnings must be administered before Defendant may answer questions by police officers who stopped Defendant's car in traffic for a misdemeanor traffic violation. Berkemer v. McCarty, 468 U.S. 420, 104 S.Ct. 3138, 82 L.Ed.2d 317 [1984]."").

"Miranda warnings need not be given before Defendant answers police in a comfortable environment outside the stationhouse, e.g., in Defendant's own home. Beckwith v. United States, 425 U.S. 341, 96
15220 S.Ct. 1612, 48 L.Ed.2d 1 [1976].

15240 explanation(brewer1,"Miranda warnings must be administered
to Defendant who answers questions in a police car.
Brewer v. Williams, 430 U.S. 387, 97 S.Ct. 1232, 51
L.Ed.2d 424 [1977].").

15290 explanation(miranda2,"Miranda warnings need not be
administered to Defendant within his/her own home because
he/she is not yet in custody. Miranda v. Arizona, 384
U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 [1966].").

15340 explanation(terry2,"Miranda warnings need not be
administered to Defendant who has been only briefly
stopped by officers on the street. Terry v. Ohio, 392
U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 [1968].").

15390 explanation(miranda3,"Miranda warnings need not be
administered for answers which are truly volunteered.
Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16
L.Ed.2d 694 [1966].").

15440 explanation(miranda4,"Miranda warnings need not be
administered for questions which are indirect or non-
intrusive in nature. Miranda v. Arizona, 384 U.S. 436, 86
S.Ct. 1602, 16 L.Ed.2d 694 [1966].").

15490 explanation(innes,"Statements are inadmissible where Miranda
rights have not been read, and officers' conversation was
likely to elicit Defendant's response. Brewer v.
Williams, 430 U.S. 387, 97 S.Ct. 1232, 51 L.Ed.2d 424
[1977].").

15540 explanation(quarrels,"Miranda warnings need not be given
where exigent circumstances required the officer to obtain
an immediate answer from Defendant. New York v. Quarles,
467 U.S. 649, 104 S.Ct. 2626, 81 L.Ed.2d 550 [1984].").

15600 explanation(miranda5,"A confession obtained from Defendant
who has waived his Miranda rights is admissible only
insofar as Defendant knowingly intelligently waived his
rights. Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602,
16 L.Ed.2d 694 [1966].").
A confession obtained from Defendant is admissible if a waiver of his Miranda rights could have been inferred from Defendant's words or behavior. North Carolina v. Butler, 441 U.S. 369, 99 S.Ct. 1755, 60 L.Ed.2d 286 [1979]."

A confession from Defendant must be made in the presence of Defendant's legal counsel, unless Defendant has waived his right to counsel. Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 [1966]."

Miranda rights must be administered to Defendant if police suspicion has focused on Defendant. Brewer v. Williams, 430 U.S. 387, 97 S.Ct. 1232, 51 L.Ed.2d 424 [1977]."

Miranda rights must be administered to Defendant before police ask questions of an accusatory nature. Escobedo v. Illinois, 378 U.S. 478, 84 S.Ct. 1758, 12 L.Ed.2d 977 [1964]."

If Defendant refuses to answer questions after having his/her Miranda rights administered, Miranda warnings must again be given if police initiate further questioning. Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 [1966]."

If Defendant refuses to answer questions after Miranda rights were read, Miranda warnings need not be re-read where Defendant voluntarily re-initiates communication with police. Oregon v. Bradshaw, 462 U.S. 1039, 103 S.Ct. 2830, 77 L.Ed.2d 405 [1983]."

Evidence obtained by an illegal search or confession is admissible where such evidence was discoverable through a means independent from the illegal
Segura v. United States, 468 U.S. 796, 104 S.Ct. 3380, 82 L.Ed.2d 599 [1984]."

Evidence obtained by an illegal search or confession is admissible where such evidence would nevertheless have been inevitably discovered by police. Nix v. Williams, 467 U.S. 431, 104 S.Ct. 2501, 81 L.Ed.2d 377 [1984]."

Evidence obtained by an illegal search or confession is admissible where the causal link between the illegal activity and discovery of the evidence is attenuated. Wong Sun v. United States, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d 441 [1963]."
A SAMPLE RUN-THROUGH OF CACTUS

Type "CACTUS"

CACTUS

HELLO.
Welcome to CACTUS, the
Computer Aided Criminal Trial Evidence
Admissibility Heuristic.

This program will enable the user to determine
whether evidence obtained either by
a search or confession may be admitted at a
criminal trial.

NOTE: Where a letter response is requested
by CACTUS, respond with only a single
letter: 'Y', 'N', or 'P'.

Type any key

CACTUS

Is the instant evidence the result of a
confession by Defendant to the police?

Type "N"
Was the Defendant the target of a search by the police?

\(<Y>\) or \(<N>\) or \(<P>\)inciple

Type "Y"

Did Defendant have a legitimate expectation of privacy in his own property which was the subject of a search?

\(<Y>\) or \(<N>\) or \(<P>\)inciple

Type "P"

If Defendant's own property was searched, he must have an expectation of privacy in such property for standing to contest admissibility of the evidence. Rawlings v. Kentucky, 448 U.S. 98, 100 S.Ct. 2556, 65 L.Ed.2d 633 (1980).

HIT ANY KEY

Type any key
CACTUS

Did Defendant have a legitimate expectation of privacy in his own property which was the subject of a search?

<Y> or <N> or <P>rinciple

Type "N"

CACTUS

Did Defendant have a legitimate expectation of privacy in the property of another which was the subject of a search?

<Y> or <N> or <P>rinciple

Type "Y"

CACTUS

Can it be said that Defendant's expectation of privacy in his own, or another's, property is socially worthy?

<Y> or <N> or <P>rinciple

Type "Y"
<PANEL 9>

CACTUS

Did the police obtain a search warrant before they conducted the search?

<Y> or <N> or <P>rinciple

Type "N"

<PANEL 10>

CACTUS

Did Defendant have a dangerous weapon within his immediate control, and did the search occur contemporaneously with Defendant's arrest?

<Y> or <N> or <P>rinciple

Type "P"

<PANEL 11>

CACTUS

PRINCIPLE

Police officers may make a warrantless search of an arrestee's person or home only insofar as the search is incidental to, or contemporaneous with, custodial arrest. Chimel v. California, 395 U.S. 752, 89 S.Ct. 2034, 23 L.Ed.2d 685 (1969).

HIT ANY KEY

Type any key
CACTUS

Did Defendant have a dangerous weapon within his immediate control, and did the search occur contemporaneously with Defendant's arrest?

<Y> or <N> or <P>rinciple

Type "Y"

CACTUS

Did the arresting officers make a search of Defendant's residence while accompanying Defendant in order to monitor his movements?

<Y> or <N> or <P>rinciple

Type "N"

CACTUS

Did the arresting officers make a search of Defendant's person due to a reasonably held belief that Defendant was carrying a concealed weapon?

<Y> or <N> or <P>rinciple

Type "N"
Were there others present at the site of Defendant's arrest who might have destroyed evidence while the arresting officers would otherwise have left to obtain a search warrant?

Type "Y"

Did the officers arrest Defendant while both Defendant and the officers were in hot pursuit from the scene of Defendant's alleged crime?

Type "N"

Did Defendant pose a threat of injury to himself or to others?

Type "Y"
CACTUS

Were the arresting officers providing assistance to victims of Defendant's alleged crime when they discovered the evidence in question?

\(<Y> \text{ or } <N> \text{ or } <P>\)inciple

Type "N"

CACTUS

Was a home searched without a warrant during the course of Defendant's arrest for a crime other than a routine felony?

\(<Y> \text{ or } <N> \text{ or } <P>\)inciple

Type "Y"

CACTUS

Was a search made of a readily mobile vehicle?

\(<Y> \text{ or } <N> \text{ or } <P>\)inciple

Type "N"
CACTUS

Was a search made of an automobile by officers who had probable cause to believe that there were seizable items inside?

\[ Y \] or \[ N \] or \[ P \]rinciple

Type “N”

CACTUS

Was a search made of an automobile by officers who had already placed Defendant in custodial arrest?

\[ Y \] or \[ N \] or \[ P \]rinciple

Type “N”

CACTUS

Did police conduct an inventory search of Defendant's automobile?

\[ Y \] or \[ N \] or \[ P \]rinciple

Type “N”
Did the arresting officers search Defendant's person, without first moving him to another location, under reasonable suspicion that Defendant was carrying a weapon?

<Y> or <N> or <P> principle

Type "N"

Did the arresting officers search Defendant's person, without first moving him to another location, based on a tip from a reliable informant?

<Y> or <N> or <P> principle

Type "N"

Did the arresting officers search Defendant's person, or any of his containers, without first moving him to another location, because Defendant appeared to fit a drug courier profile?

<Y> or <N> or <P> principle

Type "N"
CACTUS

Was the search conducted in a place of business in an attempt by officers to find illegal aliens?

\( <Y> \) or \( <N> \) or \( <P> \)inciple

Type "N"

CACTUS

Were/Are the arresting officers able to provide specific and articulable facts which provided reasonable suspicion to search Defendant's person or containers?

\( <Y> \) or \( <N> \) or \( <P> \)inciple

Type "N"

CACTUS

Did the arresting officers have reasonable suspicion to stop and search Defendant's car, and did they confine their search to the passenger compartment of Defendant's car?

\( <Y> \) or \( <N> \) or \( <P> \)inciple

Type "N"
CACTUS

Did the search consist of a seizure of Defendant's person for the sole purpose of fingerprinting Defendant?

\(<Y> \text{ or } <N> \text{ or } <P>\text{rinciple}\)

Type "N"

CACTUS

Did the search consist of a seizure of a residence while a search warrant was being obtained?

\(<Y> \text{ or } <N> \text{ or } <P>\text{rinciple}\)

Type "N"

CACTUS

Was the search conducted for health inspection purposes?

\(<Y> \text{ or } <N> \text{ or } <P>\text{rinciple}\)

Type "N"

CACTUS

Did the search consist of a school inspection of students by school administrators?

\(<Y> \text{ or } <N> \text{ or } <P>\text{rinciple}\)

Type "N"
CACTUS

Did the search consist of a liquor or firearms inspection by the appropriate governing authority?

<Y> or <N> or <P>inciple

Type "N"

CACTUS

Did Defendant consent to the search?

<Y> or <N> or <P>inciple

Type "N"

CACTUS

Did a third party give his consent to a search by police which revealed the instant evidence?

<Y> or <N> or <P>inciple

Type "N"

CACTUS

If the police conducted an illegal search or or obtained an illegal confession, was the same evidence discovered or discoverable through an independent source?

<Y> or <N> or <P>inciple

Type "Y"
<table>
<thead>
<tr>
<th><strong>CACTUS DETERMINATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The evidence is ADMISSIBLE at Defendant's trial</td>
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</tbody>
</table>