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**Bell v. Maryland, 378 U.S. 226, 84 S. Ct. 1814, 12 L. Ed. 2d 822, 1964 U.S. LEXIS 824 (1964)**

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## **SHEPARD'S SUMMARY**

### **Unrestricted Shepard's Summary**

 **Subsequent appellate history contains possible negative analysis.**

#### **Citing References:**

 **Cautionary Analyses:** **Distinguished (9)**

Positive Analyses: Followed (2)

Neutral Analyses: Concurring Opinion (1), Dissenting Op. (29), Quest. Precedent (15)

Other Sources: Law Reviews (265), Secondary Sources (4), Statutes (5), Treatises (4), American Law Rpts/Lawyers' Edition Annos (7)

**LexisNexis Headnotes:** HN1 (59), HN2 (1), HN3 (29), HN4 (11), HN5 (32), HN6 (45), HN7 (34)

#### **PRIOR HISTORY** ( 1 citing reference )

1. *Bell v. State*, 227 Md. 302, 176 A.2d 771, 1962 Md. LEXIS 627 (1962)

**Vacated by (CITATION YOU ENTERED):**

*Bell v. Maryland*, 378 U.S. 226, 84 S. Ct. 1814, 12 L. Ed. 2d 822, 1964 U.S. LEXIS 824 (1964)

#### **SUBSEQUENT APPELLATE HISTORY** ( 1 citing reference )

2. **On remand at:**  
*Bell v. State*, 236 Md. 356, 204 A.2d 54, 1964 Md. LEXIS 887 (1964)

#### **CITING DECISIONS** ( 235 citing decisions )

#### **U.S. SUPREME COURT**

3. **Cited by:**  
*Hurley v. Irish-American Gay, Lesbian & Bisexual Group*, 515 U.S. 557, 115 S. Ct. 2338, 132 L. Ed. 2d 487, 1995 U.S. LEXIS 4050, 63 U.S.L.W. 4625, 9 Fla. L. Weekly Fed. S 192, 95 Cal. Daily Op. Service 4620, 95

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115 S. Ct. 2338 p.2346

4. **Cited in Dissenting Opinion at:**

*Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 113 S. Ct. 753, 122 L. Ed. 2d 34, 1993 U.S. LEXIS 833, 61 U.S.L.W. 4080, 93 Cal. Daily Op. Service 258, 93 D.A.R. 583, 169 A.L.R. Fed. 649 (1993)  
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*Doe v. Delaware*, 450 U.S. 382, 101 S. Ct. 1495, 67 L. Ed. 2d 312, 1981 U.S. LEXIS 84, 49 U.S.L.W. 4250 (1981) **LexisNexis Headnotes HN1, HN3, HN5, HN6, HN7**  
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101 S. Ct. 1495 p.1499  
101 S. Ct. 1495 p.1503  
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67 L. Ed. 2d 312 p.320

6. **Cited by:**

*Flagg Bros., Inc. v. Brooks*, 436 U.S. 149, 98 S. Ct. 1729, 56 L. Ed. 2d 185, 1978 U.S. LEXIS 90, 23 U.C.C. Rep. Serv. (CBC) 1105 (1978)  
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7. **Cited by:**

*Warden, Lewisburg Penitentiary v. Marrero*, 417 U.S. 653, 94 S. Ct. 2532, 41 L. Ed. 2d 383, 1974 U.S. LEXIS 79 (1974) **LexisNexis Headnotes HN3**  
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41 L. Ed. 2d 383 p.390  
94 S. Ct. 2532 p.2536

8. **Cited by:**

*Bradley v. United States*, 410 U.S. 605, 93 S. Ct. 1151, 35 L. Ed. 2d 528, 1973 U.S. LEXIS 98 (1973) **LexisNexis Headnotes HN3**  
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35 L. Ed. 2d 528 p.532  
93 S. Ct. 1151 p.1154

9. **Cited by:**

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135, 80 L.R.R.M. (BNA) 2773, 68 Lab. Cas. (CCH) P12783 (1972) **LexisNexis Headnotes HN4**  
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11. **Cited in Dissenting Opinion at:**

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12. **Cited in Dissenting Opinion at:**

*Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 90 S. Ct. 1598, 26 L. Ed. 2d 142, 1970 U.S. LEXIS 31 (1970)  
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13. **Cited by:**

*Cowgill v. California*, 396 U.S. 371, 90 S. Ct. 613, 24 L. Ed. 2d 590, 1970 U.S. LEXIS 3152 (1970)  
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14. **Cited in Dissenting Opinion at:**

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15. **Cited by:**

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16. **Cited by:**  
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*Jones v. Alfred H. Mayer Co.*, 392 U.S. 409, 88 S. Ct. 2186, 20 L. Ed. 2d 1189, 1968 U.S. LEXIS 2980, 47 Ohio Op. 2d 43, 1 Empl. Prac. Dec. (CCH) P9832 (1968)  
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19. **Cited in Dissenting Opinion at, Cited by:**  
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20. **Cited in Dissenting Opinion at, Cited by:**  
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21. **Cited in Dissenting Opinion at, Cited by:**  
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86 S. Ct. 1170 p.1190  
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86 S. Ct. 1170 p.1177  
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24. **Cited in Dissenting Opinion at:**  
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28. **Distinguished by, Cited in Dissenting Opinion at, Distinguished by, Cited in Dissenting Opinion at, Cited by:**

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30. **Cited by:**

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84 S. Ct. 1910 p.1910  
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34. **Cited by:**

*Williams v. North Carolina*, 378 U.S. 548, 84 S. Ct. 1900, 12 L. Ed. 2d 1032, 1964 U.S. LEXIS 834 (1964)  
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36. **Cited in Dissenting Opinion at, Cited by:**

*Bouie v. Columbia*, 378 U.S. 347, 84 S. Ct. 1697, 12 L. Ed. 2d 894, 1964 U.S. LEXIS 825 (1964)  
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40. **Cited by:**  
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41. **Cited by:**  
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42. **Cited by:**  
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62. **Cited by:**  
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67. **Cited by:**

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71. **Cited by:**  
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72. **Cited by:**  
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73. **Cited by:**  
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74. **Cited by:**  
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*United States v. Uni Oil, Inc.*, 710 F.2d 1078, 1983 U.S. App. LEXIS 25285, 4 Energy Mgmt. (CCH) P26436 (5th Cir. Tex. 1983) **LexisNexis Headnotes HN5**  
710 F.2d 1078 p.1085
78. **Cited by:**  
*Dahl v. Akin*, 630 F.2d 277, 1980 U.S. App. LEXIS 12422 (5th Cir. Tex. 1980) **LexisNexis Headnotes HN6**  
630 F.2d 277 p.280

79. **Cited in Dissenting Opinion at:**  
*Golden v. Biscayne Bay Yacht Club*, 530 F.2d 16, 1976 U.S. App. LEXIS 11786, 49 A.L.R. Fed. 563 (5th Cir. Fla. 1976)  
530 F.2d 16 p.31
80. **Cited by:**  
*Webb v. Beto*, 457 F.2d 346, 1972 U.S. App. LEXIS 10665 (5th Cir. Tex. 1972) **LexisNexis Headnotes HN1, HN3, HN4, HN6**  
457 F.2d 346 p.348
81. **Distinguished by:**  
*United States v. Resnick*, 455 F.2d 1127, 1972 U.S. App. LEXIS 11488 (5th Cir. Fla. 1972) **LexisNexis Headnotes HN4**  
455 F.2d 1127 p.1134
82. **Cited by:**  
*Hodgson v. H. Morgan Daniel Seafoods, Inc.*, 433 F.2d 918, 1970 U.S. App. LEXIS 6451, 64 Lab. Cas. (CCH) P32414, 72 Labor Relations N.L.R.B. (P-H) P14217, 19 Wage & Hour Cas. (BNA) 816 (5th Cir. Tex. 1970) **LexisNexis Headnotes HN5**  
433 F.2d 918 p.920
83. **Cited by:**  
*Hall v. St. Helena Parish School Board*, 424 F.2d 320, 1970 U.S. App. LEXIS 10410 (5th Cir. La. 1970)  
424 F.2d 320 p.322
84. **Cited by:**  
*United States v. Board of Education*, 423 F.2d 1013, 1970 U.S. App. LEXIS 10389 (5th Cir. Ga. 1970)  
423 F.2d 1013 p.1014
85. **Cited by:**  
*Boykins v. Fairfield Board of Education*, 421 F.2d 1330, 1970 U.S. App. LEXIS 11275 (5th Cir. Ala. 1970)  
421 F.2d 1330 p.1331
86. **Cited by:**  
*Baird v. Benton County Board of Education*, 421 F.2d 700, 1970 U.S. App. LEXIS 11165 (5th Cir. Miss. 1970) **LexisNexis Headnotes HN7**  
421 F.2d 700 p.701
87. **Cited by:**  
*Communications Workers of America v. Southern Bell Tel. & Tel. Co.*, 419 F.2d 1310, 1970 U.S. App. LEXIS 11373, 73 L.R.R.M. (BNA) 2206, 61 Lab. Cas. (CCH) P10561 (5th Cir. Ga. 1970)  
419 F.2d 1310 p.1311

88. **Cited by:**  
*Singleton v. Jackson Municipal Separate School Dist.*, 419 F.2d 1211, 1969 U.S. App. LEXIS 9866, 7 Empl. Prac. Dec. (CCH) P9412, 9 Fair Empl. Prac. Cas. (BNA) 1122 (5th Cir. Miss. 1969)  
419 F.2d 1211 p.1219
89. **Cited by:**  
*Jenkins v. Bogalusa School Board*, 421 F.2d 1339, 1969 U.S. App. LEXIS 9718 (5th Cir. La. 1969)  
421 F.2d 1339 p.1340
90. **Cited by:**  
*United States v. Scardino*, 414 F.2d 925, 1969 U.S. App. LEXIS 11093 (5th Cir. Ga. 1969) **LexisNexis Headnotes HN7**  
414 F.2d 925 p.927
91. **Cited by:**  
*Tyson v. Cazes*, 363 F.2d 742, 1966 U.S. App. LEXIS 5374 (5th Cir. La. 1966)  
363 F.2d 742 p.744
92. **Cited by:**  
*Tolg v. Grimes*, 355 F.2d 92, 1966 U.S. App. LEXIS 7421 (5th Cir. Ga. 1966) **LexisNexis Headnotes HN1, HN6, HN7**  
355 F.2d 92 p.94
93. **Cited in Dissenting Opinion at:**  
*Rachel v. Georgia*, 342 F.2d 336, 1965 U.S. App. LEXIS 6320 (5th Cir. Ga. 1965) **LexisNexis Headnotes HN1**  
342 F.2d 336 p.344
94. **Cited by:**  
*Poole v. Barnett*, 336 F.2d 267, 1964 U.S. App. LEXIS 4313 (5th Cir. Miss. 1964) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
336 F.2d 267 p.268

#### 5TH CIRCUIT - U.S. DISTRICT COURTS

95. **Cited by:**  
*Bryant v. Kelly*, 2006 U.S. Dist. LEXIS 68758 (N.D. Miss. Sept. 22, 2006) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
2006 U.S. Dist. LEXIS 68758
96. **Cited by:**  
*Tolliver v. Leakesville*, 2006 U.S. Dist. LEXIS 41957 (N.D. Miss. June 20, 2006) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
2006 U.S. Dist. LEXIS 41957

97. **Cited by:**  
*Rush v. United States*, 2006 U.S. Dist. LEXIS 36942 (N.D. Miss. June 3, 2006) **LexisNexis Headnotes HN1, HN6, HN7**  
2006 U.S. Dist. LEXIS 36942
98. **Cited by:**  
*Tyler v. Mississippi*, 2006 U.S. Dist. LEXIS 33711 (N.D. Miss. May 24, 2006) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
2006 U.S. Dist. LEXIS 33711
99. **Cited by:**  
*Parker v. Jenkins*, 2006 U.S. Dist. LEXIS 31214 (N.D. Miss. May 8, 2006) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
2006 U.S. Dist. LEXIS 31214
100. **Cited by:**  
*Ludgood v. Wilson*, 2006 U.S. Dist. LEXIS 21833 (S.D. Miss. Mar. 28, 2006) **LexisNexis Headnotes HN1**  
2006 U.S. Dist. LEXIS 21833
101. **Cited by:**  
*Hall v. Foreman*, 2005 U.S. Dist. LEXIS 38802 (N.D. Miss. Dec. 13, 2005) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
2005 U.S. Dist. LEXIS 38802
102. **Cited by:**  
*Evans v. Epps*, 2005 U.S. Dist. LEXIS 42664 (S.D. Miss. Oct. 3, 2005) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
2005 U.S. Dist. LEXIS 42664
103. **Cited by:**  
*Buie v. Epps*, 2003 U.S. Dist. LEXIS 19066 (S.D. Miss. Apr. 28, 2003) **LexisNexis Headnotes HN1**  
2003 U.S. Dist. LEXIS 19066
104. **Cited by:**  
*Bogan v. Moore*, 55 F. Supp. 2d 597, 1999 U.S. Dist. LEXIS 10360 (S.D. Miss. 1999) **LexisNexis Headnotes HN3**  
55 F. Supp. 2d 597 p.598
105. **Cited by:**  
*Vann by & Through Vann v. Central Benefits Nat'l Life Ins. Co.*, 1997 U.S. Dist. LEXIS 13512 (N.D. Miss. Aug. 21, 1997)

106. **Cited by:**  
*Webb v. Beto*, 338 F. Supp. 1101, 1971 U.S. Dist. LEXIS 11463 (W.D. Tex. 1971) **LexisNexis Headnotes HN1, HN3, HN4, HN5, HN6, HN7**  
338 F. Supp. 1101 *p.1103*

107. **Cited by:**  
*Wright v. Cork Club*, 315 F. Supp. 1143, 1970 U.S. Dist. LEXIS 10558 (S.D. Tex. 1970)  
315 F. Supp. 1143 *p.1156*

#### **6TH CIRCUIT - U.S. DISTRICT COURTS**

108. **Cited by:**  
*Whitlow v. Moore*, 2006 U.S. Dist. LEXIS 56658 (S.D. Ohio Aug. 14, 2006) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
2006 U.S. Dist. LEXIS 56658

109. **Cited by:**  
*Perez v. Birkett*, 2006 U.S. Dist. LEXIS 51091 ( E.D. Mich. July 26, 2006) **LexisNexis Headnotes HN1, HN6, HN7**  
2006 U.S. Dist. LEXIS 51091

110. **Cited by:**  
*Daniels v. Retired Senior Volunteer Program*, 2006 U.S. Dist. LEXIS 16999 (S.D. Ohio Mar. 27, 2006)  
2006 U.S. Dist. LEXIS 16999

111. **Cited by:**  
*Flannery v. Wilson*, 2006 U.S. Dist. LEXIS 41882 (N.D. Ohio Mar. 7, 2006) **LexisNexis Headnotes HN1, HN6, HN7**  
2006 U.S. Dist. LEXIS 41882

112. **Cited by:**  
*Santiago v. Hurley*, 2006 U.S. Dist. LEXIS 17012 (S.D. Ohio Jan. 6, 2006) **LexisNexis Headnotes HN1, HN6, HN7**  
2006 U.S. Dist. LEXIS 17012

113. **Cited by:**  
*Chavis v. Samuels*, 2006 U.S. Dist. LEXIS 314 (S.D. Ohio Jan. 5, 2006) **LexisNexis Headnotes HN1, HN6, HN7**  
2006 U.S. Dist. LEXIS 314

114. **Cited by:**  
*Smith v. Ohio*, 331 F. Supp. 2d 605, 2004 U.S. Dist. LEXIS 17736 (N.D. Ohio 2004) **LexisNexis Headnotes HN1, HN6, HN7**  
331 F. Supp. 2d 605 *p.613*



115. **Cited by:**

*United States v. Two Hundred Fifty-four United States Twenty Dollar Gold Coins*, 355 F. Supp. 298, 1973 U.S. Dist. LEXIS 15123 ( E.D. Mich. 1973) **LexisNexis Headnotes HN4**  
355 F. Supp. 298 p.303

116. **Cited by:**

*Bennett v. Dyer's Chop House, Inc.*, 350 F. Supp. 153, 1972 U.S. Dist. LEXIS 11431, 33 Ohio Misc. 153, 62 Ohio Op. 2d 269 (N.D. Ohio 1972) **LexisNexis Headnotes HN1, HN6, HN7**  
350 F. Supp. 153 p.154

**6TH CIRCUIT - U.S. BANKRUPTCY COURTS**117. **Cited by:**

*In re Johnson*, 39 B.R. 478, 1984 Bankr. LEXIS 5812, 38 U.C.C. Rep. Serv. (CBC) 1361 (Bankr. M.D. Tenn. 1984)  
39 B.R. 478 p.481

**7TH CIRCUIT - COURT OF APPEALS**118. **Cited by:**

*Anderson v. Litscher*, 281 F.3d 672, 2002 U.S. App. LEXIS 2860 (7th Cir. Wis. 2002) **LexisNexis Headnotes HN1, HN6, HN7**  
281 F.3d 672 p.674

119. **Cited by:**

*Dombrowski v. Dowling*, 459 F.2d 190, 1972 U.S. App. LEXIS 10225 (7th Cir. Ill. 1972)  
459 F.2d 190 p.196

**7TH CIRCUIT - U.S. DISTRICT COURTS**120. **Cited by:**

*Jones v. Berge*, 101 F. Supp. 2d 1145, 2000 U.S. Dist. LEXIS 8813 (E.D. Wis. 2000) **LexisNexis Headnotes HN5, HN6, HN7**  
101 F. Supp. 2d 1145 p.1149

121. **Cited by:**

*Flowers v. Hanks*, 941 F. Supp. 765, 1996 U.S. Dist. LEXIS 13697 (N.D. Ind. 1996) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
941 F. Supp. 765 p.770

122. **Cited by:**

*United States v. Wilson*, 880 F. Supp. 621, 1995 U.S. Dist. LEXIS 3439 (E.D. Wis. 1995) **LexisNexis Headnotes HN1**

880 F. Supp. 621 p.623

123. **Cited by:**

*Rogers v. Provident Hospital*, 241 F. Supp. 633, 1965 U.S. Dist. LEXIS 6352 (N.D. Ill. 1965)  
241 F. Supp. 633 p.637

**8TH CIRCUIT - COURT OF APPEALS**

124. **Cited by:**

*Smith v. Bowersox*, 159 F.3d 345, 1998 U.S. App. LEXIS 26719 (8th Cir. Mo. 1998) **LexisNexis Headnotes HN1, HN5, HN6, HN7**  
159 F.3d 345 p.347

125. **Cited by:**

*United States Jaycees v. McClure*, 709 F.2d 1560, 1983 U.S. App. LEXIS 25323, 1983 U.S. App. LEXIS 26989 (8th Cir. Minn. 1983)  
709 F.2d 1560 p.1574

126. **Cited by:**

*United States Jaycees v. McClure*, 709 F.2d 1560, 1983 U.S. App. LEXIS 26989 (8th Cir. 1983)

127. **Cited by:**

*United States v. Kroncke*, 459 F.2d 697, 1972 U.S. App. LEXIS 9783 (8th Cir. Minn. 1972)  
459 F.2d 697 p.702

128. **Cited by:**

*Jones v. Alfred H. Mayer Co.*, 379 F.2d 33, 1967 U.S. App. LEXIS 5852 (8th Cir. Mo. 1967)  
379 F.2d 33 p.42

**8TH CIRCUIT - U.S. DISTRICT COURTS**

129. **Cited by:**

*Jones v. Alfred H. Mayer Co.*, 255 F. Supp. 115, 1966 U.S. Dist. LEXIS 6590 (E.D. Mo. 1966) **LexisNexis Headnotes HN1, HN5, HN6**  
255 F. Supp. 115 p.125

**9TH CIRCUIT - COURT OF APPEALS**

130. **Cited by:**

*Bowen v. Roe*, 188 F.3d 1157, 1999 U.S. App. LEXIS 20676, 99 Cal. Daily Op. Service 7076, 99 D.A.R. 9057 (9th Cir. Cal. 1999) **LexisNexis Headnotes HN5, HN6, HN7**  
188 F.3d 1157 p.1159

131. **Distinguished by:**

*United States v. Cummings*, 468 F.2d 274, 1972 U.S. App. LEXIS 7253 (9th Cir. Nev. 1972)  
468 F.2d 274 p.277

132. **Distinguished by:**  
*Marshall v. Sawyer*, 365 F.2d 105, 1966 U.S. App. LEXIS 5220 (9th Cir. Nev. 1966) **LexisNexis**  
**Headnotes HN1**  
365 F.2d 105 p.110

#### 9TH CIRCUIT - U.S. DISTRICT COURTS

133. **Distinguished by:**  
*Ezell v. Edwards Theatres, Inc.*, 2006 U.S. Dist. LEXIS 92413 (E.D. Cal. Dec. 21, 2006)  
2006 U.S. Dist. LEXIS 92413
134. **Cited by:**  
*Hernandez v. Erlenbusch*, 368 F. Supp. 752, 1973 U.S. Dist. LEXIS 10792 (D. Or. 1973) **LexisNexis Head-**  
**notes HN1**  
368 F. Supp. 752 p.755

#### 11TH CIRCUIT - COURT OF APPEALS

135. **Distinguished by:**  
*United States v. Orellanes*, 809 F.2d 1526, 1987 U.S. App. LEXIS 2188 (11th Cir. Fla. 1987) **LexisNexis**  
**Headnotes HN6**  
809 F.2d 1526 p.1528  
809 F.2d 1526 p.1529

#### 11TH CIRCUIT - U.S. DISTRICT COURTS

136. **Cited by:**  
*Hishon v. King & Spalding*, 1980 U.S. Dist. LEXIS 16179, 25 Empl. Prac. Dec. (CCH) P31703, 24 Fair Em-  
pl. Prac. Cas. (BNA) 1303 (N.D. Ga. Nov. 26, 1980) **LexisNexis Headnotes HN1**

#### D.C. CIRCUIT - COURT OF APPEALS

137. **Cited in Dissenting Opinion at, Cited by:**  
*Hutchins v. District of Columbia*, 338 U.S. App. D.C. 11, 188 F.3d 531, 1999 U.S. App. LEXIS 13635  
(1999)  
**Cited in Dissenting Opinion at:**  
188 F.3d 531 p.561  
**Cited by:**  
338 U.S. App. D.C. 11 p.41
138. **Cited in Dissenting Opinion at:**  
*Frazier v. United States*, 136 U.S. App. D.C. 180, 419 F.2d 1161, 1969 U.S. App. LEXIS 13254 (1969)  
419 F.2d 1161 p.1171

139. **Cited by:**  
*Edwards v. Habib*, 130 U.S. App. D.C. 126, 397 F.2d 687, 1968 U.S. App. LEXIS 6913 (1968)  
397 F.2d 687 p.691
140. **Cited in Dissenting Opinion at:**  
*Edwards v. Habib*, 125 U.S. App. D.C. 49, 366 F.2d 628, 1965 U.S. App. LEXIS 3772 (1965)  
366 F.2d 628 p.631

#### U.S. COURT OF APPEALS FOR THE ARMED FORCES

141. **Cited by:**  
*United States v. Schuler*, 50 M.J. 254, 1999 CAAF LEXIS 719 (C.A.A.F. 1999) **LexisNexis**  
**Headnotes HN1**  
50 M.J. 254 p.256

#### ALABAMA COURT OF CRIMINAL APPEALS

142. **Cited by:**  
*Hernandez v. State*, 50 Ala. App. 558, 280 So. 2d 831, 1973 Ala. Crim. App. LEXIS 1320 (Ala. Crim. App. 1973) **LexisNexis Headnotes HN3**  
50 Ala. App. 558 p.563  
280 So. 2d 831 p.835

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143. **Cited by:**  
*Banks v. State*, 42 Ala. App. 519, 170 So. 2d 417, 1964 Ala. App. LEXIS 224 (Ala. Ct. App. 1964)
144. **Cited by:**  
*Banks v. State*, 42 Ala. App. 519, 170 So. 2d 417, 1964 Ala. App. LEXIS 225 (Ala. Ct. App. 1964)
145. **Cited by:**  
*Thomas v. Birmingham*, 42 Ala. App. 542, 171 So. 2d 84, 1964 Ala. App. LEXIS 218 (Ala. Ct. App. 1964)  
42 Ala. App. 542 p.543  
171 So. 2d 84 p.85
146. **Cited by:**  
*Banks v. State*, 42 Ala. App. 519, 170 So. 2d 417, 1964 Ala. App. LEXIS 224, 1964 Ala. App. LEXIS 225 (Ala. Ct. App. 1964)  
42 Ala. App. 519 p.521  
42 Ala. App. 519 p.524  
170 So. 2d 417 p.419  
170 So. 2d 417 p.422

**ARIZONA COURT OF APPEALS**147. **Cited by:**

*State v. Serna*, 175 Ariz. 332, 857 P.2d 384, 1993 Ariz. App. LEXIS 77, 138 Ariz. Adv. Rep. 11 (Ariz. Ct. App. 1993) **LexisNexis Headnotes HN3, HN7**  
175 Ariz. 332 p.334  
857 P.2d 384 p.386

**ARKANSAS SUPREME COURT**148. **Cited by:**

*Neal v. State*, 270 Ark. 442, 605 S.W.2d 421, 1980 Ark. LEXIS 1608 (Ark. 1980)  
270 Ark. 442 p.452  
605 S.W.2d 421 p.426

**CALIFORNIA SUPREME COURT**149. **Cited by:**

*People v. Vieira*, 2005 Cal. LEXIS 5613 (Cal. May 26, 2005) **LexisNexis Headnotes HN3**  
2005 Cal. LEXIS 5613

150. **Cited by:**

*People v. Vieira*, 35 Cal. 4th 264, 25 Cal. Rptr. 3d 337, 106 P.3d 990, 2005 Cal. LEXIS 2488, 2005 Cal. Daily Op. Service 2021, 2005 D.A.R. 2694 (2005)  
35 Cal. 4th 264 p.306  
25 Cal. Rptr. 3d 337 p.367  
106 P.3d 990 p.1016

151. **Cited by:**

*People v. Nasalga*, 12 Cal. 4th 784, 50 Cal. Rptr. 2d 88, 910 P.2d 1380, 1996 Cal. LEXIS 793, 96 Cal. Daily Op. Service 1364, 96 D.A.R. 2275 (1996) **LexisNexis Headnotes HN4**  
12 Cal. 4th 784 p.789  
50 Cal. Rptr. 2d 88 p.92  
910 P.2d 1380 p.1383

152. **Cited by:**

*Warfield v. Peninsula Golf & Country Club*, 10 Cal. 4th 594, 42 Cal. Rptr. 2d 50, 896 P.2d 776, 1995 Cal. LEXIS 3711, 95 Cal. Daily Op. Service 5073, 95 D.A.R. 8607 (1995)  
10 Cal. 4th 594 p.616  
42 Cal. Rptr. 2d 50 p.63  
896 P.2d 776 p.789

153. **Distinguished by:**

*In re Pedro T.*, 8 Cal. 4th 1041, 36 Cal. Rptr. 2d 74, 884 P.2d 1022, 1994 Cal. LEXIS 6212, 94 Cal. Daily Op. Service 9443, 94 D.A.R. 17443 (1994) **LexisNexis Headnotes HN3**  
8 Cal. 4th 1041 p.1047

36 Cal. Rptr. 2d 74 p.77  
884 P.2d 1022 p.1025

154. **Cited by:**

*Tapia v. Superior Court*, 53 Cal. 3d 282, 279 Cal. Rptr. 592, 807 P.2d 434, 1991 Cal. LEXIS 1210, 91 Cal. Daily Op. Service 2284, 91 Cal. Daily Op. Service 2384, 91 D.A.R. 3773 (1991) **LexisNexis**

**Headnotes HN3**

53 Cal. 3d 282 p.301  
279 Cal. Rptr. 592 p.604  
807 P.2d 434 p.446

155. **Cited by:**

*People v. Babylon*, 39 Cal. 3d 719, 216 Cal. Rptr. 123, 702 P.2d 205, 1985 Cal. LEXIS 331 (1985) **LexisNexis Headnotes HN3**

39 Cal. 3d 719 p.728  
216 Cal. Rptr. 123 p.129

156. **Cited by:**

*People v. Babylon*, 39 Cal. 3d 70, 1985 Cal. LEXIS 296 (1985) **LexisNexis Headnotes HN3**

157. **Cited by:**

*Tenzler v. Superscope, Inc.*, 39 Cal. 3d 18, 216 Cal. Rptr. 130, 702 P.2d 212, 1985 Cal. LEXIS 293 (1985)  
216 Cal. Rptr. 130 p.130  
702 P.2d 212 p.212

158. **Cited by:**

*People v. Babylon*, 39 Cal. 3d 70, 1985 Cal. LEXIS 296 (1985)  
39 Cal. 3d 70 p.80

159. **Cited by:**

*People v. Rossi*, 18 Cal. 3d 295, 134 Cal. Rptr. 64, 555 P.2d 1313, 1976 Cal. LEXIS 367 (1976) **LexisNexis Headnotes HN3**

18 Cal. 3d 295 p.304  
134 Cal. Rptr. 64 p.69  
555 P.2d 1313 p.1318

160. **Cited by:**

*In re Cox*, 3 Cal. 3d 205, 90 Cal. Rptr. 24, 474 P.2d 992, 1970 Cal. LEXIS 201 (1970)  
3 Cal. 3d 205 p.212  
90 Cal. Rptr. 24 p.28  
474 P.2d 992 p.996

161. **Cited by:**

*People v. Charles*, 66 Cal. 2d 330, 57 Cal. Rptr. 745, 425 P.2d 545, 1967 Cal. LEXIS 306 (1967) **LexisNexis**

**Headnotes HN1**

66 Cal. 2d 330 p.335  
 57 Cal. Rptr. 745 p.748  
 425 P.2d 545 p.548

162. **Cited by:**

*Mulkey v. Reitman*, 64 Cal. 2d 529, 50 Cal. Rptr. 881, 413 P.2d 825, 1966 Cal. LEXIS 340 (1966)

163. **Cited by:**

*Mulkey v. Reitman*, 64 Cal. 2d 529, 50 Cal. Rptr. 881, 413 P.2d 825, 1936 Cal. LEXIS 369 (1966)  
 64 Cal. 2d 529 p.540  
 64 Cal. 2d 529 p.551  
 50 Cal. Rptr. 881 p.888  
 50 Cal. Rptr. 881 p.895  
 413 P.2d 825 p.832  
 413 P.2d 825 p.839

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*Gatto v. County of Sonoma*, 98 Cal. App. 4th 744, 120 Cal. Rptr. 2d 550, 2002 Cal. App. LEXIS 4144, 2002 Cal. Daily Op. Service 4466, 2002 D.A.R. 5685 (Cal. App. 1st Dist. 2002)  
 98 Cal. App. 4th 744 p.759  
 120 Cal. Rptr. 2d 550 p.561

165. **Cited by:**

*People v. Todd*, 30 Cal. App. 4th 1724, 36 Cal. Rptr. 2d 774, 1994 Cal. App. LEXIS 1304, 94 D.A.R. 17977 (Cal. App. 6th Dist. 1994) **LexisNexis Headnotes HN3**  
 30 Cal. App. 4th 1724 p.1729  
 36 Cal. Rptr. 2d 774 p.776

166. **Cited by:**

*People v. Figueroa*, 20 Cal. App. 4th 65, 24 Cal. Rptr. 2d 368, 1993 Cal. App. LEXIS 1147, 93 Cal. Daily Op. Service 8494, 93 D.A.R. 14472 (Cal. App. 2d Dist. 1993) **LexisNexis Headnotes HN3**  
 20 Cal. App. 4th 65 p.70  
 24 Cal. Rptr. 2d 368 p.370

167. **Cited in questionable precedent at:**

*In re Ellis C.*, 27 Cal. App. 4th 1264 (Cal. App. 3d Dist. 1993)  
 27 Cal. App. 4th 1264 p.1267

168. **Cited in questionable precedent at:**

*In re Ellis C.*, 22 Cal. App. 4th 618 (Cal. App. 3d Dist. 1993)  
 22 Cal. App. 4th 618 p.621

169. **Cited in questionable precedent at:**  
*In re Ellis C.*, 17 Cal. App. 4th 279, 32 Cal. App. 4th 1259, 21 Cal. Rptr. 2d 258, 1993 Cal. App. LEXIS 747, 93 Cal. Daily Op. Service 5502, 93 D.A.R. 9265 (Cal. App. 3d Dist. 1993) **LexisNexis**  
**Headnotes HN3, HN6**  
32 Cal. App. 4th 1259 *p.1262*  
21 Cal. Rptr. 2d 258 *p.260*
170. **Cited by:**  
*In re Ellis C.*, 17 Cal. App. 4th 279 (Cal. App. 3d Dist. 1993)  
17 Cal. App. 4th 279 *p.282*
171. **Cited in questionable precedent at:**  
*People v. Avila*, 27 Cal. App. 4th 379 (Cal. App. 2d Dist. 1993)  
27 Cal. App. 4th 379 *p.395*
172. **Cited in questionable precedent at:**  
*People v. Avila*, 21 Cal. App. 4th 1342 (Cal. App. 2d Dist. 1993)  
21 Cal. App. 4th 1342 *p.1358*
173. **Cited in questionable precedent at:**  
*People v. Avila*, 16 Cal. App. 4th 1489, 32 Cal. App. 4th 874, 20 Cal. Rptr. 2d 867, 1993 Cal. App. LEXIS 697, 93 Cal. Daily Op. Service 5057, 93 D.A.R. 8522 (Cal. App. 2d Dist. 1993) **LexisNexis**  
**Headnotes HN1, HN3, HN4, HN6, HN7**  
32 Cal. App. 4th 874 *p.890*  
20 Cal. Rptr. 2d 867 *p.876*
174. **Cited in questionable precedent at:**  
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