



1959

## Modern Criminal Procedure by Roy Moreland

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won't be able to guess what 'crazy' or amusing thing a jury will do next." This I know: I've tried it!

The stories recounted by Cerny are not only amusing, but useable and exemplify the point in his book as the story was supposed to emphasize the point before the jury.

Certainly, the book is not one that "preaches" or assures that the best and most prepared lawyer will always win, through the bloody battle to the golden award. The book is practical, very practical, but has just the right amount of learning and psychological twists that must accompany any words of advice that are to be valuable and remembered, these days. The chapter "When and How to Settle Lawsuits" gives the different, sometimes amusing, but overall most valuable approach to the answer of this sixty-four dollar question.

The author has "been around." His advice is so varied, as well as valuable, that it would be unfair even to attempt to summarize it in a book review.

Similarly, the chapters so sparkle with originality and variety of suggestion that it would be unfair in a book review merely to list chapter headings. The curriculum today in any law school is so heavy that the trial-lawyer-to-be has little time for viewing the courtroom or the actual trial. Unlike the doctor, whose scalpel and someone else's body is always close at hand through his learning, the lawyer's books are too frequently too far from reality.

But every law student manages to read "Time" or "Newsweek" or the daily morning paper. Let him miss a couple of issues of these, and read "Courtroom Know-How" by a knowing reporter. It will really start him thinking about his profession in a new light—and double up his already too many problems, perhaps. Here is a book every law professor could justifiably recommend to his students—and every lawyer, could, with equal pride, give to his clients.

*Melvin M. Belli*

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MODERN CRIMINAL PROCEDURE. By Roy Moreland. Bobbs-Merrill Co., Inc. 1 vol., 334 pp.

A new book is always an event. The mere announcement of its publication stirs curiosity and speculation as to its author, purpose, and subject matter. Both the curious and purposeful reader will find substantial rewards in reading Professor Roy Moreland's, "Modern Criminal Procedure."

The author has spent a great many years as a teacher in the law school of the University of Kentucky. He is a member of a law firm in Lexington, Ky., and one of the revisors of the Kentucky criminal code for the Kentucky Legislative Research Commission. His interests in the general field of law are many and varied but his main interest, as evidenced by his writings, is in the criminal law. His works on criminal negligence and homicide, and his articles on self-incrimination, insanity, and the law of arrest are well known, and well regarded. He speaks with dependable authority on criminal procedure.

Within the limitation of one volume, the result could hardly be expected or intended to be encyclopedic. Neither is it a blueprint for the practitioner in the trial of a criminal case. It is rather a thoughtful and selective discussion of certain procedural areas wherein the fundamental rights of the wrongdoer are most apt to clash with established ways of doing things, or with conflicting social interests. The social need for the detection and punishment of crime is recognized; so also is the individual's right to fair treatment in all stages of the proceedings.

So it follows that certain modifications and changes are recommended. The secret questioning of a suspect is frowned upon. The wider use of immunity statutes to promote the disclosure of otherwise privileged information is favored. In similar manner it is considered wise policy to restrict, rather than expand the right of search and seizure incident to arrest. The author would also outlaw wire tapping except in national emergencies, and then for the duration of the emergency only; extend the use of the Information in preference to Indictment wherever possible; accept a less than unanimous verdict in non-capital cases; and individualize the sentencing procedure. Added to these suggested modifications are proposals a bit more costly, as putting judges of inferior courts on salary, doing away with the fee system altogether; and the extensive use of psychiatric examinations and psychological tests before sentence.

The above is merely suggestive of the scope of this treatise. Altogether it is a job well done and merits careful examination by law enforcement officers and officials as well as by policy making bodies.

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