

STRAIGHTFORWARD CASE
EXPLANATIONS FOR
LAW ENFORCEMENT OFFICERS

ULTIMATE SUPREME COURT LEGAL REFERENCE

EDITED BY
BLUE TO GOLD LAW ENFORCEMENT
TRAINING LLC



Ultimate Supreme Court Legal Reference

STRAIGHTFORWARD CASE EXPLANATIONS
FOR LAW ENFORCEMENT



Blue to Gold Law Enforcement Training, LLC
Spokane, Washington

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I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

GENERALLY

Olmstead v. United States

Facts

The defendant was the leading figure in a major conspiracy. The government, observing that the defendant appeared to conduct some of his illegal business through the means of a telephone, tapped the telephone to his home and office. In doing so, the officers refrained from entering onto the defendant's property, using the public street near his home. These wiretaps generated much of the evidence against the defendant.

Issue

Whether the agents' actions amounted to a Fourth Amendment search?

Held

No. The Fourth Amendment protects "persons, houses papers and effects," none of which were implicated here.

Discussion

The Court held that, absent an intrusion onto the defendant's property, no search occurred. While this definition of search would be expanded in the Katz decision, at the time of the Olmstead ruling, no search occurred unless the government intruded into the defendant's person, home, papers or personal effects. The officers in this instance took special care not to intrude onto the defendant's property, so, under the only definition of a search at that time, the officers were permitted to listen to the defendant's telephone conversations.

Interestingly, the Court wrote "[C]ongress may of course protect the secrecy of telephone messages by making them, when intercepted, inadmissible in evidence in federal criminal trials, by direct legislation, and thus depart from the common law of evidence." Congress did so in Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

Citation

277 U.S. 438, 48 S. Ct. 564 (1928)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

GENERALLY

Katz v. United States

Facts

FBI agents overheard conversations of the defendant by attaching an electronic listening and recording device to the outside of a public telephone booth from which he had placed his calls. The defendant was charged with transmitting wagering information out of state. At the trial, the court permitted the government to introduce evidence of the defendant's end of the telephone conversations.

Issue

Whether the agents' actions amounted to a Fourth Amendment search?

Held

Yes. The agents conducted a Fourth Amendment search.

Discussion

The Court held that a "search" takes place whenever the government intrudes on a reasonable expectation of privacy. The Court concluded that the defendant's expectation of privacy was reasonable if he had taken measures to secure his privacy and the defendant's expectation of privacy met community standards.

What a person seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected under the Fourth Amendment. A person in a telephone booth may rely upon the protection of the Fourth Amendment, and is entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world.

Once the defendant established he met both prongs, any government intrusion into these areas must meet Fourth Amendment standards. The Fourth Amendment demands that all searches be reasonable. Searches conducted without a warrant are presumed to be unreasonable, except for some limited well-delineated exceptions. In this case, the agents did not have a warrant or valid exception.

Citation

389 U.S. 347, 88 S. Ct. 507 (1967)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

GENERALLY

United States v. Jones

Facts

The government attached a global positioning device (GPS) to the defendant's vehicle as it was parked on a public parking lot. The defendant was the exclusive driver of this vehicle. The government learned of the travel patterns of the defendant for the next 28 days. Some of this information led to his indictment for drug trafficking.

Issue

Whether the government's attachment of the GPS to the defendant's vehicle was a "search?"

Held

Yes. A Fourth Amendment "search" occurs when the government trespasses on a person, house, paper or effect for the purpose of gathering information.

Discussion

The Court recognized that the "Fourth Amendment provides in relevant part that '[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.' It is beyond dispute that a vehicle is an 'effect' as that term is used in the Amendment." "The Government physically occupied private property for the purpose of obtaining information. We have no doubt that such a physical intrusion would have been considered a 'search' within the meaning of the Fourth Amendment when it was adopted." This definition of a "search" [government trespass on "persons, houses, papers and effects" for the purpose of obtaining information] is considered a supplement to and not a replacement of the well-recognized formula of the Katz case [government intrusion on a reasonable expectation of privacy].

Citation

565 U.S. 400, 132 S. Ct. 945 (2012)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

APPLIES TO GOVERNMENT ACTIVITIES ONLY

New Jersey v. T.L.O

Facts

The defendant, a fourteen-year-old student, was found smoking cigarettes in a public high school bathroom. She was taken to the vice-principal's office. He asked the defendant to come into his private office and demanded to see her purse. Opening the purse, he found a pack of cigarettes. As he reached into the purse for the cigarettes, the vice-principal also noticed a package of cigarette rolling papers. Suspecting that a closer examination of the purse might yield further evidence of drug use, the vice-principal thoroughly searched it. He found several pieces of evidence that implicated the defendant in marijuana dealing.

Issue

Whether the intrusion of the defendant's purse by a public high school administrator was a Fourth Amendment search?

Held

Yes. The Fourth Amendment regulates all government intrusions into reasonable expectations of privacy.

Discussion

The Constitution acts as a regulation of governmental actions. Every governmental intrusion into a person's reasonable expectation of privacy must meet Fourth Amendment scrutiny. Under ordinary circumstances, a search of a student by a teacher or other public school official will be justified at its inception when reasonable grounds exist for suspecting evidence that the student has violated either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Citation

469 U.S. 325, 105 S. Ct. 733 (1985)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

APPLIES TO GOVERNMENT ACTIVITIES ONLY

Coolidge v. New Hampshire

Facts

The defendant, a murder suspect, admitted to a theft. Other officers went to the defendant's house to corroborate his admission to the theft. The defendant was not home but his wife agreed to speak to the officers. The officers asked about any guns that might be in the house. The defendant's wife showed them four weapons that she offered to let them take. The officers took the weapons and several articles of clothing acquired in the same manner. One gun was later determined to be the murder weapon.

Issue

Whether the officers obtained the murder weapon and the clothing through an illegal search?

Held

No. The officers obtained this evidence through private actions.

Discussion

The Fourth Amendment controls governmental actions. The Fourth Amendment was not implicated when the government obtained the guns and clothing from the defendant's wife. The government exerted no effort to coerce or dominate her, and was not obligated to refuse her offer to take the guns. In making these and other items available to the government, she was not acting as an instrument or agent of the government. The items were secured through private actions.

Citation

403 U.S. 443, 91 S. Ct. 2022 (1971)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

APPLIES TO GOVERNMENT ACTIVITIES ONLY

Gouled v. United States

Facts

Gouled was involved in a conspiracy to commit mail fraud against the United States. At the direction of the government, Cohen, a business acquaintance of Gouled, pretended to make a friendly visit to Gouled at his office. When Gouled stepped out, Cohen seized and carried away several documents that were later introduced against Gouled at trial.

Issue

Whether an agent of a government has to comply with the Fourth Amendment?

Held

Yes. The Fourth Amendment requires compliance by government agents.

Discussion

The secret taking, without force, from the premises of anyone by a representative of any branch of the Federal government is a search and seizure. It is immaterial that entrance to the premises was obtained by stealth or through social acquaintance, or in the guise of a business call.

Citation

255 U.S. 298, 41 S. Ct. 261 (1921)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

California v. Ciraolo

Facts

Officers received an anonymous telephone tip that the defendant was growing marijuana in his backyard. This area was enclosed by two fences, six and ten feet in height, and shielded from view at ground level. Officers trained in marijuana identification secured a private airplane, flew over the defendant's home at an altitude of 1,000 feet, and readily identified marijuana plants growing in his yard. A search warrant was issued based on this information.

Issue

Whether the naked-eye aerial observation of the defendant's backyard constituted a search?

Held

No. Areas within the curtilage may be observed from public areas.

Discussion

The Fourth Amendment's protection of the home and curtilage does not require law enforcement officers to shield their eyes when passing by a home on a public thoroughfare. Airways constitute a public thoroughfare. The government may use the public airways just as members of the public. While the fences were designed to conceal the plants at normal street level, they will not shield the plants from the elevated eyes of a citizen or a law enforcement officer.

Citation

476 U.S. 207, 106 S. Ct. 1809 (1986)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

Dow Chemical Co. v. United States

Facts

The defendant operated a 2,000-acre chemical plant. The plant consisted of numerous covered buildings, with outdoor manufacturing equipment and piping conduits located between the buildings that were exposed to visual observation from the air. The defendant maintained an elaborate security system around the perimeter of the complex, barring ground-level public views of the area. When the defendant denied a request by the EPA for an on-site inspection of the plant, the EPA employed a commercial aerial photographer, using a standard precision aerial mapping camera, to take photographs of the facility from various altitudes, all of which were within lawful navigable airspace.

Issue

Whether this conduct was a Fourth Amendment search?

Held

No. The government can use the air space just as other members of the public.

Discussion

The EPA's aerial photograph of the defendant's plant complex from aircraft that was lawfully in public navigable airspace was not a search. Further, the open areas of an industrial plant complex are not analogous to the "curtilage" of a dwelling. The open areas of an industrial complex are more comparable to an "open field" in which an individual may not legitimately demand privacy.

Citation

476 U.S. 227, 106 S. Ct. 1819 (1986)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

Florida v. Riley

Facts

The Sheriff's Office received an anonymous tip that the defendant was growing marijuana on his property. The defendant lived in a mobile home on five acres of rural property. A deputy saw a greenhouse behind the mobile home, but could not see inside as walls, trees and the mobile home blocked his view. However, the deputy could see that part of the greenhouse roof was missing. The deputy flew over the curtilage at 400 feet in a helicopter, and with his naked eye saw marijuana inside the greenhouse. A search warrant was obtained and executed, resulting in the discovery of marijuana.

Issue

Whether naked eye observations on a curtilage from 400 feet in a helicopter constitute a search?

Held

No. The government may use air space consistent with public use.

Discussion

The Supreme Court had previously approved flying a fixed wing aircraft at 1,000 feet over curtilage. The aircraft was in public airspace and complied with FAA regulations. Therefore, no reasonable expectation of privacy existed. The Court also approved flying over an industrial complex and taking photographs, as in *Dow Chemical Co. v. United States*.

In this case, the defendant had no reasonable expectation of privacy from the helicopter overflight. FAA regulations allow any helicopter to fly lower than fixed wing aircraft if its operation is conducted without hazard to persons or property on the ground.

Citation

488 U.S. 445, 109 S. Ct. 693 (1989)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

United States v. Chadwick

Facts

Railroad officials in San Diego observed Machado and Leary load a footlocker onto a train bound for Boston. Their suspicions were aroused when they noticed that the trunk was unusually heavy for its size, and that it was leaking talcum powder, a substance often used to mask the odor of marijuana or hashish. Machado fit a drug-courier profile. The railroad officials notified DEA in San Diego who in turn notified DEA in Boston.

In Boston, DEA agents did not have a search warrant nor an arrest warrant, but they did have a trained drug dog. The agents observed Machado and Leary as they claimed their baggage and the footlocker. The agents released the drug dog near the footlocker and he covertly alerted to the presence of a controlled substance. The defendant joined Machado and Leary and together they lifted the 200-pound footlocker into the trunk of a car. At that point, the officers arrested all three. A search incident to the arrests produced the keys to the footlocker. All three were removed from the scene. Agents followed with the defendant's car and the footlocker. Ninety minutes later the agents opened the footlocker, discovering a large amount of marijuana.

Issue

Whether the defendant can expect privacy in his trunk?

Held

Yes. The defendant's actions indicated he wanted to preserve his privacy in the trunk.

Discussion

By placing personal effects inside a double-locked footlocker, defendants manifested an expectation of privacy in the footlocker. Since the defendants' principle privacy interest in the locked footlocker was not in the container itself, but in its contents, seizure of the locker did not diminish their legitimate expectation that its contents would remain private. A footlocker is not open to public view and not subject to regular inspections. By placing personal effects inside a double-locked footlocker, the defendant manifested an expectation that the contents would remain free from public examination.

NOTE: This case was decided before *California v. Acevedo*. Today, if the officers could establish probable cause that the locker contained contraband, they could have opened it pursuant to the mobile conveyance doctrine.

Citation

433 U.S. 1, 97 S. Ct. 2476 (1977)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

Illinois v. Andreas

Facts

A Customs inspector initiated a lawful border search and found marijuana concealed inside a table. The inspector informed the DEA of these facts. The next day, the agent put the table in a delivery van and drove it to the defendant's building. A police inspector met him there. Posing as deliverymen, the two men entered the apartment building and announced they had a package for the defendant.

At the defendant's request, the officers left the container in the hallway outside the defendant's apartment. The agent stationed himself to keep the container in sight and observed the defendant pull the container into his apartment. While the inspector left to secure a search warrant for the defendant's apartment, the agent maintained surveillance. The agent saw the defendant leave his apartment, walk to the end of the corridor, look out the window, and then return to the apartment. The agent remained in the building but did not keep the apartment door under constant surveillance.

Between thirty and forty minutes after the delivery the defendant reemerged from the apartment with the shipping container and was immediately arrested. At the station the officers reopened the container and seized the marijuana found inside the table. The search warrant had not yet been obtained.

Issue

Whether the Fourth Amendment requires a search warrant to reopen a container that had previously been lawfully opened?

Held

No. A reopening of a sealed container in which contraband drugs had been discovered in an earlier lawful border search is not a "search" within the Fourth Amendment where the reopening is made after a controlled delivery.

Discussion

When a common carrier or law enforcement officer discovers contraband in transit, the contraband could simply be destroyed. However, this would eliminate the possibility of prosecuting those responsible. Instead, the government may make a "controlled delivery" of the container to the person to whom it is addressed. As long as the initial discovery of the contraband is lawful, neither the shipper nor the addressee has any remaining expectation of privacy in the contents. Therefore, the government may, at the conclusion of the controlled delivery, seize the container and re-open it without procuring a warrant.

Normally, the government will not let the container out of their sight between the time they discover the contraband and the time it is delivered to the addressee and then seized. However, even if there is a brief lapse in surveillance, this will not re-institute the addressee's expectation of privacy. The relatively short break in surveillance made it

substantially unlikely that the defendant had removed the table or placed new items inside the container while he was in his apartment. Therefore, the seizure and re-opening of the container was not a Fourth Amendment search as it violated no reasonable expectation of privacy.

Citation

463 U.S. 765, 103 S. Ct. 3319 (1983)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

United States v. Karo

Facts

The DEA learned through an informant the defendant had ordered fifty gallons of ether (commonly used to process cocaine). The government obtained a court order to install and monitor a beeper in one of the cans of ether. With the informant's consent, the DEA substituted their own can of ether, containing a beeper, for one of the cans of ether in the shipment.

The agents saw the defendant pick up the ether from the informant, followed him to his home, and determined by using the beeper that the ether was inside the residence. The ether was moved several other times. Finally, the ether was transported to a house rented by Horton, Harley and Steele. Using the beeper, agents determined that the can was inside the house, and obtained a search warrant for the house, based in part on information derived through the use of the beeper. The agents executed the warrant and seized cocaine.

Issues

1. Whether the installation of the beeper was lawful?
 2. Whether the monitoring of the beeper inside the residences was a search?
-

Held

1. Yes. The defendant did not have a reasonable expectation of privacy in the container when the beeper was installed.
 2. Yes. The defendant had a reasonable expectation of privacy inside the residence, which was intruded upon by monitoring the beeper while it was inside the residence.
-

Discussion

No Fourth Amendment right was infringed by the installation of the beeper. The consent of the informant to install the beeper was sufficient. The transfer of the beeper- laden can to the defendant was neither a search nor a seizure, since it conveyed no information that he wished to keep private, and did not interfere with anyone's possessory interest in a meaningful way. Whether the installation and transfer would have been a violation of the Fourth Amendment under a Jones analysis is unclear.

The monitoring of the beeper in a private residence, an area of reasonable expectation of privacy, is a search. As this search was conducted without a warrant, it violated the Fourth Amendment. The government, by the surreptitious use of a beeper, obtained information that it could not have obtained from outside the curtilage of the house.

However, the officers, by surveillance and other investigation, had sufficient facts to constitute probable cause. They could not use information derived from the beeper while it was located inside the residence.

Citation

468 U.S. 705, 104 S. Ct. 3296 (1984)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

Cardwell v. Lewis

Facts

Officers went to the defendant's place of business to question him in connection with a murder investigation. While there, the officers saw the car they suspected might have been used in the murder. Several months later, the officers questioned the defendant again. They also obtained an arrest warrant. The defendant drove his car to the station for questioning and left his car in a commercial parking lot. The suspect was arrested and the car was towed to a police impound lot where a warrantless examination of its exterior was conducted the following day.

Issue

Whether the examination of an automobile's exterior is reasonable under the Fourth Amendment?

Held

Yes. The defendant had no reasonable expectation of privacy in the exterior of his automobile.

Discussion

Nothing from the interior of the car and no personal effects were searched or seized. The intrusion was limited to the exterior of the vehicle left in a public parking lot. No reasonable expectation of privacy is violated by the examination of an exposed tire or in the taking of exterior paint samples from a vehicle that had been parked in a public place. Further, the officers had probable cause to search the car. Where probable cause exists, a warrantless search of an auto is reasonable under the Fourth Amendment. See *Carroll v. United States*.

Citation

417 U.S. 583, 94 S. Ct. 2464 (1974)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

Kyllo v. United States

Facts

Officers suspected the defendant of growing marijuana in his home. They used a thermal-imaging device to determine if the amount of heat emanating from his home was consistent with the high-intensity lamps typically used for indoor marijuana growth. The scan of the defendant's home took a few minutes and was performed from the passenger seat of an officer's vehicle. The scan showed that the house was warmer than neighboring homes. The officers obtained a search warrant, in part based on this information.

Issue

Whether the use of a thermal-imaging device to detect levels of heat is a search under the Fourth Amendment?

Held

Yes. Employing technology that is not used by the general public to obtain information about a home's interior that could not have been obtained without physical entry constitutes a search.

Discussion

The government argued that the scan only detected heat radiating from the home and that it did not detect "intimate details." The government also argued that the defendant had not shown an expectation of privacy because he made no attempts to conceal the heat escaping from his home. The Court held that any information of a home that cannot be obtained except through either physical entry or sophisticated technology not readily available to the public is considered "intimate details." In this case, the surveillance was a search and a warrant was needed to engage in the scan.

Citation

533 U.S. 27, 121 S. Ct. 2038 (2001)

I. THE FOURTH AMENDMENT: WHAT IS A SEARCH?

REASONABLE EXPECTATION OF PRIVACY

Hoffa v. United States

Facts

The defendant, the President of Teamsters Union, was on trial for labor racketeering. During the trial, he occupied a three-room suite in a hotel. Several friends and fellow teamster officials were the defendant's constant companions during the trial. One companion was a teamster official and a government informant.

During the trial, the defendant told this companion/informant that he was attempting to bribe jurors to insure a hung jury, and made other incriminating statements. The companion/ informant reported these statements to the government. As the defendant predicted, the jury failed to reach a verdict in the case and a mistrial was declared. The government later tried the defendant for obstruction of justice.

Issue

Whether the presence of a government informant in the defendant's hotel room was a search?

Held

No. The defendant cannot reasonably expect privacy in conversations he openly engages in before a government informant, present by invitation of the defendant.

Discussion

The defendant has no reasonable expectation that his conversation will not be reported to the government. Where the informant was in the suite by invitation, and every conversation that he heard was either directed to him or knowingly carried on in his presence, the defendant assumes the risk that the person will maintain confidentiality. The Fourth Amendment does not protect a wrongdoer's misplaced belief that a person to whom he voluntarily confides his wrongdoing will not reveal it.

Citation

385 U.S. 293, 87 S. Ct. 408 (1966)

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