

## Criminal Law Update & Review: 4<sup>th</sup> Amendment Worksheet

Question 1: What standard for searches & seizures is stated in the 4<sup>th</sup> Amendment?

Question 2: Three officers in plain clothes, carrying concealed weapons and wearing visible badges board a bus at a bus terminal. One officer kneels at the driver's seat, not blocking the aisle or exit. The two others go to the rear of the bus. One officer remains at the rear, facing forward. The other works towards front, talking to passengers, questioning them about their names and destinations and informing them that the officers are doing a drug and weapons interdiction. As the officer moves forward, he steps aside so as not to block the aisle. The officer doesn't inform the passengers of their right to refuse to cooperate. When he approaches the defendants, he notices that they are wearing heavy and baggy clothes despite the warm weather. The officer asks if they mind if he checks their persons. They agree and contraband is found.

2a) Was there an unconstitutional seizure?

2b) What standard do you apply to the seizure determination?

2c) Was there an unconstitutional search?

2d) Why or why not?

Question 3: An anonymous caller tells the police that a young black male standing at XYZ bus stop and wearing a plaid shirt has a gun. Officers go there and see three black males. One of the black males is wearing a plaid shirt. Officers approach him, frisk him and seize a gun. Was the stop constitutional? Why or why not?

Question 4: The police get an anonymous tip that a woman has cocaine. The tipster says that the woman will leave a specific building at a certain time, get in a car matching a particular description and drive to a named motel. The police follow the woman and verify all of the information about the woman's movements. The officers then stop her and find contraband. Was the stop constitutional? Why or why not?

Question 5: Officers get an anonymous tip that defendant is conducting drug sales at his apartment. The officers observe the apartment and see what appear to be drug sales. The officers then enter defendant's home, arrest and search him incident to the arrest. They find drugs and other contraband. The officers had probable cause to arrest defendant but did not have an arrest or search warrant. Was the entry into the home legal? Why or why not?

Question 6: Dispatchers get a 911 call saying that the victim has been stabbed at her house. Officers arrive 11:54 p.m. The victim is lying at doorway with her throat cut. The officers do a protective sweep, see evidence in plain view but seize nothing. The officers then secure the crime scene with yellow tape and cover the door. At 12:20 a.m., a crime lab technician arrives. The officers walk her around the inside of the crime scene, pointing out evidence seen in plain view during the protective sweep. A detective arrives 1:01 a.m. The detective, the officers and the crime lab technician enter the house. The detective directs the technician to take photos, video and blood samples of evidence seen by the officers in plain view during their initial sweep. No warrant has been obtained. Defendant later asserts that the entry into the house by the technician and the detective violated his 4<sup>th</sup> amendment rights. Suppress? Why or why not?

Question 7: The local school board has a policy requiring all students who participate in competitive extracurricular activities to submit to drug testing. According to the policy, students go into a bathroom stall, produce a urine sample and then turn it over to a monitor who listens from outside the stall door for sounds of tampering. Is the policy constitutional? What standard applies?