

Common Law & the creation of laws



Methods for Creating Laws

1

Common Law

Law that is based on judicial/court decisions and precedent.

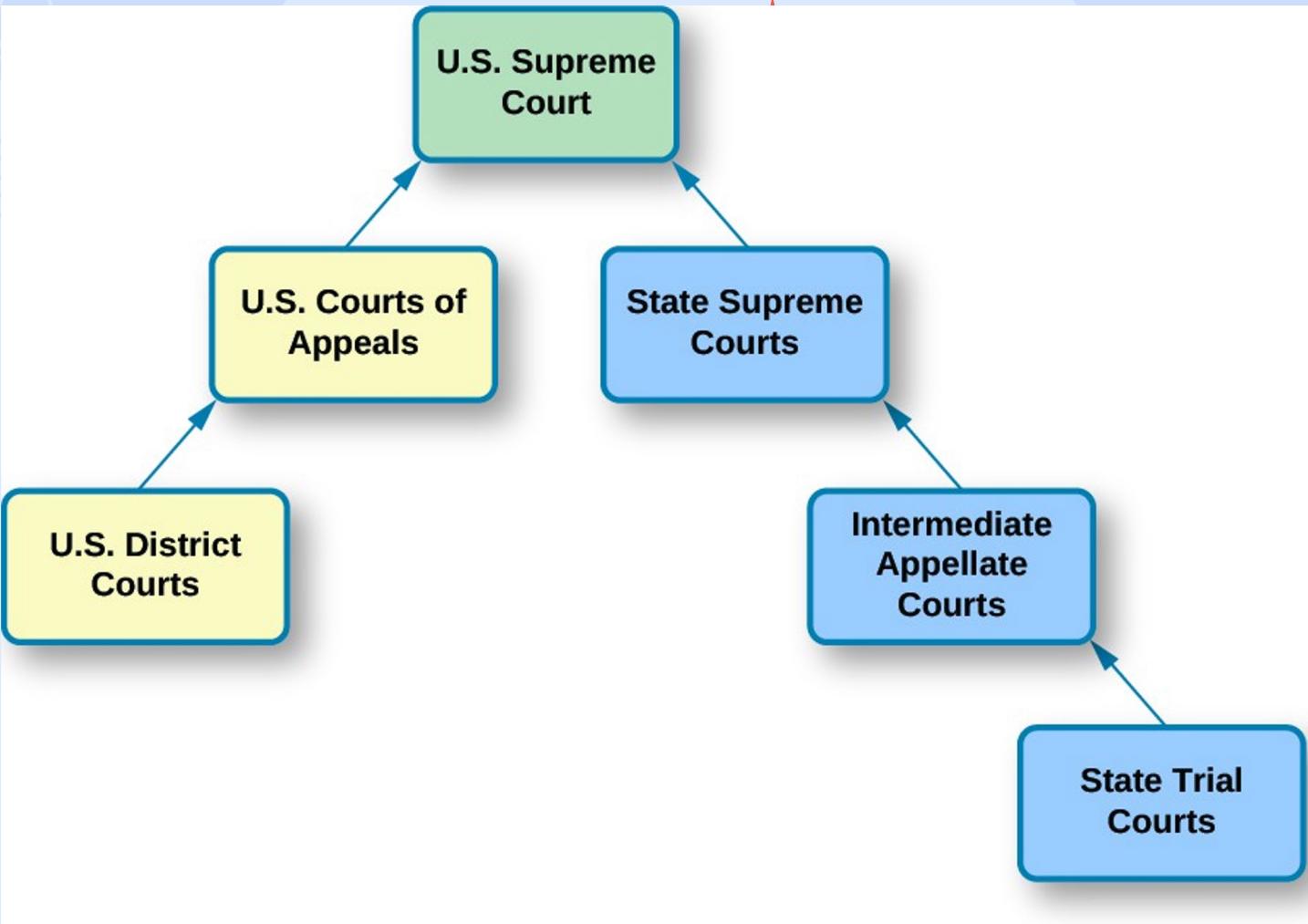


2

Statutory Law

Written laws that are created and passed by a legislature on the state or federal level.





The 4th Amendment

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

U.S. Const., amend. IV.

...AKA

It's unreasonable for the government to search a place or seize a person or things without a warrant.

U.S. Const., amend. IV.



“Go ahead”

Guy was suspected of having stolen credit cards. The police searched him and found no cards. They then asked him if they could search his car. He said “Go ahead,” and the officer’s found two stolen credit cards under the floor mat. He was convicted and sent to jail.

Consent exception

- Consent searches (or consensual searches) are searches made by law enforcement based on the voluntary consent of the individual whose person or property is being searched.
- No warrant, probable cause or reasonable suspicion is required to perform a search if a person, or someone else with the proper authority, consents to a search.

“Hold up”

An armed robber entered the offices of a taxi company, stole \$363, and ran. Two taxi drivers who heard shouts of “hold up,” followed the robber to 2111 Cocoa Lane. Police proceeded to the house and were let in by a woman. Officers spread out through the house and found him upstairs pretending to sleep. He was arrested and convicted.

Exigent Circumstances

2

- ★ An exigent (urgent) circumstance allows law enforcement (under certain circumstances) to enter a structure without a search warrant, or if they have a "knock and announce" warrant, allows them to enter without knocking and waiting for the owner's permission to enter.

It must be a situation where people are in **imminent danger**, evidence faces imminent destruction, or a suspect's escape is imminent.

The Station Wagon

During the middle of the night a gas station was robbed at gunpoint. Witnesses saw a blue station wagon leaving the gas station with four men inside, one in a green sweater and one in a trench coat. Police found the station wagon about an hour later and observed two men matching the description inside. One was arrested and the car was searched. Under the dashboard police found two guns and cards that belonged to the gas station attendant.

Automobile exception

3

- Under the exception, a vehicle may be searched without a warrant when evidence or contraband may possibly be removed from the scene due to the mobility of a vehicle such that it is not practical to secure a warrant without jeopardizing the potential evidence.

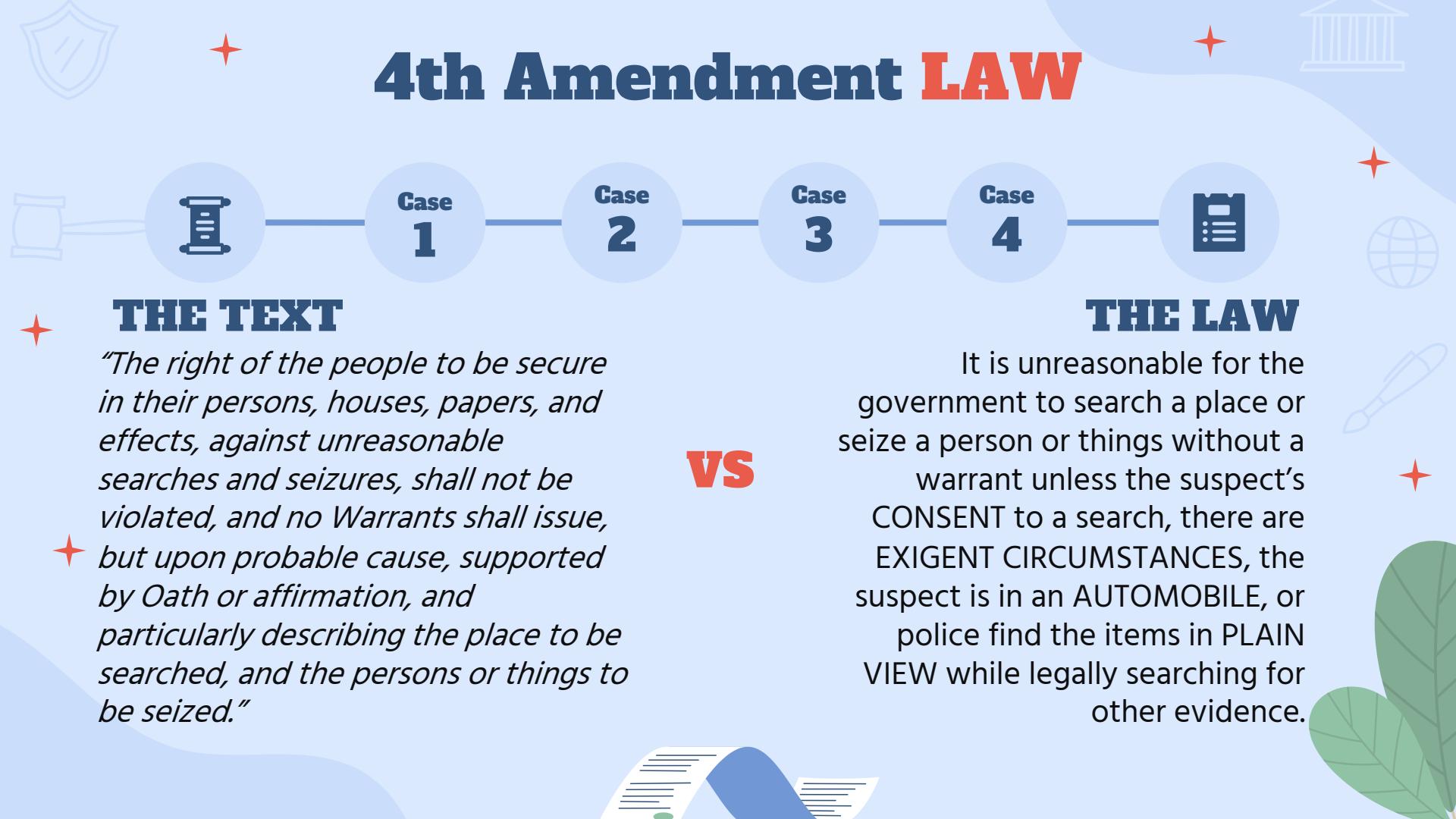
The exception is based on the idea that there is a lower expectation of privacy in motor vehicles because of the regulations under which they operate. Also, the ease of mobility creates an inherent exigency to prevent the removal of evidence and contraband.

Three Rings

Guy was suspected of robbing a coin collector. Police got a warrant to search his house for three rings that were stolen. Police did not find the rings during the search, but they did find guns that matched the description of those used in the robbery lying on a bed in one of the rooms. He was arrested and convicted.

Plain view doctrine

- Allows an officer to seize evidence of a crime without a warrant when the evidence is clearly visible or is found in plain view during a lawful observation.
- Commonly used during investigations of other crimes, during automobile stops, and by TSA at airports and Immigration and Naturalization Service at the border.



4th Amendment **LAW**



**Case
1**

**Case
2**

**Case
3**

**Case
4**



THE TEXT

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

VS

THE LAW

It is unreasonable for the government to search a place or seize a person or things without a warrant unless the suspect's CONSENT to a search, there are EXIGENT CIRCUMSTANCES, the suspect is in an AUTOMOBILE, or police find the items in PLAIN VIEW while legally searching for other evidence.

