

Schmerber v. california case brief

Business



Schmerber v.

California Case Brief Schmerber v. California 384 U. S. 757 (1966) FACTS:

Armando Schmerber, the petitioner, had been arrested for drunk driving while receiving treatment for injuries in a hospital. During his treatment, a police officer smelled liquor on petitioner's breath and noticed other symptoms of drunkenness so the officer ordered a doctor to take a blood sample which indicated that Schmerber had been drunk while driving. The blood test was introduced as evidence in court and Schmerber was convicted.

While in the hospital the petitioner was informed that he was entitled to counsel, that he could remain silent, and that anything he said would be used against him. At the officer's direction, the physician took a blood sample from petitioner despite his refusal on advice of counsel to consent thereto. A report of the chemical analysis of the blood, which indicated intoxication, was admitted in evidence over objection at petitioner's trial for driving while intoxicated.

Schmerber was convicted, then filed an appeal against The State of California.

PROCEDURE: The Appellate Department of California Superior Court affirmed appellant's conviction.

ISSUES: Did the blood test violate the Fifth Amendment guarantee against

self- incrimination? DECISION: No. The Supreme Court based its finding on

precedent. While acknowledging that the State " compelled [petitioner] to

submit to an attempt to discover evidence that might be used to prosecute

him," it did not mean that he had been compelled " to be a witness against

himself. The Court concluded that the privilege is “ a bar against compelling ‘ communications’ or ‘ testimony,’ but that compulsion which makes a suspect or accused the source of ‘ real or physical evidence’ does not violate it.

” The Court also listed fingerprints, photographs, measurements, writing or speaking samples, and the like as not being privileged. COURT’S RATIONALE: The Court held that the blood test did not violate the fifth Amendment because it only protects against the compulsion to give testimonial or communicative evidence and not physical evidence as is involved in this case.

The Court further held that the blood test did not violate the fourth Amendment. The fourth Amendment clearly protects the rights of people to be secure in “ their person”. The officer smelled alcohol and observed that the appellant’s eyes were bloodshot, watery and had a glassy appearance.

Furthermore, the officer had the reasonable fear that the evidence will be lost if he would have waited to obtain a search warrant. The decision was then that the blood test was an appropriate measure conducted in a reasonable manner.