

Case brief on arizona versus hicks

Business



Case Brief: Arizona v. Hicks The bullet was fired through the defendant's apartment floor and went in to the apartment below and hit an individual who then called the police. Police responded to the incident and went first to the apartment where the bullet entered. The defendant, Hicks, was not in the apartment at the time, but the officers found and seized three guns and a stocking-cap mask, which were both plain sight. One of the officers saw two sets of stereo equipment that looked like they didn't belong there.

The officer moved two turntables of the top of the equipment; the officer recorded their serial numbers and found them to be property stolen in a recent armed robbery. Mr. Hicks was found and charged with multiple crimes, released, and now the state appeals. The prosecution argued that since there were exigent circumstances to search the defendant's home, any evidence found in "plain sight" was seized legally. The defense contested the validity of the search, claiming that the search of the stereo equipment was unwarranted based on its appearance alone and violated the defendant's Fourth Amendment rights.

The defendant is found guilty of the initial charges, but all evidence relating to the robbery charges is ruled fruit of an unlawful search by the state trial court and the Arizona Court of Appeals. When the Arizona Supreme Court denied review, the United States Supreme Court accepted the State's request for a hearing. The Supreme Court first ruled that the warrantless entry by the officers, under the exigent circumstances exception to the warrant requirement, was valid. The court then ruled that the recording of the equipment's serial numbers did not constitute a search or seizure.

However, when the officer moved the turntable it was held to be a separate search, apart from the search for the defendant and his firearms. It was the court's ruling that the officer did not have probable cause, only reasonable suspicion to search the stereo equipment. The evidence seized after the discovery of the turntables constituted unlawful search. The lower court's decision was affirmed. Work Cited <http://www.casebriefs.com/blog/law/criminal-procedure/criminal-procedure-keyed-to-weinreb/the-fourth-amendment-arrest-and-search-and-seizure/arizona-v-hicks>