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United States v. Crews: Case 445 U. S. 463

Description of the findings

The case was presented in court on October 31, 1979, and the verdict presented on March 25, 1980 (U. S Supreme court, 1980). It is based on the fourth amendment and the implications presented by arresting an individual without probable cause. It is about a woman who on January 3, 1974, got robbed at gunpoint by a male who forced his way into a stall she occupied in the restroom. He went ahead and made sexual advancement to her and threatened to kill her if she asked for help in less than twenty minutes after he left the restroom. She reported the incident to the police after the twenty minutes. Three days later, two more women reported a similar scenario in the same stalls where the assailant threatened them with a broken bottle. The three victims presented a similar description of the assailant. They described him as a young black male who was between 15- 18 years. They also reported that he was very slim, smooth skin, approximately 5'8" tall, and of dark complexion. On January 9, officers doing patrol around the crime scene noticed a young man matching the description. Enquiries from a nearby tour guide revealed that the same youngster had been spotted on the scene of the crime on day of the first assault. Based on this evidence, the officers tried to take pictures of him but their efforts were futile due to the unforgiving weather condition (William, 2007). As a result, they were advised by the officer in charge of the case to deliver him into the police station for proper picture taking and he was released to go after just under an hour. The following day, the woman first assaulted positively identified the pictures as

the perpetrator. One of the other women also positively identified the youngster in the pictures.

Consequently, the assailant was indicted of armed robbery, robbery, assault with a dangerous weapon among other charges. After the grand jury, the respondent filed an appeal to suppress the evidence presented in court arguing that the evidence collected was acquired after the officer disregarded the fourth amendment and therefore was admissible in court. The high court ruled that it was true the picture evidence presented in court was admissible and was dropped. However, the physical recognition of the assaulted woman could still be viable in court since they did not contradict with the fourth amendment rights. The perpetrator was charged with armed robbery and sentenced for four years. In addition, Columbia court of appeals established that evidence acquired on the day of arrest were a product of violation of the law and therefore couldn't be used in a court of law.

The Columbia courts of appeal cited two previous cases to support their ruling on the fourth amendment. The first was *Wong Sun v. United States*, 371 U. S. 471 (1963) that supported the doctrine popularly recognized as the fruit of the deadly tree. The second citation was *Silverthorne Lumber Co. v. United States*, 251 U. S. 385 (1920). This was a case about a printing company that argued that they retain the evidence that the government of the united stated acquired without probable cause.

Analysis of concurring opinions

Mr. Justice Brennan supported by Justice Steward and Justice Stevens declared that the court of appeal did not need to declare if the respondent could be used as evidence and figuratively the poisonous resultant of the

police Fourth Amendment violation. Such a move would be unfair since the prohibited arrest did not result to any outstanding evidence that the police did not already have (U. S Supreme court, 1980). The prohibited arrest merely linked together clues. An excellent example is the lineup whereby the evidence generated was merely a confirmation of already upright evidence. The fourth amendment also clearly states that the evidence obtained earlier than the illegality takes place should not be suppressed by the court of law. *Davis v. Mississippi*, 394 U. S 721 (Kelly, 2007).

It occurred to the jury that the presence of the woman robbed was not as a result of the police violation of the fourth amendment. The woman was willing to help catch her assailant since she gave a full correct description and only confirmed the suspect after viewing the photographs. She had started cooperating even before they caught the assailant and her identification was not as a result of police misconducts. Therefore, the presence of the woman could not be traced back to any fourth amendment violation (Way, Beth, & Turner, 2006).

The case officer in charge officer Rayfield argued in court that his attempt to photograph the assailant was because he thought he was a truant. He supports his argument by sharing that the boy was young and further argues that the fact he asked him where his parents were and about school. He insists that the pictures that he took were to support his suspicion that he was a truant and not about the pending robbery case. The officer however did admit that he had his suspicions that the suspect was linked to the pending case. None the less, he still maintained that the respondent was taken to the

police station as a suspected truant other than a suspected robber (Wasby, 1992).

The court however dismissed this claims arguing that in the first case law, he was made fully aware that he was taken to the police station as truant. The existence of this theory only appeared in the courts of appeal after the defendant raised concerns about arrest without probable cause. The court called this a sham and dismissed this claims immediately.

Dissenting opinions

Mr. Justice Brennan made a delivery of the dissenting opinion citing that the respondent's trial did not result from any police misconduct. The victims had notified the police on the matter immediately after the attack and later she helped the police in identifying the assailant. Before any official misconduct, the victim's identity was known and by her appearing in the court, it did not violate the Fourth Amendment. The arrest of the assailant did not affect the victims to make an accurate testimony. The victim had a clear image of the assailant in mind and was able to make a positive identification without being affected by the arrest of the assailant. The victim's ability to positively identify the assailant was not affected by the police conduct. The respondent should not claim immunity from being prosecuted just because the police arrested him unlawfully. The Judges refer to *Gerstein v. Pugh*: case 420 U. S. 103, 119 of 1975 and *Frisbie v. Collins* 342 U. S 519 of 1952, the illegal detention of the respondent can bar the government from proving his guilt by introducing untainted evidence due to misconduct by the police (Kelly, 2007).

Before making the arrest of the assailant, the police had access to the evidence that implicated him and this means that there is no violation of the fourth amendment. The unlawful arrest acted as link between the evidences collected from the victim before and during the court hearing. This case is different from *Davis v. Mississippi*, 394 U. S. 721 of 1961 where the discovery of the evidence against the defendant was done during the illegal search or arrest (U. S Supreme court, 1980). In that particular case, a number of black youths were arrested following a rape incidence and later the assailant was identified after the collection of the fingerprints from the detainees. The fingerprints of the assailant (David) matched those found at the crime scene and on that basis he got convicted. If David had not been detained, then no evidence would have been gathered against him. In contrast, the investigation focused on the defendant and the police had logical grounds to arrest the suspect.

In the case *Bynum v. United States*, 104 U. S. App. D. C. 368, 262 F. 2d 465 of 1958, Bynum got arrested and his fingerprints taken after he came to the police station to check on his brother who had been arrested earlier. Bynum's finger prints were later matched with those taken from the crime scene and was later convicted. However, the ruling was reversed by the court of appeal because the police had no reason of arresting him thus resulting in an illegal detention. Bynum was later conceited because the police used older fingerprints from the FBI files because they were not tainted by any illegal detention (U. S Supreme court, 1980). There is a clear indication these cases are different.

The judges of the District of Columbia Court of Appeals gave a dissenting opinion and reversed the ruling made earlier and suppressed in-court identification by the victim. Citing the *Wong Sun v. United States* case, and the *Silverthorne Lumber Co. v. US* case, the assailant was detained without any probable cause. The court of Appeal judges went ahead and made an assertion that the police would not have obtained the photograph of the assailant if they had not made the unlawful arrest. The identification in the court was a product of the unlawful arrest of the assailant. After finding out that the three exclusionary rule exceptions; 'attenuation', 'inevitable discovery' and 'independent source' were not applicable, then the in-court identification needs to be excluded because it violates the Fourth Amendment.

Agreement with the court

The Fourth Amendment of the US Constitution prevents citizens against unreasonable seizures and searches particularly in situations where a judicially sanctioned warrant must be issued and the warrant of search of seizure must be supported by a probable cause. While the in-court identification of the assailant by the suspect is admissible as evidence, the illegal arrest prior to identification of suspect was not admissible (Rolando, and Walker, 2011). A pre-trial identification is often believed to be illegal if the manner of arrest was also illegal. This illegality of arresting crews before the victim's identification became admissible because the recollection of the events was independent of the misconduct by the police. Crews presence in the courtroom in part due to illegal arrest, and in part due to in court identification by the victim. For this reason, the victim's identification had

nothing to do with the arrest and therefore, I agree with the court's decision. The evidence presented by the victim had not been tainted by police misconduct.

I agree with the ruling by the court of appeal because there was a violation of the fourth amendment. The positive identification of the assailant by the victim at the court was not affected or biased by the illegal detention by the police. In addition, the victim reported the matter to the police immediately and gave a full description of the assailant and this information helped the police in the investigation (William, 2007). The identity of the assailant was therefore known long before any arrest were made by the police. The fourth Amendment in the United States Constitution states that every person has a right of being secure and there should be unreasonable searches in their houses or effects. In this case, the Fourth Amendment is violated due to perpetrators presence in the court because the assailant's identity was known ((Rolando, and Walker, 2011).

Rules are put in place to protect ordinary citizens from the hands of federal officers. We should appreciate the fourth amendment since it motivates officers to work and search for evidence instead of arresting individuals out of speculation. It brings out the best in officers. In this case, the criminal might have had a light judgment but it stood as evidence that the policy worked and the police officers were below the rule.

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