

Supreme court case

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Supreme Court Case 11SC382 Tate vs Colorado SUMMARY Officer Benda was driving through a apartment complex when he saw a man with his car on. Officer Benda pulled up behind him, blocking the man in his parking space. The man, William Tate, was asleep/passed out at the steering wheel with the car on and in park. Officer Benda reported that the man had several open or empty beer cans around him. Officer Benda then knocked on the window and asked the man to turn off the engine and step out of the car. According to the officer, Tate had difficulty balancing and had the smell of alcohol on him. The officer arrested Tate for driving under the influence and when in the car on the way to the jail, Officer Benda told Tate that his license was revoked and should not have been driving. At the Jail, Tate had a blood sample taken to establish his blood-alcohol level. This case was sent to the county court in Aurora Colorado. At the trial, Tate moved to suppress evidence obtained during the investigation. As he did this, he noticed that when Officer Benda parked behind Tate, it was an unlawful seizure according to the fourth amendment. The court concluded that he was seized with reason to believe Tate was under the influence. This caused the conclusions to be reversed and was therefore inadmissible at trial. This case was moved to the district court and this court concluded that a person could not be seized within the meaning of the fourth amendment if he is unaware of the police presence. The court also concluded that Officer Benda had reasonable suspicion to arrest Tate, thus reversing the conclusions and was therefore inadmissible at trial. Questions and explanations 1. Did the district court make an error of ruling that Tate had to be awake and conscious to be seized? · In order to be seized, do you have to be awake and informed that you are seized? 2. Did

the district court make a mistake for finding that Officer Benda had reasonable suspicion for contacting the man in the running car? Jake McManus 10/18/12 Block 4 Supreme Court Case 11SC592 Colorado in the Interest of Child L. A. N vs. L. M. B SUMMARY Child L. A. N and mother L. M. B went to the hospital when 7 year old L. A. N was making suicidal thoughts and having out of control behavior. This was a serious matter to the hospital and they recommended that the mother to put her child in a mental facility. The mother obviously told the hospital staff that she was not sending her child to a mental facility. The hospital graciously called the Department of Human Services.