

Mapp v. ohio (1961) essay sample

[Law](#), [Constitution](#)



Facts: In Mapp v. Ohio (1961), the police thought Dollree Mapp was hiding a suspect they were looking for in connection with building a bomb. The police officers lied and said they had a search warrant of which they did not and forced their way into Mapp's home and searched it. While searching the home, the police found evidence, not for a bomb, but of pornographic material that violated Ohio's law and she was arrested. The Cuyahoga County Common Pleas Court, the Ohio Court of Appeals, and the Ohio Supreme Court all ruled against Dollree Mapp. The U. S. Supreme Court ruled in her favor and reversed the charges based on the exclusionary rule (Casebriefs, 2012). Procedural history: Mapp was charged and convicted of having pornographic material in all of Ohio's lower courts including Ohio's Appeal Court, and the Ohio Supreme Court. The U. S. Supreme Court found that the evidence seized in the search was illegal because there was no proof of a search warrant. The items seized from the search had nothing to do with a bomb, the reason they were there, and it was not in plain view. The charges were reversed (Samaha, 2012).

Issue: Was the search of Mapp's home a violation of the Fourth Amendment? Was the evidence used against Mapp in court illegal? The issue was the constitutionality of using evidence obtained from illegal or unreasonable search and seizure to prosecute a defendant in court. The Supreme Court held evidence obtained from a suspect illegally could not be used at trial without violating the Fourth Amendment (Casebriefs, 2012). Rule: The search was illegal because there was no warrant, the materials were not in plain view and they were not related to the case. All evidence discovered as a result of a search and seizure conducted in violation of the Fourth

Amendment of the U. S. Constitution shall be inadmissible in State court proceedings. This is called the exclusionary rule. It established that courts may not accept evidence obtained by unreasonable search and seizure, regardless of its relevance to a case. *Weeks v. United States* (1914) made the rule applicable at the federal level; *Mapp v. Ohio* (1961) made it applicable to all courts, including states (Casebriefs, 2012). Analysis: The Right to Privacy was upheld.

According to this case individuals do not have to allow a search by officers who do not have a search warrant, and the materials illegally obtained without a warrant cannot be used in a prosecution. The Mapp decision allowed countless criminals to go free because of police mistakes (Samaha, 2012). Conclusion: By a vote of 6-3 the court ruled that illegally obtained evidence was not admissible. The court declared that all evidence illegally obtained by searches and seizures in violation of the U. S. Constitution's Fourth Amendment, is inadmissible in a state court. It placed the requirement of excluding illegally obtained evidence from court at all levels of the government. While the Court acknowledged restraining the police would inevitably result in some criminals going free, use of the exclusionary rule was the only deterrent that had proven effective in preventing the police and prosecution from infringing Fourth Amendment rights. Dollree Mapp's conviction was reversed and remanded (Samaha, 2012). Dollree Mapp should go free because the Cleveland police messed up. They lied about having a search warrant and searched Mapp's house against her will. At that time the Exclusionary Rule did not apply to State Courts, it only applied to Federal Prosecutions until this case.

The court ruled Mapp should go free because any evidence illegally obtained by search and seizure is a Fourth Amendment violation. Other remedies available to Dollree Mapp are criminal actions against the police officers that illegally broke in and searched her house. She could take State Tort Actions against them. Which means Mapp could sue the police officers for acts such as false arrest, false imprisonment, trespassing, or breaking and entering (Samaha, 2012). It is very hard to win in cases where an individual sues law enforcement based on the balancing test where officer's jobs are to protect the public. Because of this I would recommend that instead of suing, Mapp should ask that any penalties assessed by the Ohio courts be vacated. That any record of her arrest and conviction be expunged, and that the records be sealed. I do thing that Mapp should be entitled to some kind of compensation for her time spent in jail, and her attorney fees. Even if the police officers had a search warrant, it would have been for a bombing suspect, or item related to a bomb, not for pornographic material, so they couldn't have taken that type of evidence anyhow (Samaha, 2012).

References:

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