

Good essay about supreme court ruling that deals with reasonable suspicion

[Law](#), [Evidence](#)



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Introduction

The prosecution has the burdens in persuading the trier of fact in respect of crimes that the defendant has committed. These levels of burden have been developed in case laws decided by the U. S. Supreme Court which shall be discussed below.

Reasonable suspicion

At the lowest level is the “ mere suspicion” arising from a hunch or a feeling of intuition on the part of the law enforcement which is not sufficient to prove a fact in a court of law. The next level is reasonable or articulable suspicion which is a step ahead of mere suspicion, but highly realistic.

Reasonable suspicion is a standard established in Terry v. Ohio in respect of “ stop and frisk” a necessity arising for a limited investigative detention. This decision allows a police officer to detain an individual briefly on the basis of reasonable suspicion that the individual may have been involved in criminal activity. This further allows the police officer to conduct a search on the body

of the individual through a limited pat down or “ frisk” on the basis of the reasonable suspicion that the individual may be armed in order to officer’s safety. These searches and seizures develop rapidly unfolding and dangerous situations wherein it would not be practicable for the police officers to obtain a warrant after waiting for probable cause to develop. As such, the court adopted a lesser standard of “ reasonable suspicion” to justify a brief investigatory detention. Since it was realized that the test could not be applied when presenting facts do not indicate criminal activity, the Court revisited the case to articulate what could or could not meet the reasonable suspicion standard.

Probable cause

This standard was developed to justify an arrest of a person, conduct a search or seize evidence. While reasonable suspicion means what a reasonable person thinks some criminal activity is afoot, “ probable cause” is a workable standard capable of being applied quickly in rapidly changing circumstances on the street. The police officer intending to make arrest, should know that the probable cause should revolve around delineable offenses and identifiable offenders. The Court has observed that probable cause unlike reasonable suspicion, should be more specific besides being a quantum of facts. That is, a particular person has committed a particular offense. This has been well articulated in the *Bringer v. United States* , .

Beyond Reasonable Doubt

This standard is the requirement that the prosecution must meet in order to prove each element of a criminal offense. This is because of the presumption

that the accused is innocent unless the prosecution proves all the elements of the crime in a case beyond a reasonable doubt failing which the accused is entitled to be acquitted. In *re Winship* it has been stated as something more than the plain meaning of the term. The U. S. Supreme Court has not formulated a specific definition of the term. Hence, it is sufficient to state that the term requires that the guilt of the defendant should be established to a reasonable accuracy, but not to the extent of absolute or mathematical certainty. Hence, a probability of guilt is alone is not sufficient, and hence the jury must be convinced that the charges against the defendant are almost certainly true. In *Victor v. Nebraska*, the U. S. Supreme Court has held that the reasonable doubt is an actual and substantial doubt arising out the evidence, facts or circumstances demonstrated by the evidence, or from the lack of evidence. Hence the reasonable doubt is an inherently qualitative concept which cannot be quantified and any attempt to quantify by a jury can result in an error that can be reversed as held in *McCullough v. State*,.

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