

# Sample essay on fourth amendment case study

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



In order to decide this case, we must first look at three separate but interrelated legal issues. First, we must consider whether the police use of the heat sensing device to monitor the defendant's house was legal. Next we must determine whether the search warrant to search the defendant's house was valid. Finally, we must decide if the evidence obtained during the search of the defendant's house was admissible at his trial. Fortunately, none of these issues are new and there is ample Court precedent to help guide use in our decision-making.

In terms of the police actions, *Kyllo v. United States*, tells us what proper police conduct is when conducting a search using "thermal imaging" devices in public. According to the analysis of the *Kyllo*, the police did violate the defendant's rights in conducting the investigation. While they didn't need the defendant's permission to use the sensors they did need a search warrant even though they conducted the investigation on public property with a device that is now commonly available in the public.

The invalidity of the search warrant forces us to ask whether the evidence obtained through a "bad" warrant may still be used against the defendant at trial. We found, in *United States v. Leon*, that evidence obtained through an invalid warrant could still be used against the defendant, if the police officer had a "good faith belief" that the warrant they were executing was valid. There is no evidence from the facts of this case that police officers knowingly lied to the judge to get the search warrant issued or that they knew that the judge did not have probable cause to issue it, so under *Leon*, the evidence obtained would be admissible at trial.

Accordingly, as the facts were presented in this case, I would agree with the

defendant's argument on appeal. The police did violate the defendant's rights in initially conducting the investigation without a warrant. Moreover, even if they did not need a warrant to conduct the heat sensor investigation, they should not have been issued a warrant to search the interior of the house. Therefore the evidence obtained as a result of the search of the house is inadmissible at trial.

## **References**

Illinois v. Gates. (n. d.) Retrieved on March 1, 2014, from <http://www.law.cornell.edu/supremecourt/text/462/213>

Kyllo v. United States. (n. d) Retrieved on March 2, 2014, from <http://www.law.cornell.edu/supremecourt/text/99-8508>

Maryland v. Pringle. (n. d.) Retrieved on March 1, 2014, from <http://www.law.cornell.edu/supremecourt/text/540/366>

United States v. Leon. (n. d.) Retrieved on March 1, 2014, from <http://www.law.cornell.edu/supremecourt/text/468/897>