

Example of essay on terry v ohio

[Experience](#), [Belief](#)



When police officers observe citizens who are acting suspiciously, police officers may approach the citizens, identify themselves as police officers, ask the citizens what they are doing, and pat down the outer garments of the citizens to look for weapons. Looking for hidden weapons is necessary to protect the police officers and nearby citizens.

Terry argued that the police officers had no reason to suspect him of any wrongdoing and therefore had no reason to approach him and search him. Terry declared his search and seizure unconstitutional under the Fourth Amendment which protects citizens against unreasonable search and seizure. Since the search was unconstitutional, the concealed weapons charge against him should be dropped. In addition, the fact that the police officers found any weapons at all should be inadmissible due to the Fourth Amendment.

The majority opinion of the court disagreed with Terry's position. The court believed the officers did have reason to believe that Terry was acting suspiciously. Based on this belief, it was acceptable for the police officer to approach Terry and pat him down for weapons. The court did restrict such searches as acceptable only in regards to outer clothing. Such a stop and search is permissible under the Fourth Amendment. Since the stop and the search are permissible under the Fourth Amendment, any weapons found during this search are admissible as evidence in court.

Justice Douglas dissented from the majority opinion. He did not agree that the search and seizure were permissible under the Fourth Amendment.

Justice Douglas did not believe the police had "probable cause" to believe Terry was committing a crime, had committed a crime, or was going to

commit a crime. The majority rule has held to this day and police officers have permission to stop and frisk citizens as long as the officers have probable cause.

References

Terry v. Ohio, 392 U. S. 1, (1968).