

Terry v. ohio brief

Law



Terry v. Ohio Case Brief The short of Terry v. Ohio can be explained as the U. S. Supreme Court decision that upheld the 4th amendment prohibition pertaining to unreasonable search and seizures. The decision of the court states that the 4th Amendment right is not violated when a police officer stops a suspect in the street and proceeds to frisk him even though there is no visible probable cause to arrest the person. Rather, the act of the police officer is done upon his or her suspicion that a crime may be undertaken because of a sense or reasonable belief that the person in question may be armed and presently dangerous. This was the decision that the courts reached when they read the facts of the case as per the petition of John W. Terry, who was stopped and searched based upon a police officer's observation and conclusion that Terry seemed to be casing a store for a potential robbery. This was the conclusion that the officer came to after Terry was observed to have exchanged information with other men who, together with Terry, would periodically peer into the store window and seemingly confer with each other. The officer approached, questioned, and searched Terry, producing a small fire arm in the process. Terry was arrested soon after on charges of carrying a concealed weapon (Terry v. Ohio, n. d.). In order to fully understand why the supreme court came to the decision to uphold the 4th amendment in this case, one must first understand the definition, similarities, and differences between an arrest and a terry stop. Since the case of Terry v. Ohio argues that the terry stop done by the police upon Terry violated his rights as a person since he was effectively placed under arrest after the search. It is because of the differences between the two aforementioned situations that the supreme court came to its final conclusion pertaining to the situation that existed in the case of Terry v. <https://assignbuster.com/terry-v-ohio-brief/>

Ohio. Any ordinary dictionary defines an arrest as follows; “ A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge. “ (“ arrest”. n. d.) The main reason that a person is placed under arrest is because he has been accused of a crime and shall be brought before the courts for the possible administration of the punishments pertaining to the law that was violated. An arrest can occur when any of the following situations exist: An arrest may occur (1) by the touching or putting hands on the arrestee; (2) by any act that indicates an intention to take the arrestee into custody and that subjects the arrestee to the actual control and will of the person making the arrest; or (3) by the consent of the person to be arrested. There is no arrest where there is no restraint, and the restraint must be under real or pretended legal authority. However, the detention of a person need not be accompanied by formal words of arrest or a station house booking to constitute an arrest. (“ arrest”, n. d.) Legally, an arrest is defined as a seizure by the 4th amendment. Therefore, all evidence and statements gathered from the suspect must fall within the protection as guaranteed by the 4th amendment or be invalidated. If a person is arrested without a valid arrest warrant, meaning that the arrest was done merely on the basis of probable cause, then the arrest is considered invalid under the 4th Amendment (“ arrest”, n. d.). This was the argument used by the defense when they tried to get the charges against Terry dropped. However, Terry's case was not covered by an arrest scenario. Rather, he was involved in a Terry Stop situation instead. A Terry Stop, which ironically, was coined from the John Terry v. Ohio case, is defined as; “... a stop of a person by law

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enforcement officers based upon "reasonable suspicion" that a person may have been engaged in criminal activity..." (Terry Stop Law and Legal Definition", n. d.). This is not to be confused with an arrest which, as previously defined, requires probable cause after a person has already committed an offense. In this particular case, the supreme court may have actually eased the requirements pertaining to probable cause for the benefit of the protection of many. Hence their decision to allow police officers to conduct a limited search of a person whom they suspect of having ulterior motives in what they deem to be questionable actions based upon their observation of a person or group of people. However, this can only be done after reasonable inquiries have been made that leads the police officer to believe that a reasonable search of the exterior clothing of a person for possible weapons is necessary for the protection of the people in the area. Sources Arrest. (n. d.). in The Free Dictionary by Farlex online. Retrieved from <http://legal-dictionary.thefreedictionary.com/arrest> Cornell University Law School. Terry v. Ohio. Legal information Institute. Retrieved from http://www.law.cornell.edu/supct/html/historics/USSC_CR_0392_0001_ZS.html Terry Stop Law and Legal Definition. (n. d.) in uslegal.com. Retrieved from <http://definitions.uslegal.com/t/terry-stop/>