

# Journal and case briefs, on ch 5 and 6 of the

Law



Case briefs Case Briefs Case US v. Montoya De Hernandez This case involved a Colombian woman Rosa Elvira Montoya de Hernandez who was convicted of involvement of the alimentary canal smuggling of the narcotic drugs into the US. Rosa was detained following a suspicion by the custom inspectors that she was smuggling drugs. They accused her of swallowing balloons and this was proven after a physician who extracted a balloon examined her whose content were cocaine. The defendant before the examination had claimed to be pregnant and was suppose to be taken for X-ray examination (Carmen, 1995). During the examination, the defendant was to be handcuffed and upon realizing this, she refused to undergo the examination. Because her mode of dressing triggered suspicion, Rosa was subjected to thorough search that revealed she had two inner pants, which happened to be elastic, and a paper towel underlying her crotch. The matter was appealed in the high court and in their ruling; William, Warren, Byron, Harry, Lewis, and Sandra concluded and reversed the Ninth's circuit holding owing to the fact that the suspect was subjected to unreasonable seizure and search. John Paul Steven shared the opinion of the ruling while Thurgood Marshall and William Brennan held a dissenting voice maintaining that what Rosa was subjected to was a manifestation of the duty of the police to differentiate US with free society (Carmen, 1995). Case 11 United States v. Watson In this case, an informant reported to the postal inspector that an individual by the name Watson was in possession of two credit cards that were not his against the law. To prove the allegation, the inspector arranged with the informant to have a meeting with Watson in an agreed restaurant and confirm that indeed he was in possession of other credit cards that were not his. Upon this confirmation, the informant was to give a unique signal

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that will inform the inspector of the fact. He did exactly that, the inspector came, and Watson was arrested. He was searched and was not found with any credit card and noticing his car around, the inspector directed his car to be searched using the key Watson gave (Carmen, 1995). When the inspector went to search his car Watson screamed " go ahead" for sometime and was told that if the cards will be found in his car then it will amount to criminal offence. Upon searching the car, two credit cards that do not belong to Watson were found in his car and were indicted with four counts amongst them being in possession of stolen mails. Watson in the hearing stated that his arrest was illegal given that there was no warrant of arrest to that effect and that searching of his car was involuntary, the court found his claims right and exonerated him of the charges (Carmen, 1995). Case 111 Knowles vs Iowa In this ruling the supreme court made a ruling that as stated in the Fourth Amendment, it is a prohibition for the police to insist in searching a vehicle that has made a temporary stop given an occurrence of a traffic offense considered minor if when the officer has already cited the offence. Patrick Knowles was driving 43 MPH when stopped by the Iowa officer who then searched the car and found a " pt pipe" and marijuana, which are controlled substances in the state. Patrick was then arrested but before the court, he urged that the search he was subjected to was inapplicable to the " search incident to arrest" and because he was not under any warrant of arrest, the officer during trial conceded he had neither the consent from Knowles nor any probable cause to exercise the search. Because of this development, the court found Knowles having no guilt since after the citation, the officer had no reason to believe that his life was to be jeopardized and that the issuance of the citation had confirmed all the

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offenses in which Knowles was responsible for (Carmen, 1995). Case IV Payton v. New York The US Supreme Court found this case an affront to personal right since the arrest was made without any warrant. Even if the person inhabiting in the compound was inside at the time, the arrest was to be made and that he committed felony, without the warrant of arrest, no arrest should be made. Under the Fourth Amendment, with the exceptions of persons under the automobiles and public places an arrest cannot be made in a private home without a warrant. The court then ruled in favor of Payton (Carmen, 1995). Case V Minnesota v. Dickerson In this case, the court unanimously consented that in the course of undertaking a lawful pat down in which search for weapons is to be determined, the officer is allow to seize all that is construed to be contraband even if they are not weapons.

Notwithstanding this, the court in a ruling that pitched a 6-to-3 voting, the ruling found that the officer had overstepped the mandate I n his quest to determine whether the objects were contraband or not (Carmen, 1995). This made the search and arrest that was subsequently made be unlawful in view of the Forth Amendment. The arrest of Dickerson took place in a drug area and an officer ordered pat down to be carried out on Mr. Dickerson, in the process he felt a lump on his coat and quickly reached it. On close examination, he found out that it was cocaine and arrested Mr. Dickerson for being in possession of controlled substance. During the trial, Mr. Dickerson suppressed the use of the cocaine as an evidence against him given that the nature of the search he was rendered to was unlawful. In their ruling, the court ruled that being in possession of a cocaine in this case was inadmissible though the search by the officer to determine if the object was a contraband was within the law (Carmen, 1995). Reference Carmen, R. V. <https://assignbuster.com/journal-and-case-briefs-on-ch-5-and-6-of-the/>

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