

United states v. leon, 468 u.s. 897

Law



**ASSIGN
BUSTER**

In the hard fast rule of Constitutional Absolutism, the exclusionary rule of evidence was not used appropriately in the United s v. Leon case. The reliance on good faith of the officers that they were equipped with a valid warrant of arrest became the main basis for the decision of the United States Supreme Court. In a manner of saying, this jurisprudence promulgated an exception to the exception, which deliberately pertains to the essence of the fourth amendment. This decision has created a difference of opinion, on the one hand providing for leeway afforded to law enforcement officers, and on the other a deviation from well-established rule against illegal searches and seizures diminishing a commonly accepted constitutional right.

Cruikshank (1986) thus ascertains that “ The inquiry no longer is whether the fourth amendment was violated but whether the deterrent effect of the exclusionary rule outweighs the potential cost of losing valuable evidence” (p. 417). There is now a shift from individual rights to the duties of police officers in establishing the correct application of the Constitution as determined by the judiciary. This is a far cry from the basic premise of any constitution as the fundamental law of the land. It must serve as a limitation on the powers of government and a reminder of the supremacy of the people. The inclusion of probable cause in the criterion for the issuance of a warrant was a definitive statement as to the powers that may be accorded in the proper disturbance of a person in his rights. The defense of good faith seems as an easy enough loophole to violate what I ardently believed to be a constitutional right despite how the Supreme Court ruled otherwise.

Bibliography

United States v. Leon, 468 U. S. 897 (1984)

Cruikshank, C. (1986). Dismantling the exclusionary rule: United States v.

<https://assignbuster.com/united-states-v-leon-468-us-897/>

Leon and the courts of Washington-should good faith excuse bad acts?

University of Puget Sound Law Review, 9. Retrieved from

<http://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1219&context=sulr>.