

# Advanced criminalistics: michigan v tyler

Law



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Michigan v Tyler Michigan v. Tyler is a court case that was decided in 1978 and involves whether an investigator of a fire scene needs a warrant to conduct a search at the fire scene or not. In the case, Loren Tyler was the complainant and Michigan State was the defendant. Tyler and Tompkins had leased a furniture store in which fire occurred just before midnight. The fire department put off the fire and found two jugs with flammable liquid (Arnold et al, 1984). The fire chief arrived at the scene and checked the evidence before calling a police investigator to conduct search and investigation in the store. Webb was the police investigator who arrived for the task. He took some photographs of the jugs and left after the investigation was interrupted by darkness and smoke. The investigator returned in the morning and obtained new evidence of fuel trails on the carpet. The Michigan Arson Squad took photographs and examined various places in the store including circuit breaker and furnace. The TV was also inspected and a piece of fuse was located. The Arson squad also established the type of furniture that was in the store when the fire occurred. During trial, an employee said that he helped in removal of valuable furniture and replacement with old ones. Tyler also testified that the fire would occur.

The testimonies and trials were used against the respondents and it was found that the respondents conspired to burn real property. However, the supreme court of Michigan State reversed the convictions and held that once the fire has been extinguished and the firefighters had left the house, a search warrant was required to search the house, unless consent has been established or the premise has been abandoned. According to the 4th amendment, a burning building is an emergency and does not require a warrant order to be investigated (Bookamer et al, 1983). However, if <https://assignbuster.com/advanced-criminalistics-michigan-v-tyler/>

reasonable time has elapsed and further entry is required, the investigator must obtain consent, criminal search warrant and/or administrative search warrant.

From the description above, it is clear that the investigators did some things wrong. First, the police investigator was wrong to conduct an examination of the building without a search warrant because the firefighters had extinguished the fire and there was no longer a state of emergency that required an examination without warrant. Furthermore, when the investigators were halted by darkness and smoke, a reasonable period of time had passed before they came back again for examination of the premise. Therefore, they needed an administrative and criminal search warrant before entering the premise for a second time.

The Michigan Arson Squad was also wrong when they entered the house in the morning and made some investigations. The fire had already been extinguished and a long time had passed since then (Bookamer et al, 1983). So they needed a search warrant before taking photographs and examining the premise. The activities of the arson squad seemed to be criminal investigation, so they needed a criminal search warrant according to the requirement of the 4th amendment. For over 25 days, the evidence would have been tampered with or manipulated. In that case, the investigators should obtain search warrant since the decision.

The attitude of the investigator before the case and now are different. As established in *Camara v. Municipal Court*, 387 U. S. 523, investigators should now obtain proper consent and be authorized by a valid search warrant as suggested by the Fourteenth Amendment which applies the Fourth Amendment. Earlier, the investigator's expectation of privacy was minimal  
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because his/her purpose was mainly to ascertain cause of fire instead of seeking for evidence of fire. Nowadays, as long as the emergency of fire is over and some time has passed, consent and warrant is required to conduct search in an affected premise.

#### References list

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