

Mapp v. ohio case brief essay sample

[Law](#), [Court](#)



Facts of the Case

The appellant had been convicted in Ohio of violation of one of the state's pornography statutes, Section 2905.34 of the Ohio Revised Code. It is undisputed that appellant lived on the second floor of a two-family residence. She answered the door to find three Cleveland police officers looking for someone allegedly hiding out in the house. This person was apparently wanted for questioning regarding a bombing, and the officers claimed there was a large quantity of "policy paraphernalia" in the house. (*Mapp v. Ohio*, 367 U. S. 643 (1961) at 643.) The appellant contacted her attorney and was advised to refuse permission to enter the dwelling until and unless a valid search warrant was produced. A standoff ensued for several hours, and then several officers again tried to gain entrance. The appellant did not immediately answer the door, and the officers forcibly gained entry into the building. (*Mapp* at 643.)

At the same time appellant's attorney arrived on the scene. However, he was not allowed to enter the building nor meet with appellant. The officers displayed what they claimed was a "search warrant". Appellant grabbed the document, and a struggle ensued in which the police recovered the "search warrant" from her. Appellant was physically subdued, handcuffed, and placed in the upper floor of the residence. The officers searched the entire building, including basement, as well as furniture within the building. The alleged pornographic material was found during this search. (*Mapp* at 644.)

At trial, the prosecution did not produce a search warrant, and quoting the Ohio Supreme Court, “ At best, there is for the record, considerable doubt as to whether there ever was any warrant for the search of defendant’s (appellant’s) house.” *State of Ohio v. Mapp* , 170 Ohio St. 427.) Nonetheless, the Supreme Court of Ohio upheld appellant’s conviction. While the Court referred to the means of the search as being such as to potentially “ offend a sense of justice”, it allowed the conviction to stand since “...the evidence had not been taken from defendant’s person by the use of brutal or offensive physical force...” (*Mapp* at 644, citing *State of Ohio v. Mapp* , 170 Ohio St. 427, at 431.)

Legal Questions Presented

According to Footnote 3 of *Mapp v. Ohio* as well as the dissenting opinion, there were several issues raised on appeal. For the reasons stated in the Opinion and Footnote, the Supreme Court limited itself to the issue of whether or not the federal “ exclusionary rule” preventing unconstitutionally obtained evidence from being used at trial applied to the states. This would require the Court to review and potentially set aside the case cited as *Wolf v. Colorado* , 338 U. S. 25 (1949).

However, the other issue presented to the Court, according to the Memorandum of Justice Stewart, was the obscenity issue:

The new and pivotal issue brought to the Court by this appeal is whether Section 2905. 34 of the Ohio Revised Code making criminal the mere knowing possession or control of obscene material, (FN3) and under which

appellant has been convicted, is consistent with the rights of free thought and expression assured against state action by the Fourteenth Amendment. (*Mapp v. Ohio*, 367 U. S. 643 at 661.)

The Court's Decision

The Supreme Court held "(T)he judgment of the Supreme Court of Ohio is reversed and the cause remanded for further proceedings not inconsistent with this opinion." (*Mapp* at 652.) " We hold that all evidence obtained by searches and seizures in violation of the Constitution is, by that same authority (the use of the Fourteenth Amendment to make it applicable to the states) inadmissible in a state court." (*Mapp* 656.)

The Court's Analysis and Rationale

The Supreme Court provided a variety of reasons for reversing the judgment of the Ohio Supreme Court. First, the Court noted that there had long been established the " exclusionary rule" that applied to federal prosecution. Further, that the " movement towards the rule of exclusion has been halting but seemingly inexorable." (*Mapp* at 656.) In the years of application of the rule, there was no indication of federal criminal prosecution being hamstrung by the exclusionary rule: "...it has not been suggested either that the Federal Bureau of Investigation (FN10) has thereby been rendered ineffective, or that the administration of criminal justice in the federal courts has thereby been disrupted." (*Mapp* at 656). The Court also noted the discrepancy as it then stood between federal and state prosecution:

Moreover, our holding that the exclusionary rule is an essential part of both the Fourth and Fourteenth Amendments is not only the logical dictate of prior cases, but it also makes very good sense. There is no was between the Constitution and common sense. Presently, a federal prosecutor may make no use of evidence illegally seized, but a state’s attorney across the street may, although he is supposedly operating under the enforceable prohibitions of the same Amendment. Thus, the state, by admitting evidence unlawfully seized, served to encourage disobedience to the federal Constitution which it is bound to uphold. (*Mapp* at 657.)

The Supreme Court also makes note that there is no other area of constitutional law as applied to the states that has any sort of “ restraint”. In other words, the issues of a free press, free speech, and the right to a fair trial have not been limited in any way. The *Mapp* ruling removes the impediment that allowed states to use evidence unconstitutionally seized. Further, by doing so, it gave uniformity in that all states are specifically excluded by U. S. Supreme Court ruling, and cannot simply have their own way of dealing with the issue of unconstitutionally seized evidence.

The Dissent

Mr. Justice Stewart’s brief Memorandum states he would reverse the Ohio judgment based solely on the constitutionality of Ohio’s obscenity statute, and joins with Justices Harlan, Frankfurter, and Whittaker’s dissent. (*Mapp* at 667.) The dissenting opinion appears to accuse the Court of “ overreaching”, in that it decided an issue that wasn’t really brought to it, or at least was not paramount in the mind of the appellant.

It appears from the dissent that the obscenity issue was the main issue both briefed and argued before the Court. However, in deciding as they did, the Court did not need to reach the issue of the constitutionality of the Ohio statute in question. However, it is interesting in that the dissenting opinion noted the large number of cases brought before it, primarily prisoners' "in forma pauperis" (lacking funds and legal counsel) cases, arguing the essential issue that the Court decided. The dissenting opinion seems to be saying "we could have chosen any number of cases to rule on the exclusionary rule—why take this one?" (*Mapp* at 668.) Yet that seems to indicate even the dissenters' belief that it would need to be deciding the issue sooner or later. This is oddly consistent with the language used regarding "inexorable movement" making the exclusionary rule consistent throughout the states.

My Agreement with the Opinion

The arguments given by Justice Clark are not just logical, but common sense. Further, simply because the appellant (or both appellant and appellee) do not argue or specifically brief the Court on a specific issue does not mean the Court must be blind to an issue before it. Here there was uncontested evidence regarding the lack of a search warrant, the conduct of the officers, and the method in which the material was seized. Taking for granted the dissenting opinion, the Court must first find whether the evidence should have ever been admitted into the Ohio court. Then, if the evidence was properly before the Ohio court, they could decide whether or not the obscenity issue was within constitutional protection. If the evidence

was not legally admitted, there is no need to address the issue of the Ohio statute. The opinion stands today and is one of the hallmarks of the criminal justice system.