

California v. greenwood in laguna beach

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The California Supreme Court and the U. S. Court of Appeals dismissed the charges against the respondents on the authority of *People v. Krivade* that was decided by the California Supreme Court. In the said case, the California Supreme Court held that warrantless trash searches violate the Fourth Amendment and the California Constitution. The State law of California provides that Californians have the right to privacy in their garbage and cannot be inspected without a warrant.

Hence, this petition for review on certiorari of the decision of the U. S. Court of Appeals to the U. S. Supreme Court.

C. HOLDING OR DECISION

The U. S. Supreme Court granted certiorari and reversed the decision of the U. S. Court of Appeals. It concluded in accordance with the vast majority of lower courts that have addressed the issue that the Fourth Amendment does not prohibit warrantless search and seizure of garbage left for collection outside the curtilage of a home. The U. S. Supreme Court based its decision on a number of similar cases that were already decided. It said that the warrantless seizure of garbage bags left at the curb outside the Greenwood house would violate the Fourth Amendment only if respondents manifested a subjective expectation of privacy in their garbage that society accepts as objectively reasonable.

D. REASONING

What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment provisions. The U. S. Supreme Court concluded that respondents removed their subjective expectation of privacy when they exposed their garbage to the public that sufficient to defeat their claim to the Fourth Amendment protection. It is common

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knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals, children, scavengers, snoops, and other members of the public. Moreover, respondents placed their refuse at the curb for the purpose of conveying it to a third party, the trash collector, who might himself have sorted through respondents' trash or through others, such as the police, to do so. Accordingly, having deposited their garbage " in an area particularly suited for public inspection and, in the manner of speaking, public consumption, for the express purpose of having strangers take it, respondents could have had a reasonable expectation of privacy in the inculpatory items that they discarded.

E. FINAL WORD

The U. S. Court has never intimated that whether or not a search is reasonable within the meaning of the Fourth Amendment depends on the law of the particular State in which the search occurs.