

Stop and frisk

Law



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Arizona v. Johnson On April 19, 2002, Lemon Johnson and his friends were stopped by Maria Trevizo, a police officer, and two other officers for mandatory license suspension. Trevizo saw Johnson, who was in the back seat, look back at the officers and talk to his companions seated up front. The action was deemed unusual by Trevizo “ but she had no reason to believe that Johnson either was engaging or was about to engage in criminal activity (Chung & Selss, n. d.)” Trevizo then engaged Johnson in conversation not related to the current reason of Johnson’s detainment. As she asked Johnson to get out of the vehicle, Trevizo patted him, discovered the gun and arrested Johnson. The trial court found him guilty of possession of a weapon by a prohibited possessor and possession of marijuana. The court of appeals reversed the decision claiming the standard required in Terry v. Ohio was not met.

According to the Court of Appeals:

“ Terry established that, in an investigatory stop based on reasonably grounded suspicion of criminal activity, the police must be positioned to act instantly if they have reasonable cause to suspect that the persons temporarily detained are armed and dangerous... Citing Terry, the Court further held that a driver, once outside the stopped vehicle, may be patted down for weapons if the officer reasonable concludes that the driver might be armed and dangerous... The Arizona Court of Appeals recognized that... once Officer Trevizo began questioning him on a matter unrelated to the traffic stop, patdown authority ceased to exist, absent reasonable suspicion that Johnson had engaged, or was about to engage, in criminal activity.”
(Arizona, n. d.)

References:

<https://assignbuster.com/stop-and-frisk/>

Arizona v. Johnson. (n. d.). Retrieved from <http://www.drbilllong.com/SupCtll/Arizonall.html>

Chung, B., & Selss, M. (n. d.). Arizona v. Johnson (07-1122). Retrieved from <http://www.law.cornell.edu/supct/cert/07-1122#facts>