

# Mapp v. ohio court case

Law



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Mapp v. Ohio court case First Mapp v. Ohio court case In May, 1957, while in the of investigating a bombing that happened at a Cleveland home of Don King, three police officers visited the home of Doltree Mapp, who after calling her lawyers, asked that they produce a warrant which they did not have at the time of the first visit. They came back letter brandishing a document which they purported to be a warrant and, after manhandling Ms. Mapp they searched her house but found nothing related to the bombing. Instead they found some pornographic books and sketches. Despite her protestations that the materials did not belong to her but were actually the property of a former boarder at her house she was arrested and charged with the possession of obscene materials and was indicted at the Cuyahoga County Grand Jury (Sundby, 2010).

Mapp's attorney tried in vain to have the evidence that was obtained through a warrantless search of his client's property. After a trial lasting only a day Ms. Mapp was found guilty and sentenced to 7 years. After appeals that went through the Eighth District Court of Appeals of Ohio, Supreme Court of Ohio and eventually the Supreme Court of the United States, her conviction was overturned. The impact of this case has been felt in the increasing use of the Suppression Hearing especially in cases that touch on the Fourth Amendment (Sundby, 2010).

2.

The main thrust of the case rested on whether evidence that was obtained in violation of the citizen's Fourth Amendment which protects citizens from unreasonable searches and seizures and specifically sets out the requirements for search warrants that must be based on probable cause (Davies, 2007). The exclusionary rule, which was enforced by the Supreme <https://assignbuster.com/mapp-v-ohio-court-case/>

Court in overturning the conviction of Mapp, basically stated that this evidence that was obtained in this was should never have been used in the first place. This rule, it was emphasized by the Supreme Court, is an essential part of the Fourth Amendment. Secondly, the lower courts had gone against the Fourteenth Amendment by denying Ms. Mapp her rights to Due Process. This case also brought into sharp focus the issue of officer misconduct which had for long been swept under the rug, with police indiscretions being seen as just “ part of the job” and not an aberration of citizen’s rights (Davies, 2007).

3.

The evidence that was gained by the police was totally illegal since it was obtained without a proper warrant as specified in the Fourth Amendment. It was therefore illegal and should never have been used to convict Ms. Mapp (Bloom & Fentin, 2010). The court should have thrown it right out and never allowed it. The Fourth Amendment laid out the provisions of granting a search warrant to officers of the law and these have to be implemented. Indeed one of the hallmarks of the Supreme Courts decagons and ruling on this case was that the courts need to ensure that the exclusionary right, as indicated in the Fourth Amendment is granted to all citizens and effected appropriately (Bloom & Fentin, 2010).

4.

The only way this violation of Ms. Mapp’s rights could have been avoided would have been for the Cleveland Police to first establish probable cause for searching Ms. Mapp’s house and then have gotten a warrant to search the residence duly issued by an officer of the court (Sundby, 2010). A the trial stage the lower court should have had a suppression hearing that would <https://assignbuster.com/mapp-v-ohio-court-case/>

have suppressed and prevented the use of evidence that was obtained illegally and wrongly and which should never have been used against Ms. Mapp (Sundby, 2010). The court never held this hearing and thus this gross miscarriage of justice occurred.

#### References

- Bloom, R. M., & Fentin, D. H. (2010, November). 47 “ A More Majestic Conception”: The Importance of Judicial Integrity in P Reserving the Exclusionary Rule. *Journal of Constitutional Law*, 13(1), 47-80. Retrieved August 21, 2013, from <https://www.law.upenn.edu/live/files/130-bloomfentin13upajconstl472010pdf>
- Davies, T. Y. (2007). An Account of Mapp v. Ohio That Misses the Larger Exclusionary Rule Story. *Ohio State Journal of Criminal Law*, 4(619), 619-639. Retrieved August 21, 2013, from <http://moritzlaw.osu.edu/students/groups/osjcl/files/2012/05/Davies-PDF-3-11-07.pdf>
- Sundby, S. E. (2010, January 21). Mapp V. Ohio’s Unsung Hero: The Suppression Hearing as Morality Play. *Chicago-Kent Law Review*, 85(1), 255-276. Retrieved August 21, 2013, from <http://cklawreview.com/wp-content/uploads/vol85no1/Sundby.pdf>