

Criminal justice research paper

[Law](#), [Criminal Justice](#)



1. Fred is drunk and driving his dad's car. Fred is a 21 year old student at Columbia College. Fred rams into a parked car at 10th and Rogers. Thinking no one saw him; Fred moves his car and parks it on an adjacent lot. He sprints to his dorm room in Miller Hall. A neighbor saw the wreck and Fred running to the dorm. Police are called and they arrive ten minutes after the wreck. The officers see several empty beer cans and a bottle of tequila (half full) in the front seat. The tags are traced to Fred's dad, who is called by police. Dad says that Fred is a student at Columbia College.

Police run Fred's record and determine that he has two prior DWIs within the past five years. The third DWI in 10 years is a felony. Police contact Columbia College security who leads them to Fred's dorm. Fred is passed out, so security lets them in. The officers smell intoxicants, give Fred some Field Sobriety tests (he fails) and confirm that he was driving the car. Fred is arrested for DWI. It is his third offense, a felony under Missouri law. Fred is given a breath test, which registers at .13 on the scale. During the processing of his arrest paperwork, the officers search

Fred's possessions which he brought to the station, and a small quantity of cocaine is found in Fred's pocket. Fred is charged with DWI, leaving the scene, and possession of cocaine. What issues do you see? How should they be resolved? (50 points) First of all this, is a legal arrest. A neighbor saw the wreck and Fred running to the dorm. That is sufficient in itself to establish probable cause to arrest Fred for leaving the scene of an accident. The follow-up police investigation added more factors to establish probable cause to arrest for DUI and leaving the scene.

A prosecuting attorney will present evidence that a) Fred has no alibi for the time and date the crime occurred, b) he left evidence at the scene and in his vehicle, c) he failed the Field Sobriety Tests, d) he blew a .13 on the breathalyzer, e) and he has past records of DWI, and f) he was found to have possession of cocaine. The prosecuting attorney uses this series of specific examples to prove Fred committed the crimes. There would be an issue of whether it was legal for the security guard to give access to Fred's room. This issue would be resolved because it is totally legal for security guard to give access due to exigent circumstances. Cole County deputies obtain a search warrant for Mike's trailer for controlled substances. The warrant was based upon information provided by an informant, some officer corroboration, and the fact that Mike has a past record for drug offenses. The deputies execute the warrant. As it turns out, Mike has no past record for drugs, the court clerk made an error. This means the warrant will be found lacking in probable cause by the appellate court. While executing the warrant, they observe large quantities of controlled substances, which they seize. While they are executing the warrant a man drives up and knocks on the door.

The officers detain the man during the search. The dog accompanying the officers begins to bark at the man's trunk. The officers open the trunk and see large trash bags with a substance which smells and looks like marijuana. This man (Larry) is arrested for possession of marijuana. Mike is charged with possession of a controlled substance. Are the drugs admissible in Court against Mike? Why or why not? What about Larry's case, are the drugs

admissible? Why or why not? (50 points) Whether this search is legal or not depends on the exact circumstances under which it was conducted.

In a situation like this, the police have the authority to stop and detain anyone coming to or leaving the residence as they arrive to execute the search warrant. Once you are lawfully detained, they have the right to conduct at least a pat down search for officer safety purposes. If the drugs were found as a result of the pat down search, there is no doubt that it was a legal search and seizure. Whether they could go further than a simple pat down would depend on other factors, such as conversation between the cops and the detainee, as well as other activity in the immediate vicinity and possibly even statements by other people at the scene.

Determining for sure whether there are grounds to object to the search and seizure requires review of all of the reports regarding the case. Depending on the nature and quantity of the drugs seized, this could possibly be a serious case. In any event, the person involved should consult with a criminal defense attorney or, if he cannot afford private counsel, with the public defender if he is charged. Officer had probable cause to affect a traffic stop after he observed defendant following too closely.

Defendant's and passenger's behavior after stop provided reasonable suspicion to expand the detention, and a positive drug dog sniff provided basis for search of vehicle. I'm not aware of reason that the interpretation of the 4th Amendment would be any different in Oklahoma than it is in any other state. All states have to follow the US Supreme Court's decisions on 4th Amendment issues. It would be true that once an officer has conducted a pat

down search and determined that there are no weapons, he is not allowed to go further in searching without either consent or a warrant.

On the other hand, it is not the law anywhere that such a search must be limited to the feel of a gun. Any object which might possibly be used as a weapon can be retrieved during a pat down search. Whether retrieval of a bag of dope from the suspect's pocket would go beyond the allowable scope of the pat-down search would still depend on the totality of the circumstances, including what the bag of dope felt like (for example, was it a hard object that could be a weapon or a soft plastic baggie). There is another issue, as well.

If this person is leaving a place for which a search arrant has been issued, the police already have a reasonable suspicion of involvement in criminal activity which would Justity a detention beyond a simple pat- down and identification. What else is said and done by others at the scene (cops and suspects) and what is found in the search may Justify extending the detention of the person who was leaving as a possible suspect in drug sales or possession. The search you asked about occurred under similarly exigent circumstances, the evidence was easily disposable and the intrusion was very limited.

So, it seems to e, the evidence seized under the circumstances you described would still be admissible. 3. Kyle and Mel are detectives in the property crimes unit. They are investigating a case of leaving the scene of an accident. The victim's car suggested an impact on the right front bumper of victim's car. While canvassing a neighborhood on another matter, Mel sees a

car parked in a garage. The garage is attached to the house, but the door is open. The car shows physical damage to the left rear quarter panel with smudges similar to those on victim's car.