

Virginia v morre essay

[Countries](#), [United States](#)



Facts: The day was February 20, 2003, in the city of Portsmouth where two Portsmouth police officers had pulled a vehicle over who was driven by David Lee Moore. While listening to police radio they had heard that the man they pulled over who went by the nickname “ chubs” was driving on a suspended license. The officer’s soon determined that chubbs was indeed driving on a suspended license. The officers who made the stop arrested chubbs for the misdemeanor of driving on a suspended license.

This violation could have lead to chubbs serving a 1-year in jail and a \$25,000 fine, according to Va Code Ann 18. 2-11. The officers then searched the vehicle in which chubbs was driving. During the search of the vehicle the officers found 16 grams of crack cocaine and \$516 in cash.

The state law of Virginia states that the officers should have offered Moore a summons rather than arresting him. The statutes of the Fourth Amendment give the officers the right to search if they believe a crime was committed in their presence. The act of driving on a suspended license is not an offense you can be arrested for unlike other misdemeanors. Moore was charged with intent to sell crack cocaine. When Moore was first brought to trial, He filed a pretrial motion to attempt to suppress the evidence. He thought that he should not have had his vehicle searched without a warrant. From the original search and arrest he felt like his rights as a citizen had been violated.

In Virginia they do not require suppression of evidence, which was obtained through the fourth amendment. When the trial court had it they discussed the option of suppressing the evidence, which would be being used against

him in his trial, but denied the motion. The bench trial soon found him guilty of drug charges. Moore was sentenced to a Five-year prison term and one year and six months suspended sentence. The case went to a panel of Virginia's intermediate court on the grounds of violation of the fourth amendment rights. The case was reversed they were reversed the decision by the trial court. The fourth amendment prohibits unreasonable search and seizures. The supreme court of Virginia then reversed the call again.

Procedure: The first court to hear the case was The Trial Courts of Virginia, who made the original decision to deny the motion to suppress evidence. Then the case traveled to The Intermediate Appellate Court, they reversed the decision by The Trial Courts of Virginia. The case then traveled to the Virginia Supreme Court, where it was reversed again. Then it made its way to the United States Supreme Court Reversed the decision of the Virginia Supreme Court again and remanded it for further proceedings. Issues: The first issue in this case was whether or not the evidence collected in the case should have been suppressed or not. When Moore was first arrested the vehicle in which he was driving was then searched. Moore thought that the evidence should have been suppressed do to the fact that he was arrested on a misdemeanor charge where there doesn't have to be an arrest made. Since the officers arrested him and then preceded to search his car Moore believed that this was a violation of his fourth amendment rights.

The Fourth Amendment protects citizens from unreasonable search and seizures. According to the case *Gerstein v. Pugh* and *Brinegar v. United States* if arresting officers have probable cause that a person committed

even a minor offense in his presence the arrest is deemed constitutional reasonable. The case California v. Greenwood the supreme court ruled that it was not a violation of someone's fourth amendment even though in the state of California it is illegal.

Holding/Decision: The United States Supreme Court reversed the ruling of the Virginia Supreme Court deciding that the evidence in question was not taken in violation of Moore's Fourth Amendment Rights. Reasoning: The reasoning of the reversal was in part of the way they see the Fourth Amendment. They Court see the Fourth Amendment as protection to officers, leaving them the option to search an area or vehicle if they believe that a crime has been committed in there presence. In this situation the arresting officers had known the background of the individual in custody. Once he was arrested they then began to search his car. The officers searched his car with the knowledge that he could have something he shouldn't since he was driving without a license. The method that the courts used in referring to the previous cases is correct because the fact that an arrest is based on probable cause which then makes the search valid. One of the prior cases that were used in the decision Whren v.

United States where the police stopped a car even though the actions they took violated regulations of the amount of authority plain clothes officers have while in unmarked vehicles. Local law does not change the Fourth Amendments meaning doesn't change to comply with local law. The amendments are federal rights given to all citizens in good standing with the feudal system. These rights over rule any laws that the states make up. A

circumstance that leads to the decision was when the United States Supreme Court decision that excluded evidence, which they obtained that, was in violation of the state laws. The Court rendered that all arrest warrants must be made according to state law.

The United States Supreme Court is convinced that their approach to their prior cases is correct due to the fact that arrest on probable cause has been seen enough to justify a seizure. Virginia protects the privacy of individuals more than the fourth Amendment; they also choose not to attach to violations of the rules of arrest that the federal courts have applied to the violations of the Fourth Amendment. The Court believes and stands by their probable cause standard in determining what the Fourth Amendment deems reasonable that you can make arrest based on probable cause that a law has been broken while the arresting officer is present. This rule covers the minor offenses as well; if this weren't the case this would deter officers from making the legitimate arrest.

The Virginia Supreme Court decided to remove the facts from a trial due to the fact that state law requires officers to request a citation to search his vehicle. The argument would have force if the U. S constitution forbade the arrest of Mr. Moore. In *Wong Sun v. United States* the rules of the arrest that the officers violated were the states not anything against the Fourth Amendment. Separate Opinions: Justice Ginsburg had a concurring judgment.

He found that the historical record supported Moore's position rather than the court. Ginsburg renders any warrantless arrest that deal with crimes

committed while an arresting officer is present is “ Constitutionally reasonable.” He also believes that Virginia could make driving on a suspended license an arrest able offense. Stating that Virginia law does not require suppression of evidence that is seized by the arresting officers. He also believes that a state can accord protection from arrest that is beyond what the Fourth Amendment requires, even though when police deny the people they apprehend protection from the states laws and orders.

<http://www.law.cornell.edu/supct/html/06-1082.ZC.html>