Overview of the three exceptions of the fourth amendment

Law

How would you feel if you were to go inside of a store, look out of the window and see that your car is being searched? You would probably feel like your space is being violated. Your first thought most likely wouldn't be " They have violated the Fourth Amendment", however you may be thinking what could you have done to be getting searched. The Fourth Amendment was made so that the people could be secure in their homes, papers and effects against unreasonable searches and seizures. This shall not be violated without a warrant, unless there is probable cause. Probable cause is reasonable grounds for conducting a search, such as an item in plain view. Although some may say that searches without a warrant are a violation of the Fourth Amendment, there are exceptions such as: automobile exception, plain view exception, and Emergencies/Hot Pursuit.

First, there is automobile exception which also applies to any vehicle such as boats. This exception was made by the United States supreme court due to the case Carroll v United States. Which came about, because carroll had purchased illegal liquor and was on the highway when a patrol officer pulled him over and found the liquor under the passenger seat. This exception allows officers to search the vehicle without a warrant as long as he/she has probable cause to believe that there is evidence in the car. If a car is mobile, and probable cause still applies it is believed a vehicle should always be able to be searched. That is because, evidence can easily be disposed of. For example, " Officer Demidum has reason to believe that an abandoned car on the corner contains illegal drugs in the trunk. The car is missing all four wheels and is up on cinder blocks, and the engine was stolen long ago. Assuming that the automobile exception applies, Officer Demidum uses a

crowbar to force open the still-working lock on the trunk. There, he finds 10 kilos of cocaine. Rushing back to the station house to show off the evidence to his Captain, Officer Demidum runs into Judge Sosad. Judge Sosad says " You should have called me first. While it's great to get the drugs off the street, unfortunately we can't use this as evidence against anyone. The search was illegal, as the automobile exception to the warrant requirement only applies when the vehicle is actually capable of being moved. That's the whole point of the exception!"

As well as, there is plain view exception which as seen in the title an exception to the warrant requirement which allows the officer to seize anything that is seen in plain view. If the officers are present in a place where they have a right to be (lawful vantage point), and see in plain view an object they can immediately discern has evidentiary (inculpating) value, they may seize that object without a search warrant. The first part of that rule requires consideration of where officers have a right to be, that is, where officers enjoy a lawful vantage point. First, officers have a right to be present in a public place, on a sidewalk adjacent to the subject's residence, or in a squad car on a public roadway. People have no reasonable expectation of privacy in that which they leave visible to the public. Second, officers have a right to be in a private place if they are present by consent, such as when the subject has invited them inside the subject's residence. Third, officers have a right to be in a private place when they are, pursuant to a search warrant, searching there for other objects in places where those other objects may reasonably be found. So, if the officers have a search warrant to search for a stolen car, they can look in the garage, but they do not have the

right to look through the subject's desk drawer, which could not possibly contain the stolen car. Fourth, officers have a right to be present in a private place if they are there supported by some other exception to the search warrant requirement, such as when they are in hot pursuit of a subject and the subject retreats into a residence.

Lastly, there is the emergencies/hot pursuit exception in which the emergency demands of specifically defined situations that call for immediate response by the police, who must have Probable Cause to conduct a search. To get more into detail: Hot pursuit means that some sort of chase is happening, involved with the following of a suspected felon into private premises. Hot pursuit also applies when the lives of police officers or others are in danger. Thus, the Court has recognized two specific conditions that justify warrantless searches under the rule of hot pursuit: the need to circumvent the destruction of evidence, and the need to prevent the loss of a life or a serious injury. For example " Officer Demidum has reason to believe that an abandoned car on the corner contains illegal drugs in the trunk. The car is missing all four wheels and is up on cinder blocks, and the engine was stolen long ago. Assuming that the automobile exception applies, Officer Demidum uses a crowbar to force open the still-working lock on the trunk. There, he finds 10 kilos of cocaine. Rushing back to the station house to show off the evidence to his Captain, Officer Demidum runs into Judge Sosad. Judge Sosad says " You should have called me first. While it's great to get the drugs off the street, unfortunately we can't use this as evidence against anyone. The search was illegal, as the automobile exception to the warrant

requirement only applies when the vehicle is actually capable of being moved."

In conclusion, The Fourth Amendment to the U. S. Constitution provides legal protection against unreasonable search and seizure conducted by federal government agents and law enforcement officers who are planning to use that evidence in a criminal process. The issue regarding warrantless arrests and searches has been widely discussed. Warrantless searches depend on the availability of one of the exceptions to the warrant requirement to be lawful.