Constitutional law: horton v. california

Law

The long-term outcome of the Terry Horton vs California case The Terry Brice Horton, Petitioner versus California case in 1990 was tabled on February21, 1990 and heard by the United States Supreme Court with a decision being arrived at on June 4, 1990. The fact in this case was that a police officer instigated a warranted search in the home of a robbery suspect. The warrant only outlined the proceeds of the robbery, and not weapons, although the weapons description was available. However, the officer came across weapons which were included in the police report in plain view and seized them, however, the officer was unable to find the proceeds of the robbery (US Supreme Court, p. 132).

In this case, the court came up with a plain view doctrine, which is under the Fourth Amendment to the US Constitution (Eyer, 467). There are actually two flaws in the plurality conclusion of Coolidge. First, evenhanded law enforcement is attained by the application of objective conduct standards, other than standards that rely on the police officer’s subjective state of mind (Eyer, 483).

Secondly, the suggestion that the inadvertence requirement allows the police officer from carrying out general searches is not persuasive enough. This is because that interest is already being served by the need that an unparticularized warrant cannot be given and that a warrantless search is actually circumscribed by the exigencies, which would make a justification of its initiation. This would a pose a problem in future if a reference is made to this case (US Supreme Court, 137-142). Prohibition against the general warrants and searches is dependent on privacy considerations, which in this case are not implicated when an law enforcement agent with a legal right to have access to a certain item in plain view goes ahead to seize it without a

warrant(Cretacci 22-27).

In the current criminal justice system, to ensure validity of a warrantless seizure of an object in plain view, two conditions need to be satisfied, besides the crucial predicate that the officer actually did not violate the Fourth Amendment when he/she arrived at the scene from which the object could be viewed plainly (Carmen, 45-46). First, the object's incriminating character needs to be ' immediately present'. In this case, this was actually not fulfilled since the cars in Coolidge were in plain view, their value of probability remained unknown up until after an examination was done on the interiors. Secondly, the officer needs to have a legal right accessing the object itself. Since these two conditions were not fully adhered to, the judgment delivered did not consider all the facets of the case thus, creating debate in future judgments (Bloomberg Law).

The court was faced in what is currently referred to as pretextual search. One collects evidence described in the warrant but he is only interested in seizing evidence in connection to another crime which he/she does not have a warrant. This search is pretextual and its fruits need to be suppressed. Therefore, the US Supreme Court would be at logger heads with current penal code (Eyer, 483).

The officer found the weapons in plain view and seized them, but he did not find the rings. The Fourth Amendment prohibits warrantless seizure of crime evidence in plain view, although the discovery of the evidence was not inadvertent. This is because inadvertent discovery requirement does protect possessory interests (Eyer, 482).

According to the Bloomberg Law, dependence on privacy concerns is actually misplaced if the inquiry concerns the scope of an exception that simply gives

permission an officer a legitimate right to access an item and seize it without a warrant. Most participants in the criminal justice system recognize that the warrant requirements not only describe the things that are to be seized, but also protects the privacy interests by prohibiting general searches.

In the legal system, the scope of search is actually limited to those places where the probable location where the item is believed to be found as outlined in the warrant. In that sense, once all the items described in the search warrant have been found, the search is required to stop and no further privacy invasion is allowed.

In this case, the Court also does not disagree with the unconstitutionality of a search which actually goes far off track of a search for the items revealed in the warrant that it becomes a general exploratory search for whichever evidence of wrongdoing that may be established.

In the criminal justice system, most Courts reiterate that conversion of specific warrants into general warrants is deemed unconstitutional besides emphasizing the requirement for unscrupulous compliance to the needs that warrants specifically the place that is to be searched and particular things to be searched (Carmen, 114-116). On that perspective, a warrantless search needs to circumscribe by those exigencies that justify its establishment.

Summarily, since the court ruled that the weapons were found inadvertently basing on the evidence of the weapons to be admitted at trial, Horton was convicted which is against the Fourth Amendment.

Works Cited

Bloomberg Law. 2012. Horton vs California. 17 January 2014 .

Carmen, Rolando V. del. Criminal Procedure: Law and Practice. New York: Cengage Learning, 2012.

Cretacci, Michael. Supreme Court Case Briefs in Criminal Procedure. New York: Sage Publications, 2008 Print

Eyer, Robin. " Comment, the Plain View Doctrine After Horton v. California: Fourth Amendment Concerns and the Problem of Pretext". Dickinson Law Review 96 (3): 467, 482–83. 1992 Print

US Supreme Court. Horton V. California: Certiorari to the Court of Appeals of California, Sixth Appellate District. California: United States Supreme Court, 1990.

Terry, Horton, Petitioner versus California case in 1990 496 U. S. 128, 110 S. Ct. 2301, 110 L. Ed. 2d 112 (1990).