

# Criminal procedure unit 2 homework

Law



**ASSIGN  
BUSTER**

Criminal Procedure Criminal Procedure Question Charles Katz used a phone booth to convey unlawful gambling wagers. Unbeknown to him, the FBI had been observing him, and they recorded his talks through an electronic eavesdropping device. Based on the FBI recordings, Katz was convicted. However, he challenged the conviction since the records were acquired in contravention of the Fourth Amendment rights (Amar, 1994).

In the case, the legal questions emanated from the infringement of privacy and the tolerable definition of the term ' search' (Amar, 1994). The court ruled that Fourth Amendment is meant to protect people and not places, and; therefore, physical invasion into his locality was unnecessary to bring the Fourth Amendment into the scene. The court, however, adjusted prior interpretations of the clauses, unreasonable search and seizure, to include immaterial intrusion via technology as a search.

#### Question 2

The court conducted two prolong tests, which required the defendant to indicate whether he had subjective imagination. In this regard, such imagination concerned the surrounding where the search was conducted and whether the society accepts such expectation as reasonable. The court ruled that Mr. Katz had a reasonable expectation of privacy within the telephone booth and that police officers had no exigent circumstance. Therefore, it was essential for them to seek for a warranty before undertaking such an action.

#### Question 3

The term seizure is used to describe any form of interference to a person's possessory interest in material goods. Unreasonable seizure implies a circumstance where the chattel owner had a reasonable anticipation of privacy in the items seized. A person or property is said to be seized, when

law enforcing officers apply force to restrain the person or property. This situation occurs if the chattel or person does not exercise one's freedom to leave the situation (Amar, 1994).

#### Question 4

The case of Terry v. Ohio involved Terry and two other men watched by police officers in plain clothes. The officers believed that the men were ' casing a job, a stick-up', and for that reason, they proceeded to frisk the three men (Lichtenberg, 2001). The officers recovered illegal weapons held by the two men. The court questioned whether the search and seizure of the men amounted to a breach of the Fourth Amendment. The court decided that the search performed by the police officers was reasonable under the Fourth Amendment. The court determined that the police officers operated on more than a ' hunch' and that a reasonable man would have been tempted to believe that Terry was armed, and thus, posing a threat to the police officers.

#### References

Amar, A. (1994). " Forth Amendment First Principle". Harvard Law Review, 107 (4): 757-819.

Lichtenberg, D. (2001). " Terry and Beyond: Testing the Underlying Assumption of Reasonable Suspicion." Touro Law Review, 17 (winter).