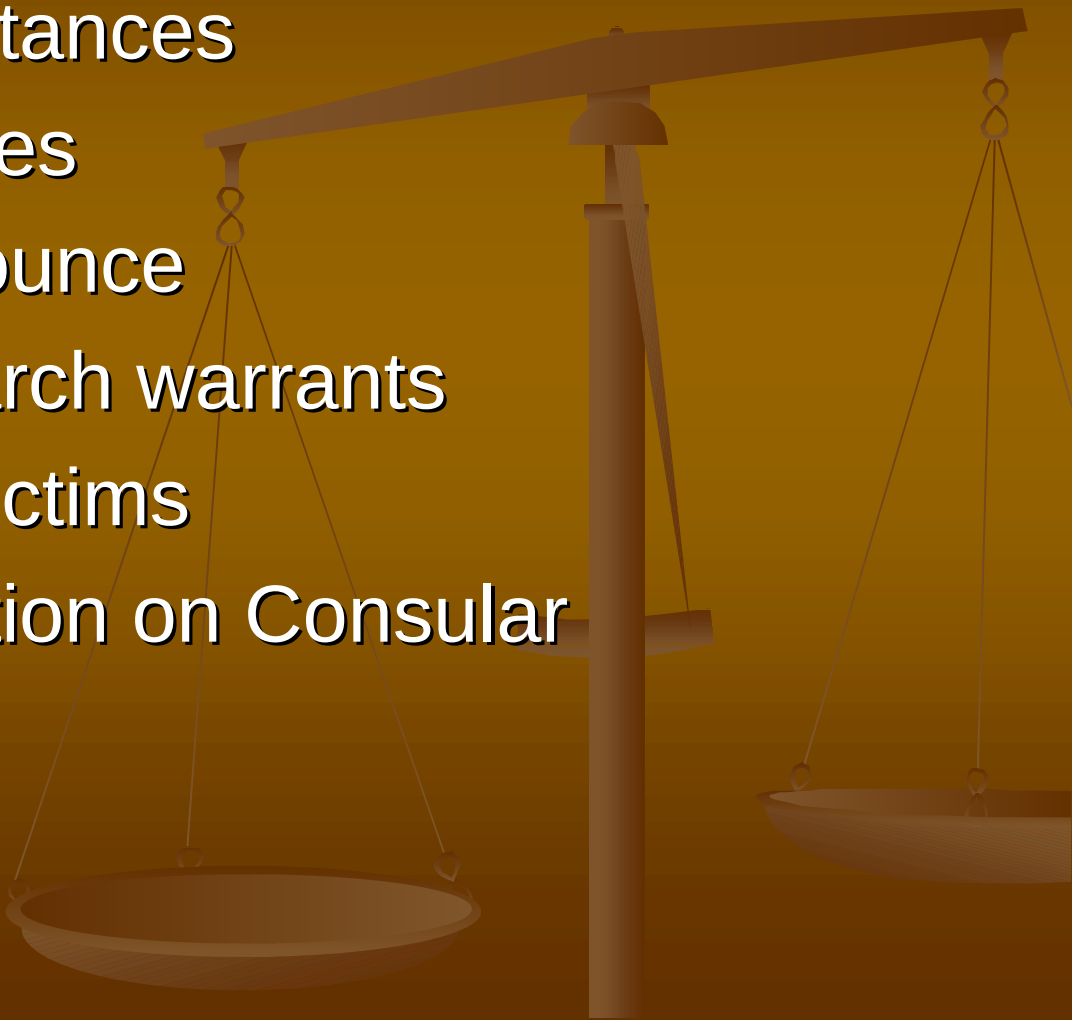
# U.S. SUPREME COURT 2005-2006

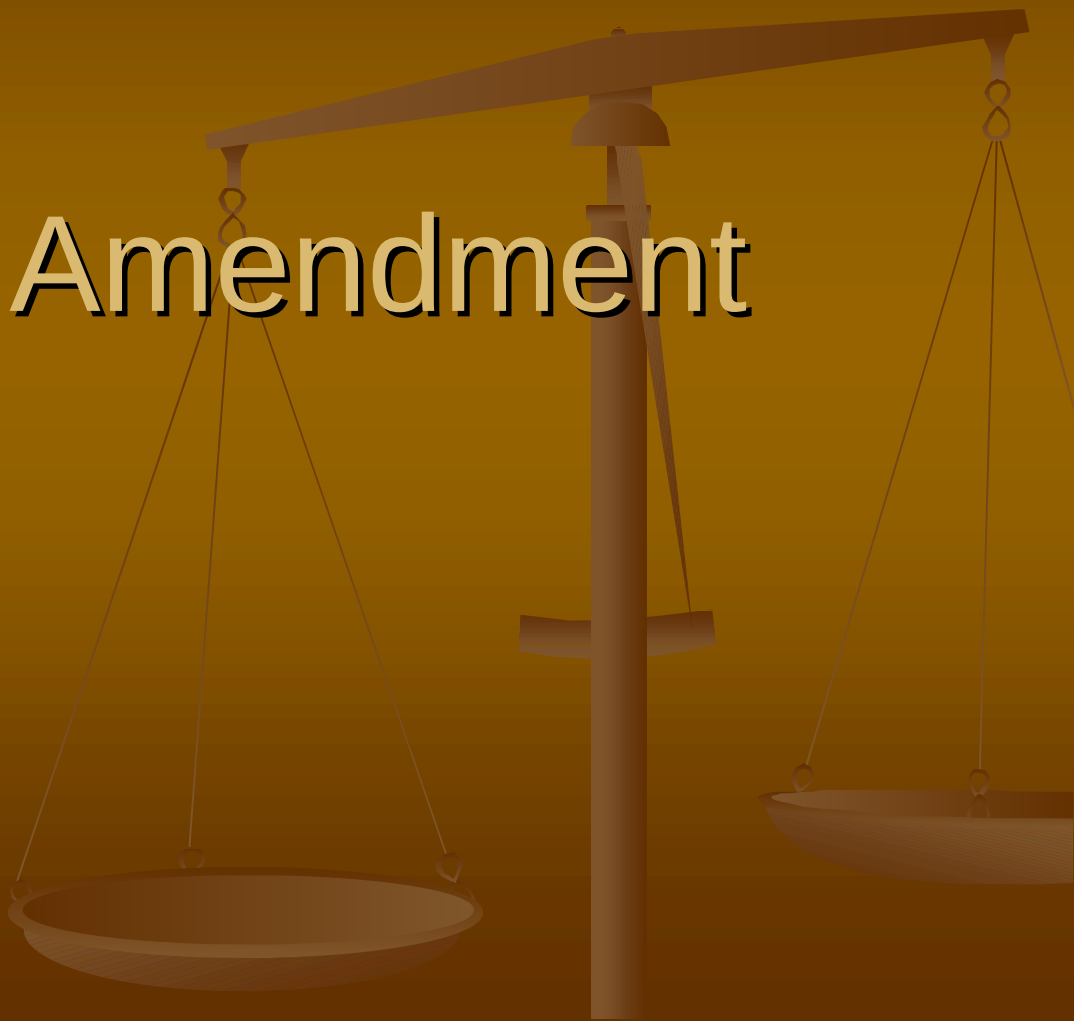
## Cases of interest to law enforcement

# The Key Cases

- Exigent circumstances
- Consent searches
- Knock and announce
- Anticipatory search warrants
- Non-testifying victims
- Vienna Convention on Consular Notification



# Fourth Amendment



# Brigham City v. Stuart

- May police enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury?

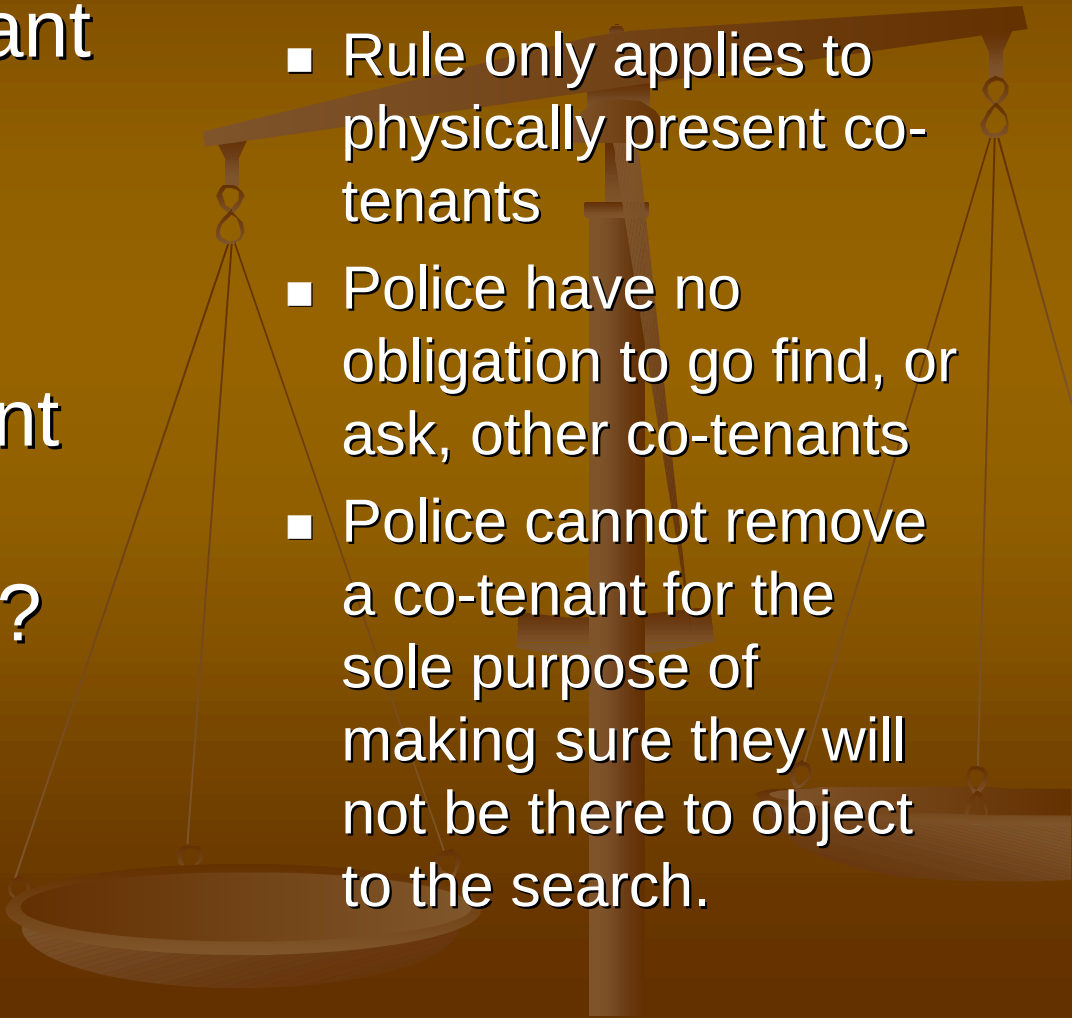
- In a unanimous opinion, the Court says of course.

# *The Court:*

"Nothing in the Fourth Amendment required them [the police officers] to wait until another blow rendered someone unconscious or semi-conscious or worse before entering. The role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties; an officer is not like a boxing (or hockey) referee, poised to stop a bout only if it becomes too one-sided."

# Georgia v. Randolph

- Can one co-tenant consent to the search of a residence, if another co-tenant is present and refuses consent?
- Answer: No.
- Limitations:
  - Rule only applies to physically present co-tenants
  - Police have no obligation to go find, or ask, other co-tenants
  - Police cannot remove a co-tenant for the sole purpose of making sure they will not be there to object to the search.



# *The Court:*

"No question has been raised, or reasonably could be, about the authority of the police to enter a dwelling to protect a resident from domestic violence; so long as they have good reason to believe such a threat exists, it would be silly to suggest that the police would commit a tort by entering…"

# Hudson v. Michigan

- Does a violation of the “knock and announce” rule require the suppression of all evidence found in the execution of the search warrant?

- No, the exclusionary rule does not apply in this situation. The evidence found is admissible.
- Persons whose rights are violated by police who fail to abide by the “knock and announce” rule may bring suit against the officers under federal civil rights laws. 42 U.S.C. §1983.
- Court recognizes growing professionalism of police

# *The Court:*

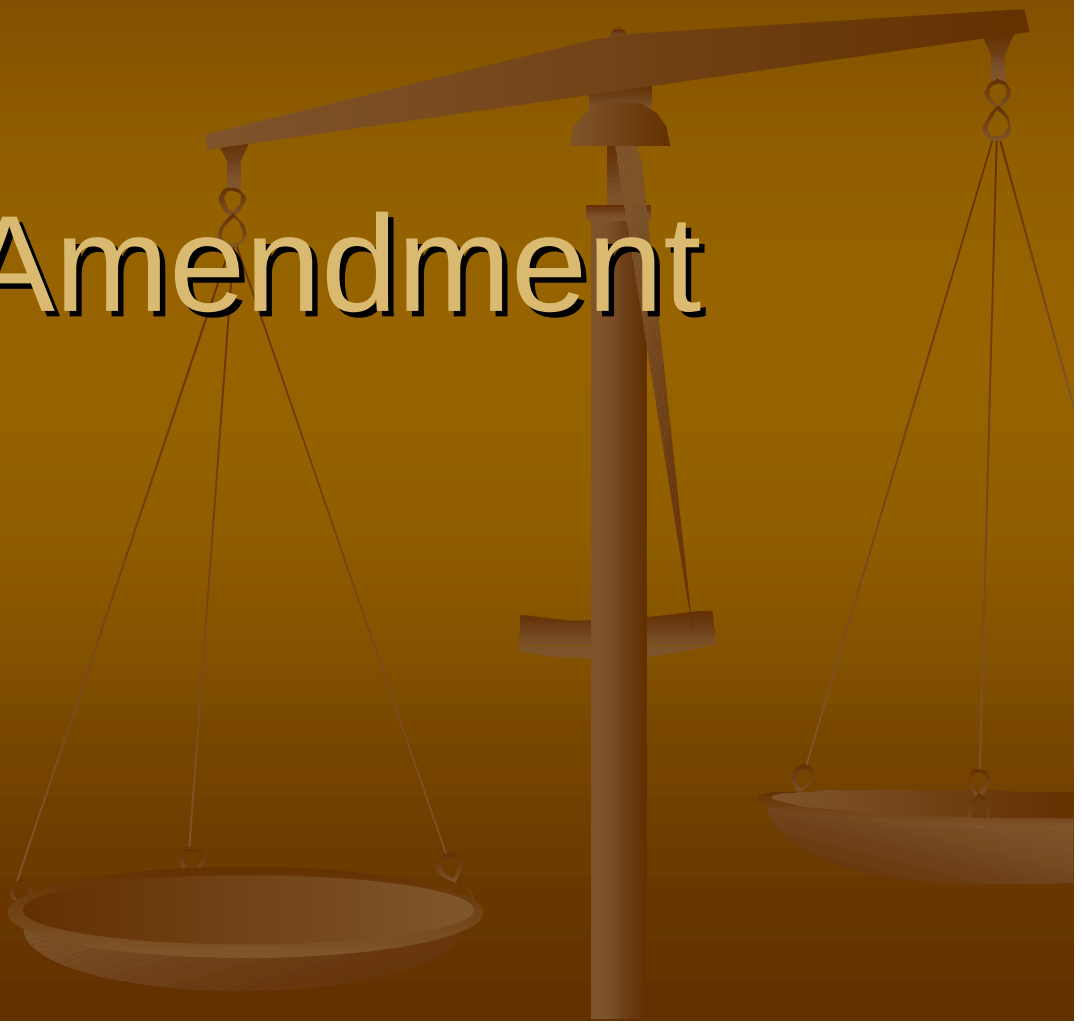
"…[W]e now have increasing evidence that police forces across the United States take the constitutional rights of citizens seriously. There have been wide-ranging reforms in the education, training, and supervision of police officers. Moreover, modern police forces are staffed with professionals; it is not credible to assert that internal discipline, which can limit successful careers, will not have a deterrent effect."

# United States v. Grubbs

- Are anticipatory search warrants constitutional, even if the “triggering event” is not included within the warrant or the affidavit?

- Yes. Anticipatory search warrants are lawful, so long as there is probable cause to believe the anticipatory event itself will occur.
- The anticipatory event does not need to be set forth in the warrant itself.

# Sixth Amendment



# Davis v. Washington

*Crawford* interpreted the Sixth Amendment as requiring the exclusion of any testimonial statements made by a witness who is: 1) not available to testify at trial and 2) has not been subject to cross examination regarding the statements.

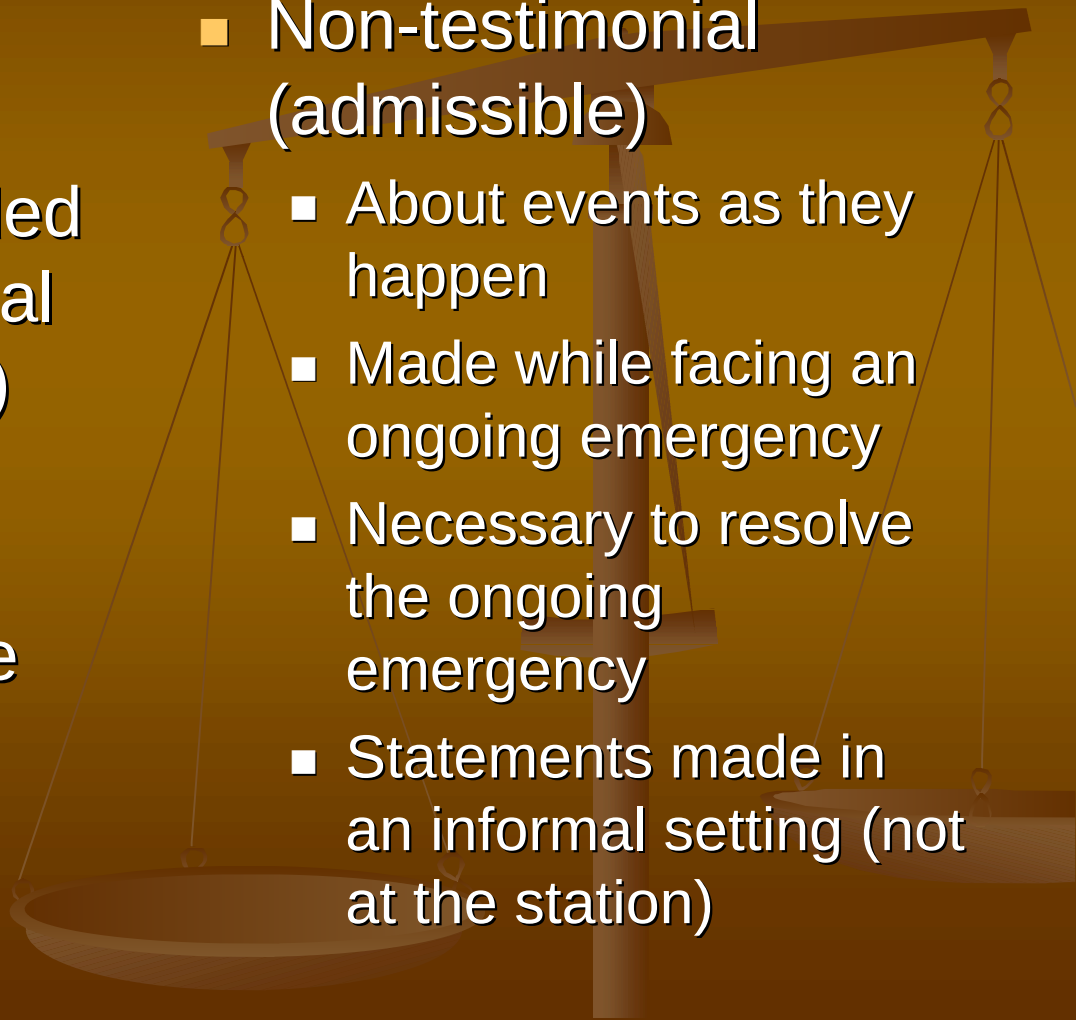
The obvious next question is: when are the statements of a crime victim, given to police at the time of the crime, considered testimonial?

"Statements are nontestimonial when made in the course of police interrogation under circumstances objectively indicating that the primary purpose of the interrogation is to enable police assistance to meet an ongoing emergency. They are testimonial when the circumstances objectively indicate that there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution."

# Davis v. Washington

## Statements given to police are:

- Testimonial (inadmissible)
  - They are intended to be used at trial (sworn affidavit)
  - Made after the emergency has resolved, for the purpose of prosecution.
- Non-testimonial (admissible)
  - About events as they happen
  - Made while facing an ongoing emergency
  - Necessary to resolve the ongoing emergency
  - Statements made in an informal setting (not at the station)

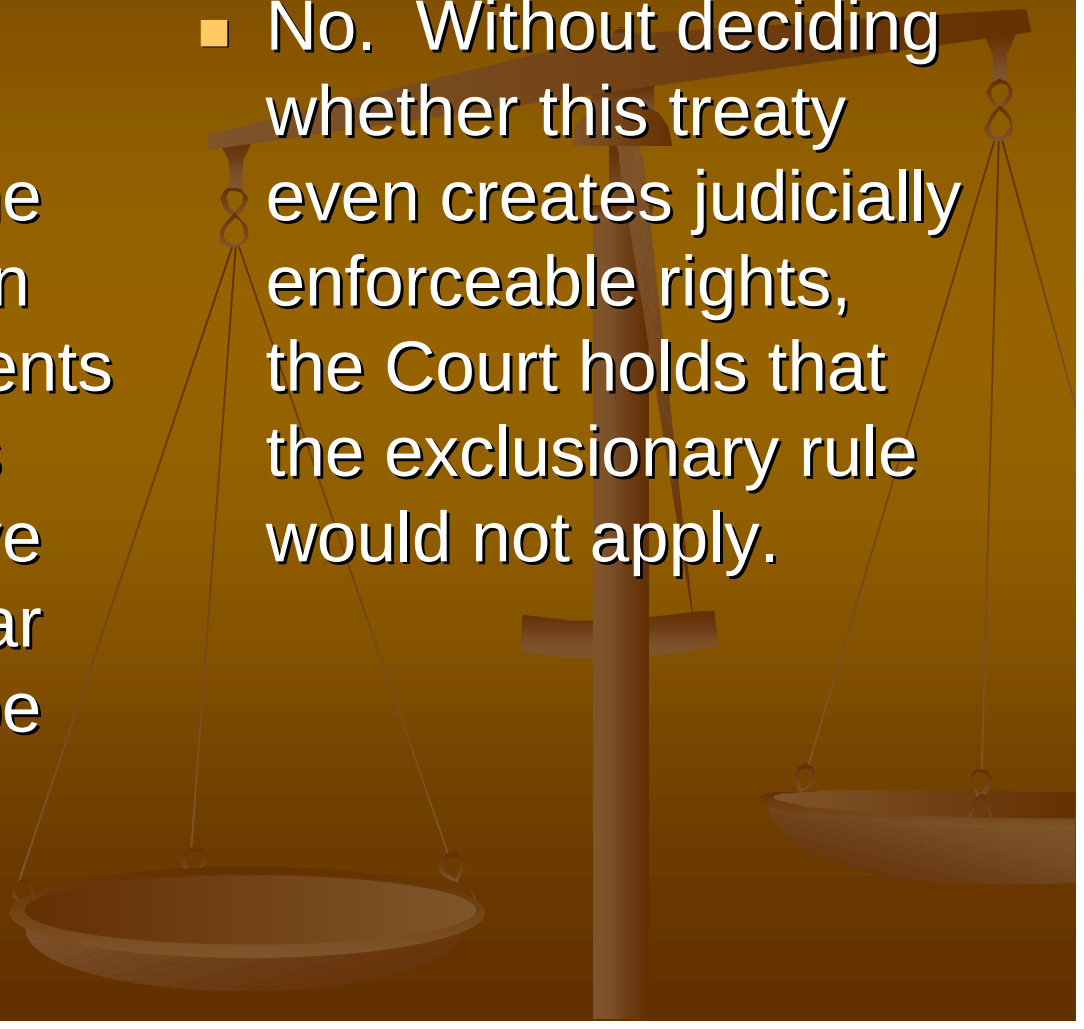


# Vienna Convention

# Sanchez-Llamas v. Oregon
# Bustillo v. Johnson

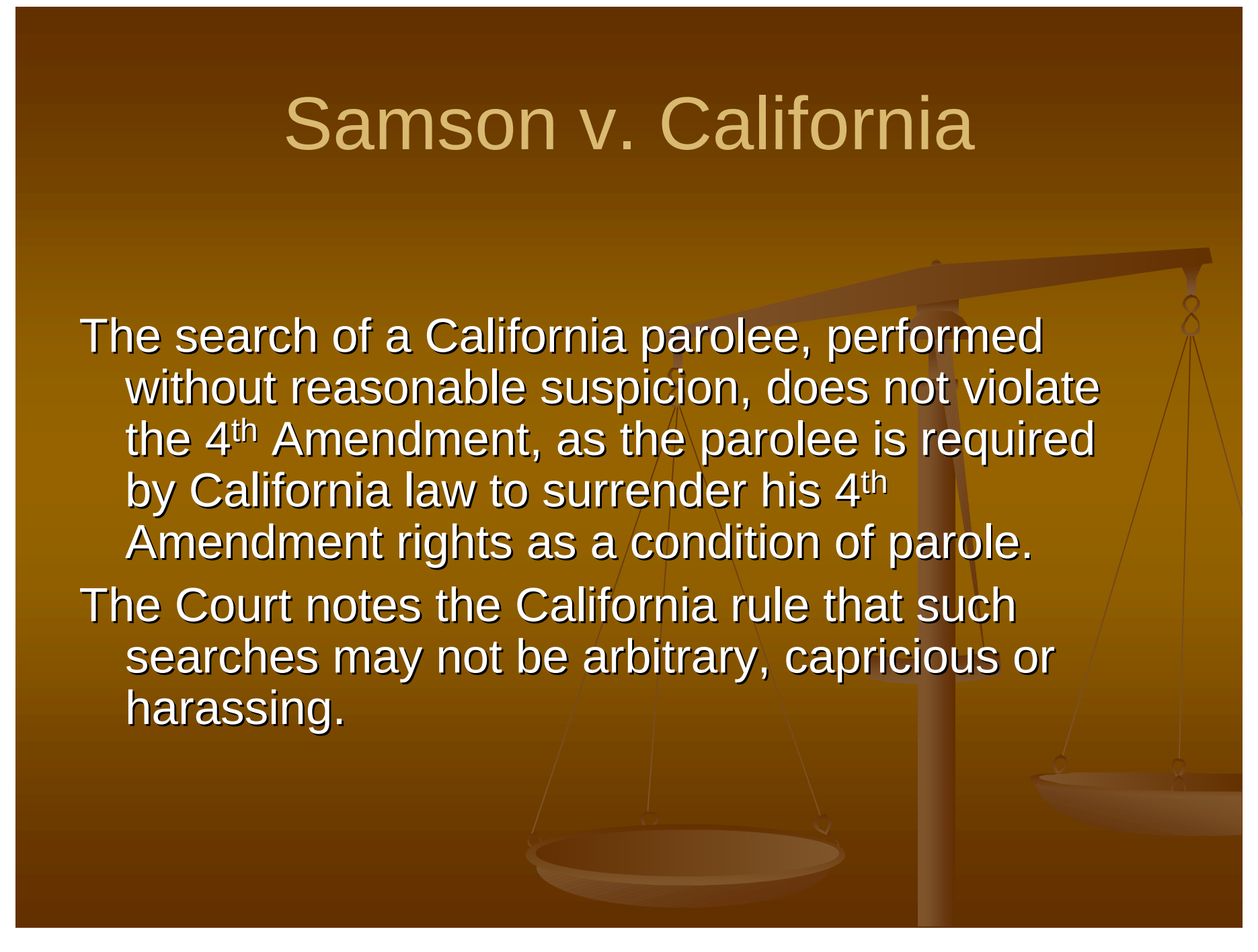
- Do the consular notification requirements of the Vienna Convention mean that statements made by suspects who did not receive the proper consular notification must be suppressed?

- No. Without deciding whether this treaty even creates judicially enforceable rights, the Court holds that the exclusionary rule would not apply.



# Other cases of interest

# Samson v. California



- The search of a California parolee, performed without reasonable suspicion, does not violate the 4th Amendment, as the parolee is required by California law to surrender his 4th Amendment rights as a condition of parole.
- The Court notes the California rule that such searches may not be arbitrary, capricious or harassing.

# Holmes v. South Carolina

A South Carolina evidentiary rule that allows the trial court to exclude evidence tending to show the crime was committed by another person, solely because the evidence against the defendant was particularly strong, interferes with the defendant's meaningful opportunity to present a complete defense and is therefore arbitrary.

# Beard v. Banks

§1983 case, alleging 1st Am. violation

Pennsylvania prison officials set forth adequate legal justification for withholding access to newspapers, magazines, and photographs from its most “dangerous and recalcitrant” inmates.

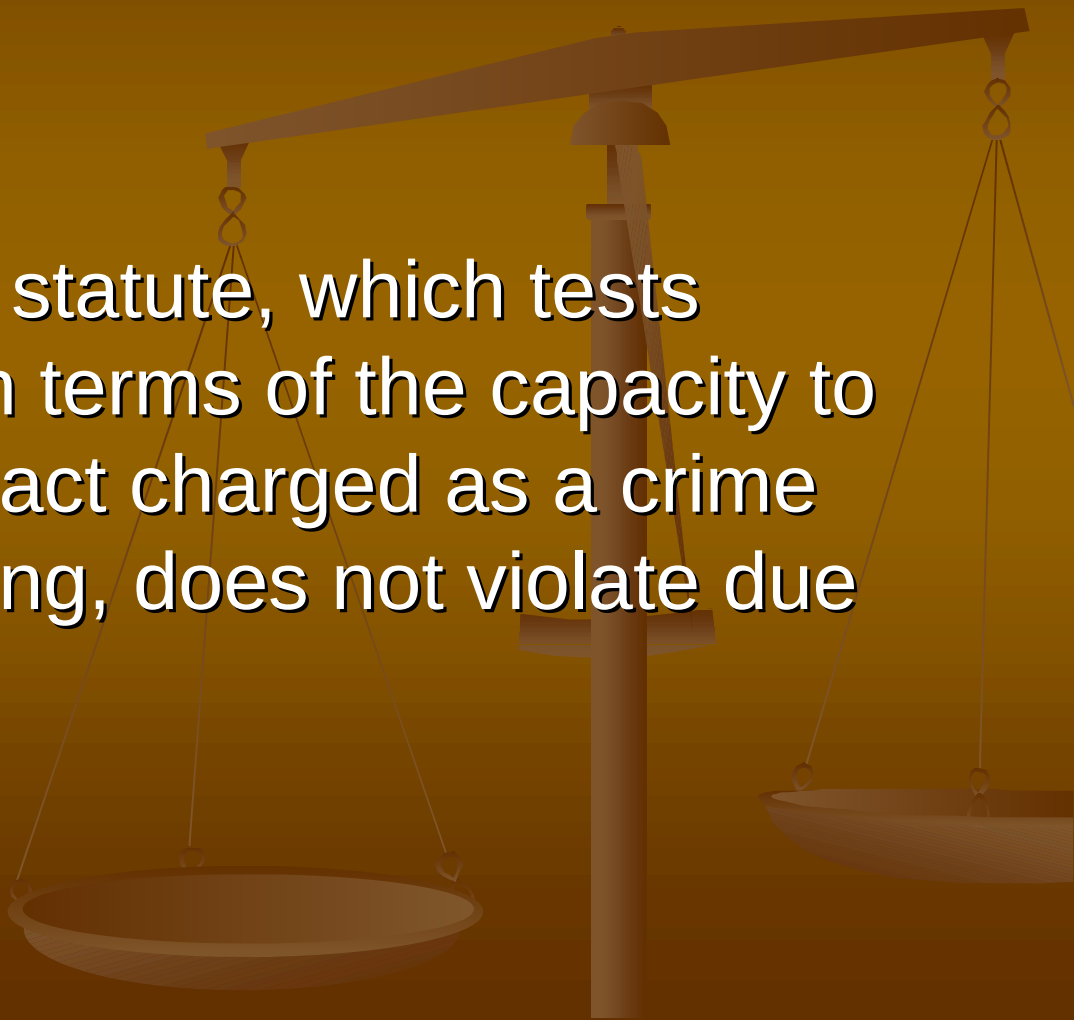
# Brown v. Sanders

The Court “clarifies” the proper way to determine whether a death sentence remains valid after a factor which was considered by the sentencer is reversed on appeal, as follows: “An invalidated sentencing factor (whether an eligibility factor or not) will render the sentence unconstitutional by reason of its adding an improper element to the aggravation scale in the weighing process unless one of the other sentencing factors enables the sentencer to give aggravating weight to the same facts and circumstances.”

# Burlington Northern and Santa Fe Railroad Company v. White

Title VII's anti-retaliation provisions are not limited to those actions by an employer that affect only terms and conditions of employment. However, retaliation is not to be found in trivial events; it will be found only in those actions that would be considered materially adverse by a reasonable employee or applicant. In this case, transfer to a less desirable job, even at the same pay and benefits, is upheld as retaliation. Similarly, a finding that a suspension without pay for 37 days, even if ultimately reversed with back pay returned, was retaliatory is also sustained.

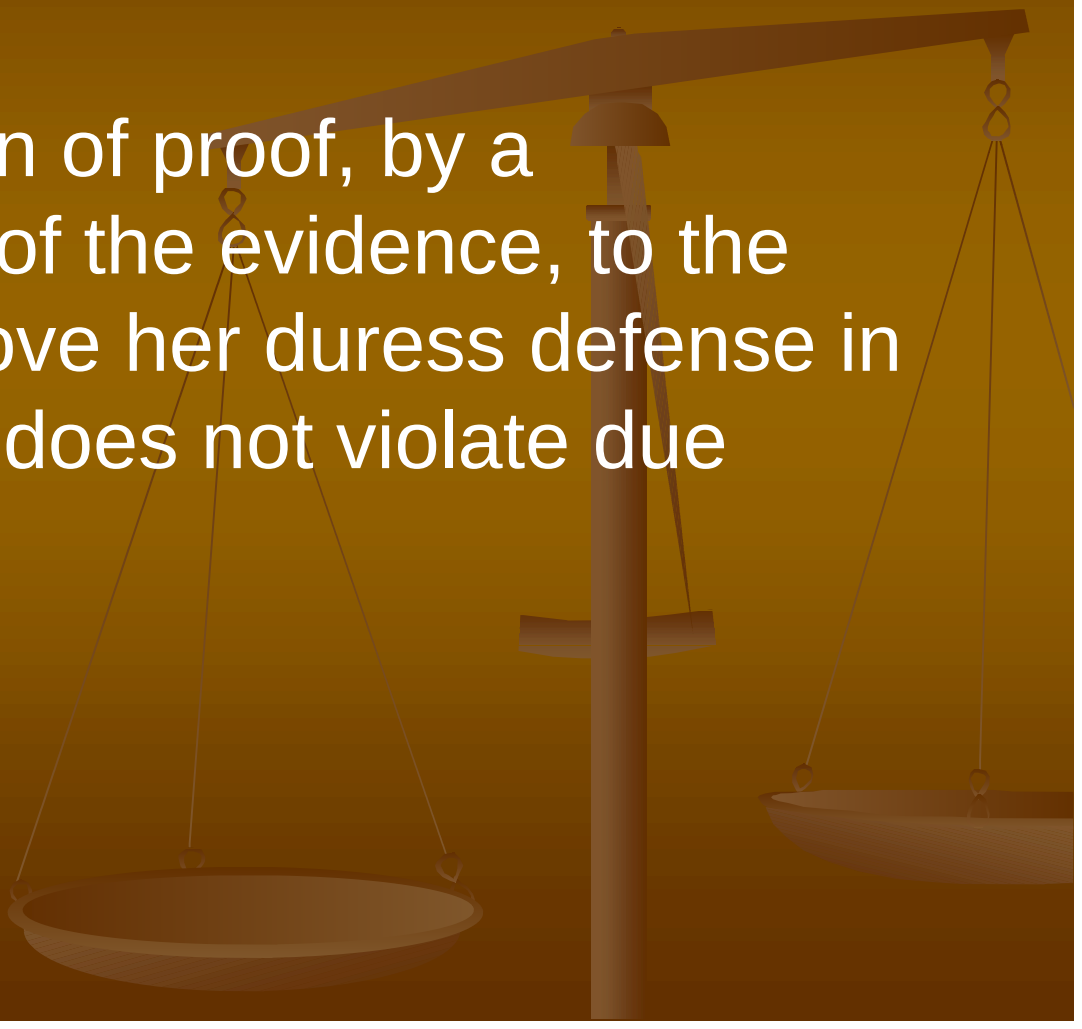
# Clark v. Arizona



Arizona's insanity statute, which tests insanity solely in terms of the capacity to tell whether the act charged as a crime was right or wrong, does not violate due process.

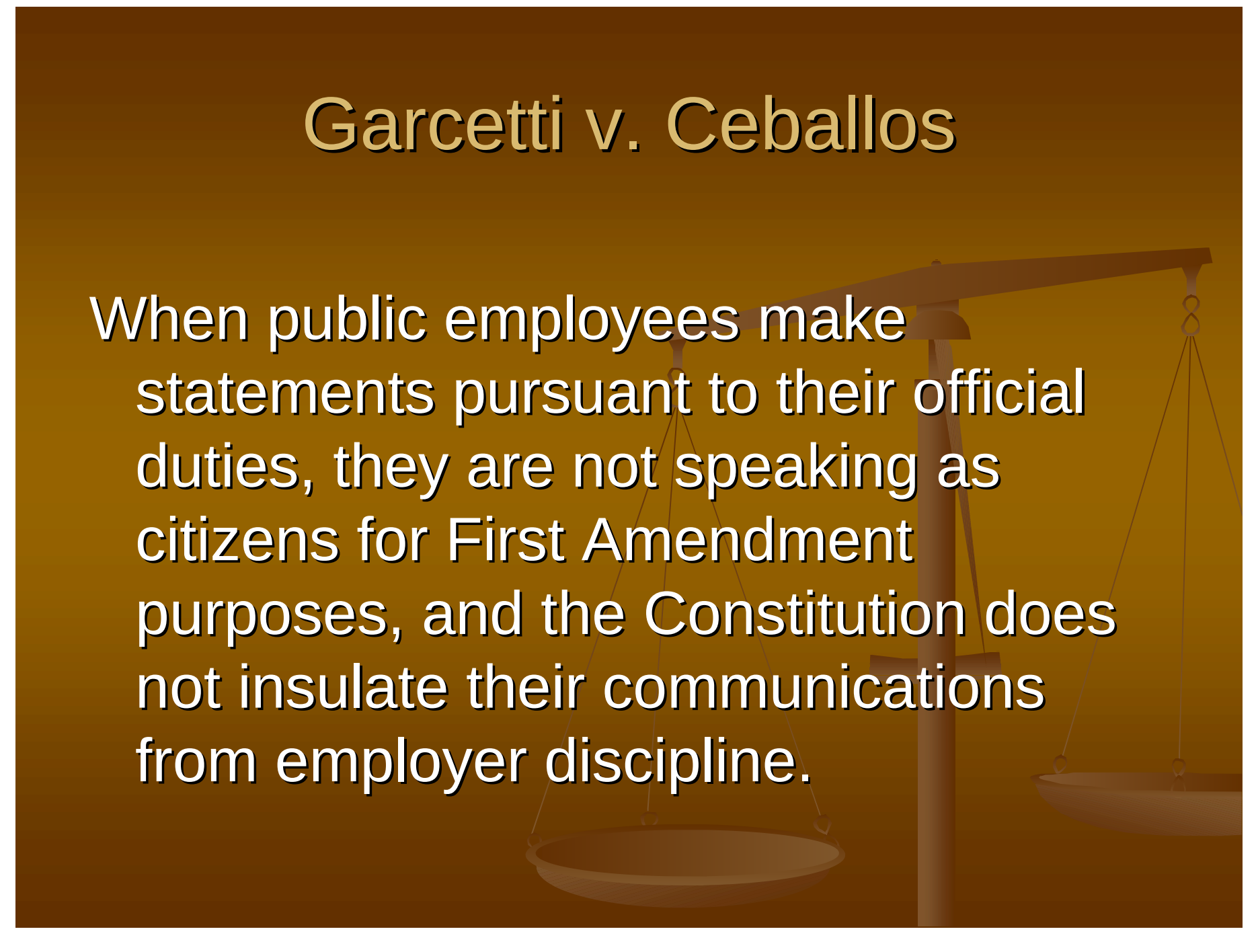
# Dixon v. United States

Shifting the burden of proof, by a preponderance of the evidence, to the defendant to prove her duress defense in a firearms case does not violate due process.



# Garcetti v. Ceballos

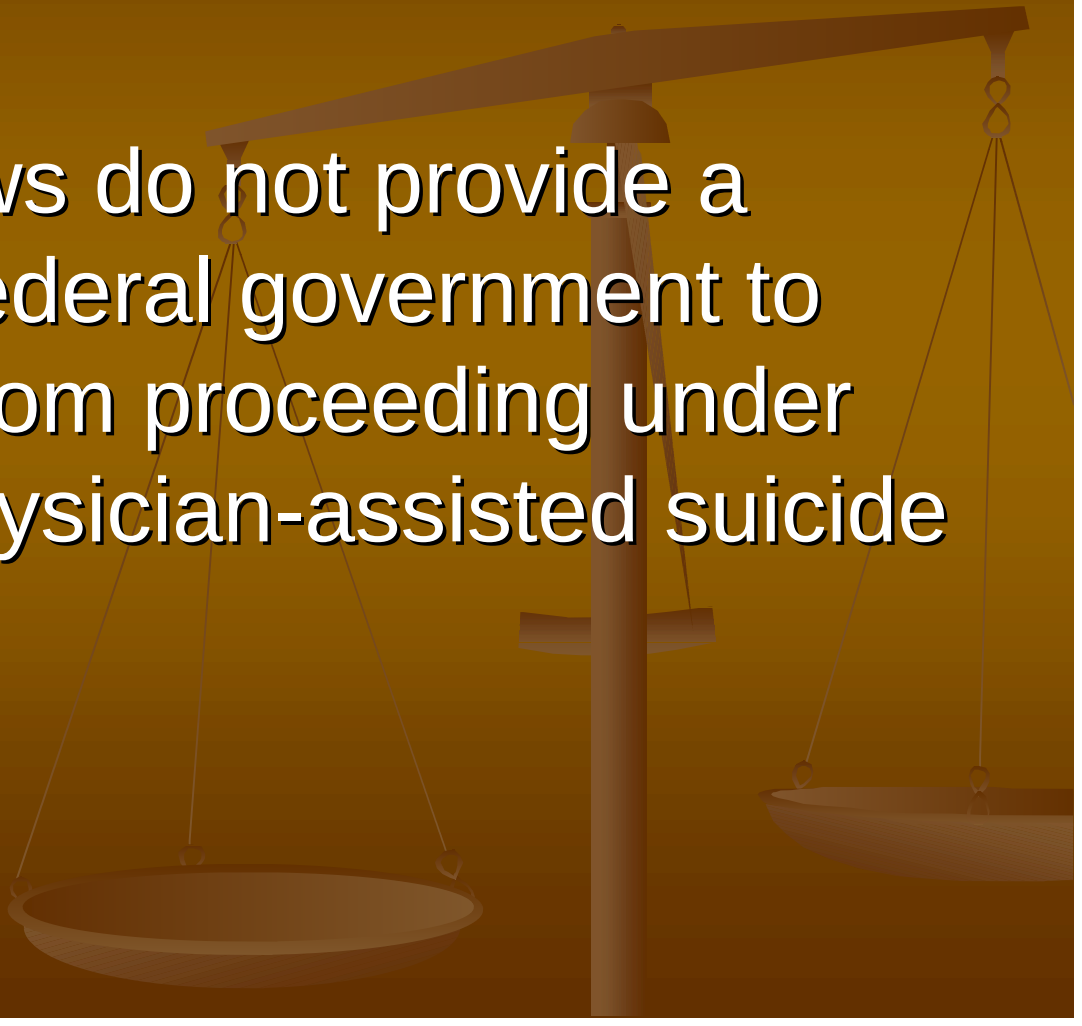
When public employees make statements pursuant to their official duties, they are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline.



# Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal

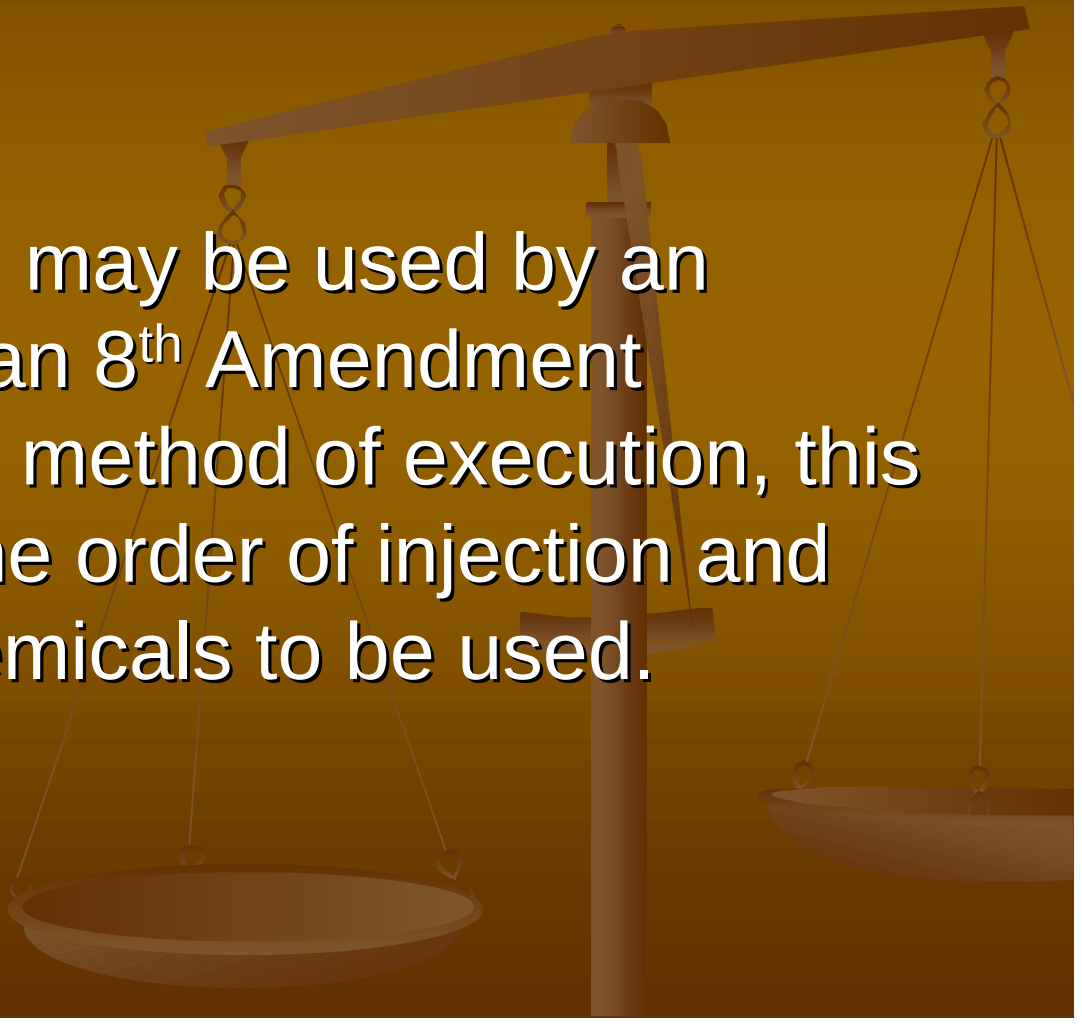
- The religious group known as UDV may, under the Religious Freedom Restoration Act, import the Schedule I substance hoasca for religious use even if the importation violates international treaties, at least until the government demonstrates in further litigation that there is a compelling governmental interest in denying the importation of the drug in question.
- The Court does not further define what consequences might rise to the level of establishing a compelling governmental interest.

# Gonzales v. Oregon



Federal drug laws do not provide a basis for the federal government to stop doctors from proceeding under the Oregon physician-assisted suicide law.

# Hill v. McDonough



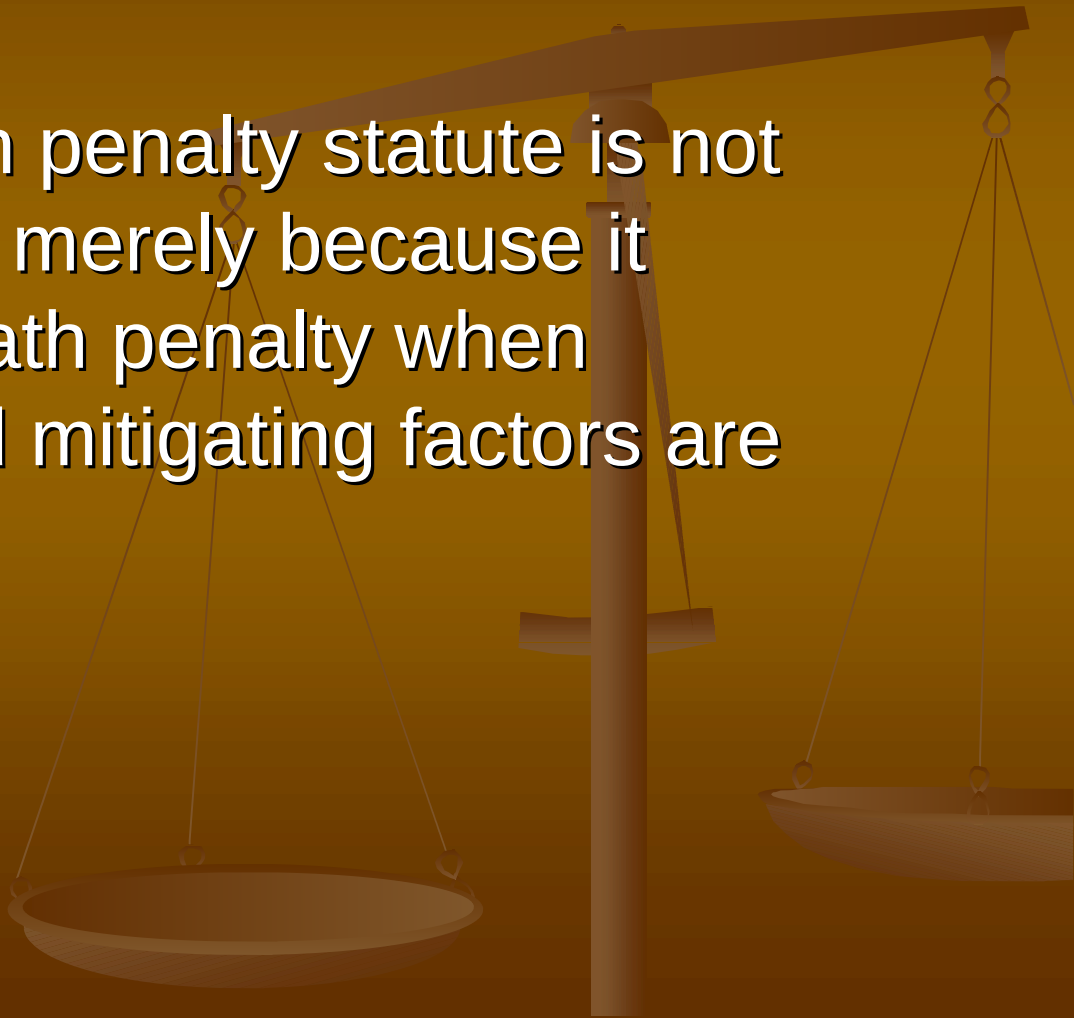
42 U.S.C. § 1983 may be used by an inmate to raise an 8th Amendment challenge to the method of execution, this one based on the order of injection and effect of the chemicals to be used.

# House v. Bell

The actual innocence exception that permits a state prison inmate to bring a federal habeas petition despite a state procedural default requires that the inmate establish that, in light of new evidence: "it is more likely than not that no reasonable juror would have found petitioner guilty beyond a reasonable doubt." The Court found that this state inmate had done so and permitted the inmate to proceed with procedurally defaulted constitutional claims on remand.

# Kansas v. Marsh

The Kansas death penalty statute is not unconstitutional merely because it imposes the death penalty when aggravating and mitigating factors are equal.



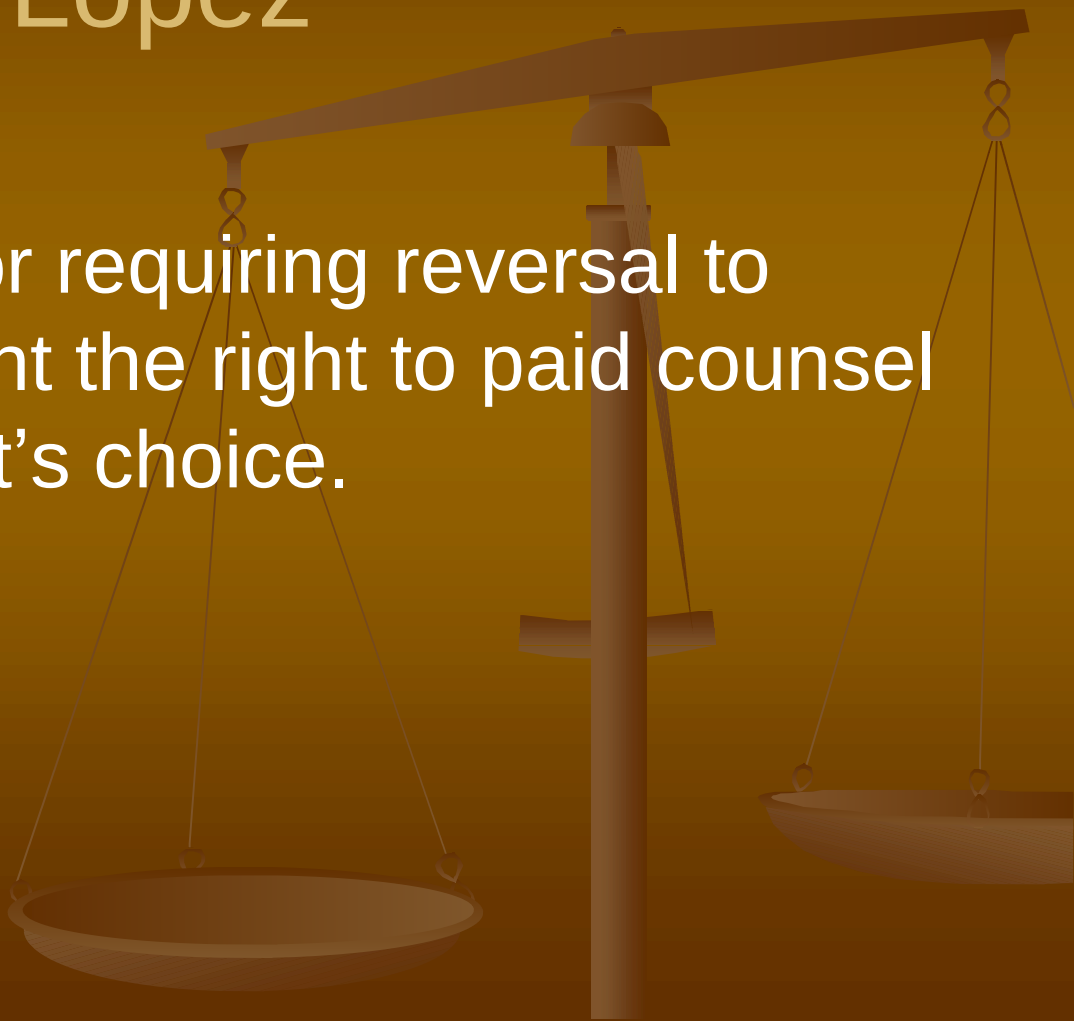
# Oregon v. Guzek

A defendant does not have the right, under either the 8th or the 14th Amendment, to present new live alibi evidence at a capital sentencing hearing, when that evidence is inconsistent with his prior conviction, sheds no light on the manner in which he committed the crime, and is not new evidence that was unavailable to him at the time of trial.

# United States v. Georgia

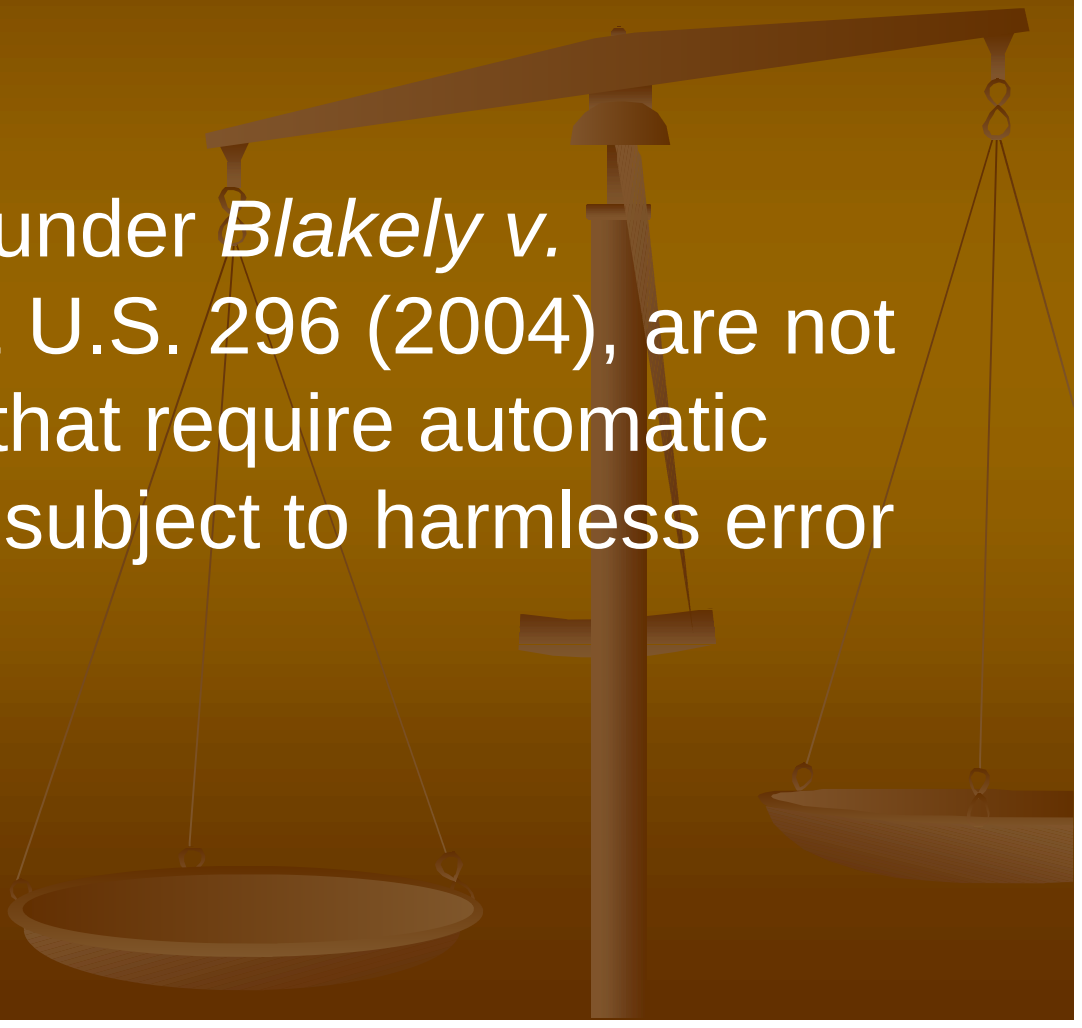
In a case involving a paraplegic inmate allegedly assigned to a cell too small to permit him to turn his wheelchair around, the Court finds that suits filed under Title II (accessibility in public programs and services) of the Americans with Disabilities Act, may be brought against states, at least for conduct that *actually* violates the Fourteenth Amendment (here, the ban on cruel and unusual punishment of the 8th Amendment).

# United States v. Gonzalez-Lopez



It is structural error requiring reversal to deny a defendant the right to paid counsel of the defendant's choice.

# Washington v. Recuenco



Sentencing errors under *Blakely v. Washington*, 542 U.S. 296 (2004), are not structural errors that require automatic reversal and are subject to harmless error analysis.

# Woodford v. Ngo

The Prison Litigation Reform Act requires a prisoner to exhaust administrative remedies before resorting to federal court. 42 U. S. C. §1997e(a). After consideration of both habeas law and general principles of administrative law, the Court determined that “exhaustion” means actual use of the administrative procedures and compliance with the deadlines within those processes. To rule otherwise, according the Court, would make the exhaustion requirement meaningless, allowing a prisoner to exhaust administrative remedies solely by ignoring those remedies prior to filing suit.