

## Rule of Law Case #1 – Sample Answers

A judge issued a warrant for Glen's arrest based on a robbery and when police attempted to execute the warrant at the address listed on the warrant, the residents of that address gave the police a different address where they could find Glen. When the police knocked on the door of the new address, which belonged to Glen's grandparents, Glen answered the door. The police immediately arrested Glen and read him the Miranda warnings. The police then entered the home and asked Glen's grandfather, Mr. Brooks, if he owned the home. Mr. Brooks said that he did and that Glen lived with him but did not pay rent. Mr. Brooks gave the police permission to search Glen's room. The police did not get Glen's permission to search his room but he did tell the police which rooms he had slept in. In one of those bedrooms, the police found a backpack that had no clear indicators of who owned it (like a monogram or nametag) and was unlocked. The police searched the backpack and found evidence of the robbery. Glen admitted that the backpack was his and claimed that he found the evidence.

### 1. What does the Fourth Amendment protect?

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### 2. How is this case related to the Fourth Amendment?

This case deals with the issues of search and seizure and the Fourth Amendment is concerned with the right of people to be secure and protected against unreasonable searches and seizures.

### 3. What do you think the court held in this case? Could the police officer search the backpack?

The Supreme Court of Virginia held that Mr. Brooks could consent to the search of his house – even the spaces occupied by Glen – because he was the homeowner. The Court concluded that even though Mr. Brooks did not have actual authority to consent to the search of the backpack, he had apparent authority to do so. Apparent authority exists when, in light of all of the circumstances, the facts available to the police at the time of the search would lead a reasonable police officer to believe that the third party, in this case Mr. Brooks, had authority to consent. Because the backpack had no indication of who owned it on it and was in a place open to all occupants of the house, the Court concluded that Mr. Brooks had apparent authority to consent.

## Rule of Law Case #2 – Sample Answers

The police brought Shawn, who is 14 years old, to the police station because he was the main suspect in a murder that happened around 3 a.m., approximately two hours earlier. The police read Shawn his Miranda warnings two times, but he waived them both times. One of the detectives asked Shawn twice if he wanted his parents present, but Shawn refused both times. Shawn had never been in trouble with law enforcement before. He was not under the influence of alcohol or drugs. Shawn spoke English fluently and had completed eighth grade. Shawn then confessed to the murder and, right after doing so, again told the police that he understood his rights.

### 1. What does the Fifth Amendment protect?

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. The Fifth Amendment protects against self-incrimination.

### 2. How is this case related to the Fifth Amendment?

The Fifth Amendment protects against self-incrimination and in this case, Shawn waived his Miranda rights and confessed to the crime.

### 3. What do you think the court ruled when Shawn tried to take back his confession?

The Court held that “despite [Shawn’s] age and the absence of a parent, counsel, or other interested adult, the totality of the circumstances supports the trial court’s finding that [Shawn’s] waiver of his Miranda rights was knowing and intelligent under the specific facts of this case.”

### Additional Key Points:

What circumstances do you think were important to the court? [His age, his fluency with English, the grade level that he had completed, that he was not under the influence of drugs or alcohol, the lack of evidence of police coercion, the fact that he had the opportunities to have his parents present, the duration of the interview.]