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===== Start of Answer #3 (980 words) =====

Fourth Amendment

The Fourth Amendment of the United States Constitution prohibits persons for unreasonable search and seizures. The exclusionary rule provides that any evidence obtained due to a 4th Amendment violation will be inadmissible. The fruit of the poisonous tree doctrine provides that any secondary evidence obtained through the unconstitutional search will also be invalid.

I. Drug-Detection of Dog's Reaction

1. State Action

The constitution applies to conduct by the federal government and is applicable to the states under the incorporation doctrine within the due process clause of the 14th Amendment. Therefore lawsuits against private persons cannot be based on a violation of the constitution.

Here, the police officer, Owen (O) was employed by the state. A state employer is considered to be a state actor and therefore any violation of the constitution committed within the scope of employment can be a basis for a lawsuit.

Therefore state action is met.

2. Reasonable Expectation of Privacy

A person has a reasonable expectation of privacy (REP) to his person, property and his personal effects. To have standing a person must have a REP.

Here, Dora (D) will argue that she had a REP to her home, which includes her porch where the dog smelled metamphetamines. However O will argue that the bounds of a home are limited to entering the home, a place of residence a place of privacy. Here, O put the dog on the porch to smell but not to enter into the home. Since the dog did not have to enter into the home to smell the contraband, there was no expectation of privacy that D had on her porch which is where the dog smelled the contraband.

Therefore it is unlikely that a court will find that Dora had a reasonable expectation of privacy to her porch.

However if the court were to find that the dog's reaction was based on a REP, then O would need a valid warrant to be on the property.

3. Warrant Requirement

A warrant is issued by a judge when an officer has probable cause to believe that a person has committed a crime or has contraband.

Here, there was no warrant obtained for O to be on the property while O knew that she was not home.

Therefore O did not have a warrant.

4. Exceptions

O will argue that the warrant requirement will be excused due to exigency circumstances.

Exigency Exception

An exigent circumstance is one where there defendant is in hot pursuit or where the destruction of contraband is likely to occur immediately.

Here, O will argue that since D had said she would sell meth to a person on the telephone that would be enough to constitute that he believed the contraband would be destroyed or gone from evidence.

It is unlikely that the court would find that this amounts to exigency because D did not know that O was listening to her conversation. She was not running away or in any attempts trying to destroy the evidence. The sale of the contraband could have occurred later which would have given O the time to obtain a warrant.

Conclusion: The court will likely hold that the drug-detection's reaction was not in violation of the 4th Amendment because D did not have a REP of her porch.

II. Small Box

The small box was obtained after O entered D's home to arrest her. Dora will argue that the arrest was in violation of the 4th Amendment and therefore any evidence obtained through the arrest is inadmissible through the exclusionary rule and the fruit of the poisonous tree.

Fruit of the Poisonous Tree

Any secondary evidence obtained through a violation of the 4th Amendment is inadmissible.

Here Dora will argue that the small box was contained within the home where she was arrested. Since officers did not have a valid arrest warrant, the arrest was unconstitutional. The Supreme court has held that entering into a person's home to conduct an arrest even when the officer has probable cause without a warrant is a clear violation of the 4th Amendment.

Therefore the small box is inadmissible.

Warrant

See above

Here, no warrant was obtained.

Exceptions

Plain View Exception

The plain view exceptions applies when officers are validly on the property and see evidence of contraband in plain view.

Here, since the officer was not on the property with a warrant or will an applicable exception, the plain view exception will not be valid. Additionally the officer's act of climbing up to back of her roof with a ladder was the reason he was able to see the small box not because it was in sight at the time of the arrest.

Therefore the plain view exception is not applicable to these facts.

Search Incident to Arrest Exception

A search incident to arrest is a search conducted after an arrest of a party.

Here, the search was not on D's body but of her house.

Therefore the exception is not applicable.

Conclusion: It is likely that the court would find that the small box is inadmissible.

III. Overheard Conversation

