

4)

1. David (D)'s statement

5th amendment: Miranda warning

When D is in custodial interrogation, the police should give him Miranda warning before interrogation, otherwise it is violated under the 5th amendment.

Here, Detective Anna (A) was about to subject D, who was lawfully in custody, to interrogation, and she advised D of his Miranda rights then started the interrogation.

Therefore, A's interrogation seems valid.

5th amendment: right to council

When D asks unequivocally for a lawyer, the police should stop the interrogation wait to resume until D's lawyer presents with D.

Here, D's statement " I am not sure if I need a lawyer or not" is not unequivocally expressing to call a lawyer for him. Thus, Anna's next asking D how he was transporting the heroin is not violated under the 5th amendment, right to council.

Voluntary waiver

when D knowingly and voluntarily starts to mention for the interrogation after given Miranda warnings, he waives his rights and his statements are subject to liability.

Here, after given Miranda warning from A, D responded "If I had anything to do with it, I would use my car." for A's second interrogation. It shows that D knowingly and voluntarily responded to A's interrogation.

Therefore, D knowingly and voluntarily waives his rights and thus, the court should deny the motion to suppress for his statement.

2. essage

4th amendment: Search and Seizures

4th amendment is subject to violation when search and seizures conducted by government officer, are made without probable cause and warrants.

Here, Officer Baker(B) is a police officer and didn't have a search warrant for heroin in the car. Thus, his conduct violates the 4th amendment.

Search incident to lawful arrest

however, as an exception to general rule, B may search without warrant when the search is incident to lawful arrest.

Here, when the car ran a red light, B stopped the car which is lawful. when he patted down search of D is lawful in order to avoid imminent dangers which might harm to B.

However, when B turned on the cell phone, saw the text message icon, clicked on the icon, and found a message to D stating " the heroin is in the trunk," B's search exceeded his scope of areas to search. Because the cell phone belongs to D, D has a standing for "reasonable expectation of privacy," and B's search violates his privacy.

Therefore, Search incident to a lawful arrest is not valid.

3. The heroin found in the trunk

Doctrine of Poisonous tree

Heroin in the trunk is derived from the text message which is obtained il

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END OF EXAM