

RIGHTS OF THE ACCUSED THE EXCLUSIONARY RULE

Procedure cont.

2. Students should break up into groups of three or five. They should place their name at the top of the **Student Handout: CASE STUDY** along with the names of their fellow judges.
3. Students should review 4th, 5th, 6th and 14th Amendments to the Constitution (See Appended Materials). They should read each case and list the constitutional amendment(s) that might apply and a short reason why that amendment applies. Students should list points both for and against applying the Exclusionary Rule in each case. (See **TEACHER BACKGROUND**)
4. Groups should attempt to reach consensus as to whether the evidence should be allowed or suppressed. Consensus is not required. Each **Student Handout: CASE STUDY** sheet should explain the majority and dissenting opinions along with reasons for the majority and dissenting votes.
5. After completing the cases, students are to give their own "*opinion*" of the Exclusionary Rule. This should be their individual opinion, not the opinion of their group. Students should list some alternatives that could be considered other than the practice of excluding all illegally seized evidence.
6. There should be a follow-up classroom activity that gives students the actual Supreme Court decision in each cases, the year it was decided and the vote. It should be emphasized that their answer is not wrong if they disagree with the Supreme Court. Their *opinion* is different. Another follow-up classroom activity could include taking the Exclusionary Rule Opinions and creating class discussion by reading the opinions to the class. Another discussion would include the theory that perhaps some guilty people must be set free in order for our country to preserve the constitutional values.

TEACHER OPTIONS

The teacher may want to give different cases to different groups, one at a time. This way, each group would be working on a different case. As groups finish each case, the teacher could quickly review the assignment and give out the next case to that group.

Student Handout: CASE STUDY 1: *ROCHIN V. CALIFORNIA*

Justices:



Los Angeles Deputies had information that Anthony Rochin was selling narcotics. Three deputies entered the Rochin home through an open door without a warrant. The deputies forced open his bedroom door and observed what appeared to be drugs on the table next to his bed. Anthony grabbed two pills off the table and swallowed them. The deputies forcefully tried to open his mouth in an attempt to recover the pills. Rochin was then taken to a local hospital where his stomach was pumped against his will. Rochin vomited two capsules of morphine (a narcotic), which police intend to use at his trial.

- Q.** What constitutional amendment(s) might apply to this case and why?

- Q.** List reasons why the evidence should be allowed?

- Q.** List reasons why the evidence should be disallowed?

- Q.** The *Majority Opinion* of this court states that (List what your group has decided and give the reasons along with specific references to the Constitution.)

- Q.** If you do not all agree, then there is a *Dissenting Opinion*. The Dissenting Opinion of this court states..... (List reasons why one or more of the judges disagree with the majority of the court along with specific references to the Constitution).

Student Handout: CASE STUDY 2: *BREWER V. WILLIAMS*

Justices:



Robert Williams was seen carrying an object from the YMCA in Des Moines, Iowa. The object was wrapped in a blanket and had two legs protruding from it. An ten-year-old girl was missing from the YMCA. Williams was arrested the next day in a neighboring city. He was given his rights and was allowed to speak with his attorney by telephone. Williams told the police he did not want to talk about the case without his attorney present. Two police officers drove Williams back to Des Moines. During the ride, the police officers brought up the case saying how sad it is that the parents of the girl are not allowed to have a "Christian burial." Williams, overcome with guilt, made incriminating statements and led the police to the body. The statements and body are to be used as evidence.

- Q.** What constitutional amendment(s) might apply to this case and why?

- Q.** List reasons why the evidence should be allowed?

- Q.** List reasons why the evidence should be disallowed?

- Q.** The *Majority Opinion* of this court states that (List what your group has decided and give the reasons along with specific references to the Constitution.)

- Q.** If you do not all agree, then there is a *Dissenting Opinion*. The Dissenting Opinion of this court states..... (List reasons why one or more of the judges disagree with the majority of the court along with specific references to the Constitution).

Student Handout: CASE STUDY 3: *BROWN V. STATE OF MISSISSIPPI*

Justices:



Deputies arrested Ed Brown and Henry Shields and took the two of them to the county jail. They were told to take their clothes off and lay down on chairs. The deputies whipped the two accused with leather straps that had buckles attached. The buckles cut into their backs, causing severe pain and bleeding. The defendants were told that they must confess to the crime of murder. They were told exactly what they were to say. If they did not confess, they were told the whipping would continue until they confessed. The defendants confessed in every detail as instructed by the deputies. The confessions are to be used at the upcoming murder trial.

- Q. What constitutional amendment(s) might apply to this case and why?

- Q. List reasons why the evidence should be allowed?

- Q. List reasons why the evidence should be disallowed?

- Q. The *Majority Opinion* of this court states that (List what your group has decided and give the reasons along with specific references to the Constitution.)

- Q. If you do not all agree, then there is a *Dissenting Opinion*. The Dissenting Opinion of this court states..... (List reasons why one or more of the judges disagree with the majority of the court along with specific references to the Constitution).

Student Handout: CASE STUDY 4: *MIRANDA V. ARIZONA*

Justices:



Ernesto Miranda was arrested and questioned by police officers regarding the rape of an Arizona woman. Miranda was not told that he did not have to answer the police officers' questions, nor was he told that he had a right to speak with an attorney. After two hours of questioning by police officer, Ernesto Miranda confessed to the rape. Police officers intend to use the confession at his trial.

Q. What constitutional amendment(s) might apply to this case and why?

Q. List reasons why the evidence should be allowed?

Q. List reasons why the evidence should be disallowed?

Q. The *Majority Opinion* of this court states that (List what your group has decided and give the reasons along with specific references to the Constitution.)

Q. If you do not all agree, then there is a *Dissenting Opinion*. The Dissenting Opinion of this court states..... (List reasons why one or more of the judges disagree with the majority of the court along with specific references to the Constitution).

Student Handout: CASE STUDY 5: MAPP V. OHIO

Justices:



Three Cleveland police officers looking for a bombing suspect, asked to search the home of Ms. Mapp. They believed that the suspect was in her home. Ms. Mapp refused to allow the search. Three hours later, seven police officers forcibly entered the home. They gave Mapp a blank sheet of paper, claiming it to be a search warrant. An attorney representing Mapp was present. He was not allowed to talk to Mapp, see the search warrant or to enter the home. No suspect was found. Officers did find "obscene material" in a trunk in the basement. Mapp was charged with possession of obscene material, and the seized material was to be used at her trial.

- Q.** What constitutional amendment(s) might apply to this case and why?

- Q.** List reasons why the evidence should be allowed?

- Q.** List reasons why the evidence should be disallowed?

- Q.** The *Majority Opinion* of this court states that (List what your group has decided and give the reasons along with specific references to the Constitution.)

- Q.** If you do not all agree, then there is a *Dissenting Opinion*. The Dissenting Opinion of this court states..... (List reasons why one or more of the judges disagree with the majority of the court along with specific references to the Constitution).

Student Handout: CASE STUDY 6: MINNESOTA V MURPHY

Justices:



Marshall Murphy was on probation and required to participate in a treatment program for sex offenders. During treatment, he admitted to the murder and rape of a teenage girl. The treatment counselor notified the probation officer of the murder confession. This was brought up at the next probation meeting. During the meeting, Murphy admitted to the probation officer that he had raped and murdered the girl six years earlier. The probation officer notified the Minneapolis police who arrested and charged Murphy with first degree murder. The police intend to use his confession at the murder trial.

- Q.** What constitutional amendment(s) might apply to this case and why?

- Q.** List reasons why the evidence should be allowed?

- Q.** List reasons why the evidence should be disallowed?

- Q.** The *Majority Opinion* of this court states that (List what your group has decided and give the reasons along with specific references to the Constitution.)

- Q.** If you do not all agree, then there is a *Dissenting Opinion*. The Dissenting Opinion of this court states..... (List reasons why one or more of the judges disagree with the majority of the court along with specific references to the Constitution).

ANSWER KEY to Student Handout: CASE STUDIES

***Rochin v. California*, 342 U.S. 165 (1952)**

The Court ruled that the morphine should have been excluded from evidence because the methods used by the police to obtain it violated due process law. Justice Frankfurter said in the majority opinion "*This is conduct that shocks the conscience . . . This course of proceeding by agents of government to obtain evidence is bound to offend even hardened sensibilities. They are methods too close to the rack and the screw to permit of constitutional differentiation.*"

***Brewer v. Williams*, 430 U.S. 387 (1977)**

The Court ruled that the Sixth and Fourteenth Amendments to the Constitution prohibited the use of a confession that is obtained by police officers deliberately eliciting incriminating information from a defendant in the absence of counsel after a formal charge against a defendant has been filed.

***Brown v. State of Mississippi*, 297 U.S. 278 (1936)**

This is the first Fourteenth Amendment due process confession case. It is based on the principle that confessions must be voluntary and free of influences which would make them untrustworthy or untrue. In this case, the Court ruled that the physical violence was an influence that made the confessions untrustworthy.

***Miranda v. Arizona*, 384 U.S. 436 (1966)**

The Court ruled that the police violated Miranda's Fifth Amendment Constitutional rights. They failed to inform him of his right to remain silent, that anything he would say could be used against him, and that he had a right to counsel before the police could question him. This case established the **Miranda Warning** which police now use prior to interrogation of persons who have been arrested.

***Mapp v. Ohio*, 367 U.S. 643 (1961)**

The Court ruled that evidence that is obtained without the consent of the owner, without a valid search warrant, and with intimidation by the police, is not admissible in a trial. The Court reaffirmed the principle that the "*home is your castle*" and overturned Mapp's conviction.

***Minnesota v. Murphy*, 465 U.S. 419 (1984)**

The Court ruled that Murphy's constitutional rights were not violated because, although he did confess to the crime without being told of his right to keep silent or his right to counsel, he was not being held in custody for purposes of receiving the Miranda warning; he was free to leave, and he was free to keep silent. The Court stated that it is the individual's obligation to assert his or her Fifth Amendment right and that unless the individual is being held in custody evidence obtained is admissible.