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by Pppp Ppp

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Suppression of Evidence

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The officer in the case under review can be considered to have violated the frisky & search regulations. In respect to the United States Constitution 4th Amendment, an individual is guaranteed the right to be protected against unreasonable seizures. Prior to making any arrest, the 4th amendment specifies that the law enforcement officers should have “probable cause” that ascertains that a crime has been committed by the suspect. Officer Jose was wrong to frisk and search Sam Suspect on the basis of the information that he had obtained from an anonymous caller. As it was ruled within ² *Florida v. J.L. (2000) 529 U.S. 266* for purposes of justifying a frisk and search, an officer is expected to reasonably suspect that the reported person has got involved within a criminal activity (Seligman & Jaffe, 2009). Once an office depends on an anonymously given tip, the inquiry turns out as considerably difficulty as the information obtained from the anonymous informant, on its own, rarely demonstrates the knowledge or veracity basis of the informant.

It can also be argued that Officer Jose did not have probable cause to detain Sam Suspect. In accordance to the specifications of the 4th Amendment, probable cause for any arrest exists once the facts, as well as, circumstances within the knowledge of the law enforcement officer can make a reasonable individual to believe that has got involved or is getting involved in a crime. Most importantly, should originate from well known facts, as well as, circumstance, instead of suspicion. Putting into consideration that Officer Jose proceeded to make an arrest on the basis of information based from an unknown caller, it can be alleged that his move was based on suspicions which can be said to be unlawful (Kraner, 1982).

There are various pros, as well as, cons associated with Officer Jose’s action of going through the suspect’s cell phone in the absence of a search warrant. On the side of pros it can be argued that in the event that the officer waited until he obtained a search warrant in order to go

through the suspect's cell phone, the investigation procedure would have being slowed down and could result to loss of formidable evidence that could be used against the suspect. Besides, it would have impacted negatively on the ability of the officer to prove that it was justifiable to arrest the suspect. Either way, such an action is associated with cons in that the suspect would allege that his rights as stipulated within the 4th Amendment had been violated. Moreover, such an action could be considered as infringement of the suspect's privacy which turns out to be a great violation of an individual's basic rights (Wallin, 2015).

On the other hand, the finding of murder evidences on the cell phone had its pros and cons. In regard to the pros, the officer strengthened the evidence on the involvement of the suspect in criminal activities which warranted his arrest. In addition, it can be argued that the officer's action were in line with the exceptional cases where law enforcement officers are allowed to conduct searches without have to wait to obtain a search warrant. As it is within the other scenarios, the con associated with such an action is that it would be deemed as a violation of the 4th Amendment provisions.

References

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