

# GRAPHIC ORGANIZER

## The Fourth Amendment Search & Seizure

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.

### GOVERNMENT & POLITICS

### LECTURE GUIDE

#### 4TH AMENDMENT- SEARCH & SEIZURE

1. In the American colonies, smuggling of non-English goods was commonplace, To curb these abuses, English authorities issued \_\_\_\_\_ which allowed the King to search any home OR building in hopes of finding \_\_\_\_\_. The \_\_\_\_\_ was included in the Bill of Rights to prevent similar abuses.

2. A quick view of the wording of the 4th amendment shows us some key things regarding searches and seizures under the Constitution.

- We are protected against unreasonable searches in our \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.
- A search cannot occur without a \_\_\_\_\_.
- This can only be obtained upon a showing of \_\_\_\_\_.
- Authorities cannot obtain a warrant unless the request is supported by \_\_\_\_\_ OR \_\_\_\_\_.
- It must further describe the \_\_\_\_\_ and the \_\_\_\_\_ to be \_\_\_\_\_.

3. The cardinal principle of 4th Amendment law is \_\_\_\_\_

\_\_\_\_\_

4. The 4th only protects us against actions by the \_\_\_\_\_

5. The Supreme Court is said to be the \_\_\_\_\_ of the \_\_\_\_\_.

6. A search or seizure is said to be unreasonable if it violates the suspect's " \_\_\_\_\_ of \_\_\_\_\_.

7. The key Supreme Court case defining this is that of \_\_\_\_\_ (1967).

8. According to the Court, "the Fourth Amendment protects \_\_\_\_\_ not \_\_\_\_\_.

9. One location provides the highest level of privacy expectation –the \_\_\_\_\_

10. What then is required to reasonably (legally) search a home? A \_\_\_\_\_.

## GRAPHIC ORGANIZER 5<sup>TH</sup> AMENDMENT RIGHTS OF PERSONS

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 offence 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.

### Directions: Mark as true or false

- \_\_\_ 1. The Fifth Amendment is the most diverse in the Bill of Rights.
- \_\_\_ 2. The Fifth Amendment guarantees some civil and some criminal rights.
- \_\_\_ 3. Taking the 5th," is asking for a lawyer to be present during questioning.
- \_\_\_ 4. Statements made by a defendant before they are arrested may be used because the Miranda warning does not need to be given until the time of arrest
- 5. What are the Miranda Warnings? *Miranda v Arizona 1966*.
- 6. What is the "public safety" exception to Miranda?

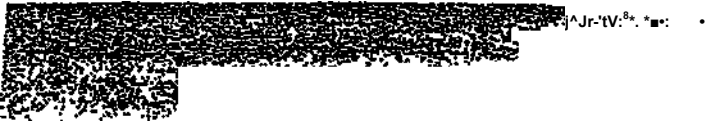
## GRAPHIC ORGANIZER #3

### The 6<sup>th</sup> Amendment - Rights of Accused in Criminal Prosecutions

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

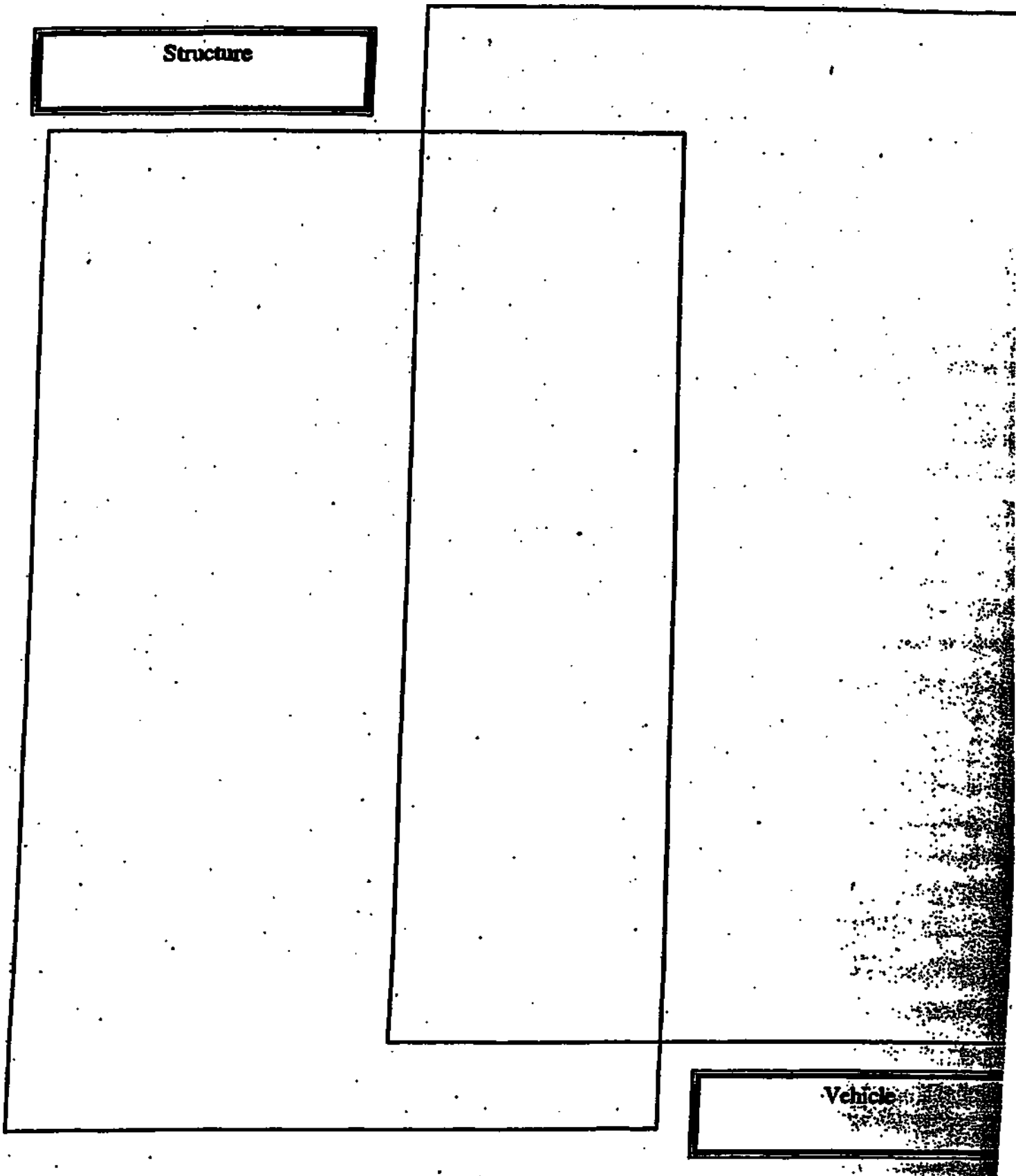
### Directions: The Sixth amendment attempts to guarantee a fair trial by listing the parts of a fair trial What are those parts?

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_



\* **GRAPHIC ORGANIZER #2 Venn Diagram**  
Compare/Contrast Structure and Vehicle searches and seizures

atjV.:to: a-\*



# SEARCH WARRANT

TRIAL COURT OF MASSACHUSETTS

aL.c.27e.H1-7

SEARCH WARRANT DOCUMENT

TO THE SHERIFFS OF OUR SEVERAL COUNTIES OR THEIR DEPUTIES, **ANY STATE POLICE OFFICER, OR ANY CONSTABLE OR POLICE OFFICER OF ANY CITY OR TOWN, WITHIN OUR COMMONWEALTH:**

Proof by affidavit, which is hereby incorporated by references, has been made this day and I find that there is **PROBABLE CAUSE** to believe that the properly described below:

- has been stolen, embezzled, or obtained by false prate
- b intended for use or has been used as the means of committing a crime.
- has been concealed to prevent a crime from being uncovered.
- ia unlawfully possessed or concealed for an unlawful purpose.
- is evidence of a crime or is evidence, of criminal activity.
- other (specify) \_\_\_\_\_

YOU ARE THEREFORE COMMANDED within a reasonable time and in no event later than seven days from the issuance of this search warrant to search the following property:

»3»

at:

which is occupied by and/or in the possession of: \_\_\_\_\_

on the person or in the possession of:

You  are OR  are not also authorized to conduct this search at any time during the night.

You  are OR  are not also authorized to enter the premises without announcement.

-You  are OR  are not also commanded to search any person present who may be found to have any property in his or her possession or under his or her control or to whom such property may have been delivered.

;\*3

YOU ARE FURTHER COMMANDED if you find such property or any part thereof, to bring It, and when appropriate, the persons In whose possession It is found before the \_\_\_\_\_ Division of the \_\_\_\_\_ Court Department

DATE ISSUED

ADMINISTRATIVE

WITNESS: \_\_\_\_\_

JUSTICE OR MAGISTRATE

X \_\_\_\_\_  
Print NAME OF JUSTICE