



JUDICIAL THINKING SERIES

TRAIN YOUR MIND. SHARPEN YOUR JUDGMENT. PROTECT THE CONSTITUTION.

SEARCH & SEIZURE #1

PAGE 1 OF 3 – THE FACTS

THE SITUATION



11:45 PM.



Officer Martinez observes a vehicle parked behind a **closed convenience store**.



The business closed at **10:00 PM**.



The officer approaches the vehicle to conduct a welfare check.



Inside the vehicle are:

- Driver: **John Davis**
- Front-seat passenger: **Sarah Blake**



THE OFFICER'S REQUEST

The officer believes criminal activity may be occurring.

Before taking further action, he seeks judicial authorization.



As Officer Martinez reaches the driver's window, he reports:

A STRONG ODOR OF BURNT MARIJUANA COMING FROM THE VEHICLE.

The officer also observes:



Driver appears **nervous**.



Driver **avoids eye contact**.



Passenger is attempting to place something **under her seat**.



The officer asks both occupants to exit the vehicle.

A search of the vehicle reveals:



- A backpack under the passenger seat.



Inside the backpack officers locate:

- Small amount of **marijuana**
- **Digital scale**
- **Plastic baggies**



The driver immediately states:

"THAT BACKPACK ISN'T MINE."



The passenger states:

"IT'S MINE."



JUDICIAL THINKING



Do **NOT** decide guilt.



Do **NOT** decide innocence.



Your role is **ONLY** to determine:



What facts matter?



What facts do not matter?



What additional information, if any, is needed?



QUESTIONS FOR THE JUDGE

1

Identify the most important facts.

2

Which facts support the officer's position?

3

Which facts may weaken the officer's position?

4

What constitutional concerns immediately come to mind?

A JUDGE DOES NOT BEGIN WITH:
"DO I THINK THE PERSON DID IT?"

VS

A JUDGE BEGINS WITH:
"WHAT FACTS ARE LEGALLY SIGNIFICANT?" ★



Turn to Page 2 → Analysis & Legal Principles



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PAGE 2 OF 3 – ANALYSIS & LEGAL PRINCIPLES



THE JUDGE'S MINDSET

"I do not decide guilt.
I decide whether the law allows
the government to intrude."

STEP 1: IDENTIFY THE TYPE OF POLICE ACTION

What is the officer asking the Court to justify?

- Approach / Welfare Check
- Detention (*Terry Stop*)
- Search of the Vehicle
- Search of the Backpack (Container)



Each level requires a different legal standard.



KEY QUESTION:

Do the facts known to Officer Martinez establish **PROBABLE CAUSE** to search the vehicle and the backpack under the passenger seat?



STEP 2: APPLY THE ANALYSIS FRAMEWORK



FACTS

List only the objective facts the officer observed.



RULE

Identify the legal standard that applies to those facts.



ANALYSIS

Apply the rule to the facts. Explain your reasoning.



DECISION

Grant or deny the requested authorization. State why.

★ Remember: *Hindsight is not allowed.* Judge the facts as they existed at the time of the search.

CONSTITUTIONAL CONCERNS

- > Was the initial approach a consensual encounter or a detention? (If a detention, was there reasonable suspicion?)
- > Does probable cause exist to search the vehicle?
- > If yes, does it extend to the backpack under the passenger seat?
- > Are there any privacy interests elevated beyond a vehicle search?

LEGAL PRINCIPLES TO CONSIDER



FOURTH AMENDMENT

Protects people from unreasonable searches and seizures.



PROBABLE CAUSE

Facts and circumstances within the officer's knowledge that would lead a prudent person to believe evidence of a crime will be found.



AUTOMOBILE EXCEPTION

If there is probable cause, officers may search a vehicle without a warrant.



CONTAINER RULE

If there is probable cause to search a vehicle, officers may search containers within that vehicle that could hold the object of the search.



TOTALITY OF THE CIRCUMSTANCES

No single factor is determinative; consider all facts together.



STEP 3: SCRUTINIZE THE FACTS

Not every fact has equal weight.

Facts that may **SUPPORT** probable cause:

- ✓ Strong odor of burnt marijuana
- ✓ Time of night (11:45 PM)
- ✓ Business closed (10:00 PM)
- ✓ Passenger attempting to hide something
- ✓ Nervous behavior / avoidance of eye contact

Facts that may **WEAKEN** probable cause:

- ✗ Mere presence in a parked car
- ✗ Nervousness alone
- ✗ Attempting to hide something (could be innocent)
- ✗ Ownership dispute over the backpack

JUDGE'S NOTES

Use this space to write down the facts you find most important and why.



"THE POWER OF A JUDGE IS NOT TO FIND THE TRUTH, BUT TO **APPLY THE LAW** TO THE FACTS."

Turn to Page 3 →
Your Decision



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SEARCH & SEIZURE #1

★ THE DECISION ★



ISSUE #1 Did Officer Martinez establish **probable cause** to search the vehicle?

RULING



YES

PROBABLE CAUSE EXISTS



WHY? The Court considered the **totality of the circumstances**:



Strong odor of burnt marijuana



Vehicle parked behind a closed business late at night



Passenger observed attempting to conceal an object



Nervous behavior by occupants



No single fact is controlling. However, when viewed together, these facts would lead a **reasonable person** to believe evidence of criminal activity may be present within the vehicle.



COURT ORDER

AFTER REVIEW OF THE AFFIDAVIT:

SEARCH AUTHORIZED



The request for search authorization is **GRANTED**.

ISSUE #2 Did probable cause extend to the **backpack** beneath the passenger seat?

RULING



YES

SEARCH OF BACKPACK AUTHORIZED

WHY?

- ✓ The backpack was located within the vehicle.
- ✓ The object of the search was potential narcotics-related evidence.
- ✓ A backpack is a container capable of holding that evidence.
- ✓ Therefore, probable cause extended to the container.



THE LESSON

THE COURT DID NOT RELY UPON:

- ✗ A hunch
- ✗ Nervousness alone
- ✗ Presence in a high-crime area
- ✗ Assumptions

THE COURT RELIED UPON:

- ✓ Facts
- ✓ Observations
- ✓ Reasonable inferences
- ✓ Totality of the circumstances



REMEMBER

A Magistrate Judge does not ask: **“Do I think they are guilty?”**

A Magistrate Judge asks:

“Would a reasonable person believe evidence of a crime will likely be found?”

If the answer is **YES**, probable cause exists.



JUDICIAL TAKEAWAY ★

Justice is not about certainty. Justice is not about conviction. Justice is about applying constitutional principles to the facts presented.

FACTS + LAW = DECISION



A WELL-REASONED DECISION TODAY, A STRONGER CONSTITUTION TOMORROW.

