



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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SEARCH & SEIZURE #2

★ PAGE 3 OF 3 – THE DECISION ★



DID OFFICER DAVIS HAVE REASONABLE SUSPICION TO STOP THE VEHICLE?

RULING:

YES

STOP WAS JUSTIFIED.

WHY? The totality of the circumstances provided reasonable suspicion to conduct an investigative detention.



It was late at night.



The vehicle was driving slowly in a high-crime area.



The vehicle turned around upon seeing the patrol car.



The occupants appeared to be looking into residences.

LEGAL STANDARD APPLIED

TERRY STOP

Officer must have **specific, articulable facts** that criminal activity may be afoot.



DID PROBABLE CAUSE EXIST TO SEARCH THE VEHICLE?

RULING:

YES

PROBABLE CAUSE EXISTS.

WHY?

- ✓ Odor of marijuana detected
- ✓ Admission of criminal activity
- ✓ Visible contraband in plain view
- ✓ Consent to search
- ✓ Totality of the circumstances

MAY PROBABLE CAUSE EXTEND TO THE BACKPACK IN THE VEHICLE?

RULING:

YES

SEARCH AUTHORIZED.

WHY?

- ✓ Backpack located within vehicle
- ✓ Object of search = narcotics evidence
- ✓ Backpack is a container capable of holding that evidence
- ✓ Probable cause extends to containers that may hold evidence



AFTER REVIEW OF THE AFFIDAVIT AND APPLYING THE LAW:

★ SEARCH AUTHORIZED ★

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



THE LESSON

THE COURT DID NOT RELY ON:

- ✗ A hunch
- ✗ Presence in a high-crime area alone
- ✗ Looking into driveways
- ✗ Nervousness or silence

THE COURT RELIED ON:

- ✓ Specific and articulable facts
- ✓ Totality of the circumstances
- ✓ Reasonable inferences
- ✓ Objective observations



JUDICIAL TAKEAWAY

A judge does not ask, "Do I think they are guilty?"

A judge asks,

"Would a reasonable person believe evidence of a crime will be found?"

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

★ ★ **FACTS + LAW = A WELL-REASONED 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.





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