

Georgia v Randolph Fourth Amendment Case Study

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Constitutional Rights in Criminal Procedure

In the USA there are 10 amendments in the constitution that protect the rights of an accused person. In a criminal prosecution a person being accused is enjoying a prompt and public trial within the district or town of the incident being committed, and the accused must be informed about the reason and nature of the allegation. Fourth, fifth and sixth amendments guarantee the rights of an accused in his defence. States provide attorneys to the accused when they can't afford it on their own. To protect the personal freedom of the citizens, the Bill of Rights provides protection to those who are suspected or accused of crimes from unjust treatment. The prominence of such protections in this bill seems surprising. According to Kozlovets and Lukyanchikova (2020), the Bill of Rights is a person accused, suspected or convicted of crimes or people involved in other disputes at every stage of the case. The Bill of Rights ensures the protection of the people. Here, we will discuss the case of Georgia V. Randolph in 2005. This case was argued in 2005 and decided on March 22, 2006. It is a good example of the protection of the rights of the accused in a crime.

Facts and Holding of Georgia v Randolph

In this case, the estranged wife called the police against her husband and allowed them to search for drugs after the respondent, who was present during the incident. The person refused to give consent to the police for checking. He was indicted for the possession of drugs through a warrantless search without the consent of the co-occupant. The court of Georgia countermands the decision on appeal from the accused. The court of Georgia refused this case because the other co-occupant of the home denied permission to search by the police officers. According to the rules, the investigation officer can not make an entry to the premises without the consent of any other co-occupant of the house, and without a warrant they are not allowed to seize any object. According to the laws of the Supreme Court, whenever two occupants are there, and one of them is allowed to search while others refuse, this kind of search is not constitutional. According to the law, without a solid reason, a person should stay outside the premises (Georgia v. Randolph. (n.d.).

Fourth Amendment Protection Against

Unreasonable Searches

The 4th amendment in the constitution of the US is about the protection of citizens from any seizures and unreasonable searches by enforcement agencies. Without any valid search warrant, police are not allowed to search and seizure and consider it unreasonable. The search warrant is issued by the court to make an entry to a specific location to seize specific items. Police need to produce a probable cause to get a search warrant for a crime being committed and the items are related to criminal activity to be found in the premises stated in the permit. There are four fundamental requirements for a valid search warrant. First, the warrant shall be filed allegedly by the investigation officers. Secondly, a valid warrant is based on reliable information that shows the probable reason for the search. The third requirement of valid search refers to permission from a neutral magistrate, and the final requirement is that the warrant must be about a specific location to be searched for any suspected items. In the case, in hand, this requirement of seizure was not fulfilled. There was no valid warrant from the police; there was no valid warrant issued by a neutral magistrate to the police in the case of Georgia V. Randolph.

Plain View Doctrine and Warrant Exceptions

The plain view doctrine is about the authority of police officers to seize objects which are not mentioned in the warrant when a valid seizure is executed. If they feel that a certain object in plain view is a probable cause and has a connection with criminal activities, they can use their authority to execute plain view doctrine. They should immediately identify the incriminating characters of the object. For the discovery of plain view doctrine, a three-prong Horton test must be conducted, which refers to 1, the lawful presence of the officer at the venue where the evidence could be viewed plainly 2, the officer must possess legal rights to access the object 3, immediate appearance of the incriminating character of the object. In this case, we have observed that the search warrant against the person was denied by the co-occupant of the house because the police officers didn't present an authority to seize from the court. The plain view doctrine didn't meet the requirements of this case. So the decision of the court went in favour of the accused. The plain view doctrine is not relevant to this case because the officers don't have lawful access to the objects.

Forensic Methods for Suspect Identification

For the identification of suspects, there are certain methods the investigation team uses to find certain evidence of crimes. Fingerprint comparison, composite drawing and DNA comparison are the three major identification methods widely used by forensic or investigation officers. Biometric verification is similar equipment using high-resolution scanners to digitize the images of some parts of the human body (Knepper & Norris, 2017). In this case, there was no need for identification because the case was not valid from the beginning, and the decision was made in favour of the suspect.

Rights of the Accused and Due Process

According to the constitution of the USA, in a criminal prosecution, the accused has certain rights protected by law. These rights include speedy and public trials, the right to self-defence, the right to petition, the right to freedom of association, the right to find a legal remedy, and the right to vote. In this case, the accused enjoyed his rights, though there was solid evidence against him, as he was found with objects of drugs at his home. However, the Bill of Rights and the amendments to the Constitution guaranteed the civil rights of the citizen.

References

Georgia v. Randolph. (n.d.). Oyez. Retrieved March 12, 2020, from <https://www.oyez.org/cases/2005/04-1067>

Knepper, P., & Norris, C. (2017). Fingerprint and Photograph: Surveillance Technologies in the Manufacture of Suspect Social Identities. In *Urban Crime Prevention, Surveillance, and Restorative Justice* (pp. 111-134). CRC Press.

Kozlovets, D. V., & Lukyanchikova, P. R. (2020). THE BILL OF RIGHTS 1791 OF THE USA AND ITS ROLE IN THE ESTABLISHMENT OF A DEMOCRATIC STATE. In *European Scientific Conference* (pp. 143-144).