Q&A: Rights of the Accused

In the following situations, decide if behavior regulated by the Fourth, Fifth, Sixth, or Eighth Amendments has been conducted. Please indicate which amendment is involved, if it was violated, and how it was violated.

1. A police officer walking down a dark street notices an abandoned car, shines his flashlight in the car, and discovers a shotgun in the back seat.

   Which amendment involved?

   Was it violated? How?

2. Harry is walking down the street. The police stop him and look through the suitcase he is carrying.

   Which amendment involved?

   Was it violated? How?

3. As a police officer walks by house with its front door open, he sees a bike that has been reported stolen.

   Which amendment involved?

   Was it violated? How?

4. A police officer climbs through a window in Andrea's house and looks at papers on her desk.

   Which amendment involved?

   Was it violated? How?

5. A police officer notices marijuana growing in Tom's side yard.

   Which amendment involved?

   Was it violated? How?

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6. John is arrested based on an anonymous telephone tip and taken to jail.

   Which amendment involved?

   Was it violated? How?

7. George's car is stopped at the border by police.

   Which amendment involved?

   Was it violated? How?

8. A garage mechanic who is working on Joe's car notices some marijuana cigarettes under the seat and turns them over to the police.

   Which amendment involved?

   Was it violated? How?

9. The police see Joe—a known pusher—standing at a bus stop in the business district of the city. They stop and search him, and find a bag of marijuana in his pocket.

   Which amendment involved?

   Was it violated? How?

10. The police sneak into Joe's yard after dark, climb over a fence into his garden and find marijuana growing.

    Which amendment involved?

    Was it violated? How?

11. When the police arrest Joe for speeding, they also search his trunk and find marijuana there.

    Which amendment involved?

    Was it violated? How?

12. The police go to Joe's house. His wife agrees to let them search the house for marijuana. They find marijuana in a kitchen cabinet.

    Which amendment involved?

    Was it violated? How?

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13. Joe is arrested for burglary. A police officer searches his clothing and finds a cigarette case filled with marijuana.

    Which amendment involved?

    Was it violated? How?

14. After Joe spends the night at a hotel, the police ask the maids to turn over the contents of the wastebaskets and they find cocaine.

    Which amendment involved?

    Was it violated? How?

15. The police see Joe driving a car that was reported carrying stolen merchandize. They stop him, search the car, and find drugs.

    Which amendment involved?

    Was it violated? How?

16. The police see Joe pacing back and forth nervously in front of a jewelry store in an area of the city where there have recently been a series of jewelry store robberies. An officer stops and frisks Joe, feels something he thinks is a gun, and pulls out a metal container filled with drugs.

    Which amendment involved?

    Was it violated? How?

17. Joe's neighbors report that screams are coming from his house. The police arrive to investigate and they also hear screams. When no one answers their knock, they enter the house and find cocaine on the dining room table.

    Which amendment involved?

    Was it violated? How?

18. G.S.P., a seventh grader, left his backpack with a BB gun in it in the locker room after a football game. Janitor found the gun when looking for identification. The next day, the boy was taken from class by a police officer and the assistant principal and was brought to the principal's office. G.S.P. was interviewed for one hour and told he had to answer the questions. He was not told he could talk his parents or that he could talk to an attorney or that he was free to leave.