**Question 1:** Search Google Scholar for a legal case that involves a warrantless search that was accepted by the court. Briefly describe the case and explain how the search may have been considered allowable under constitutional law.

**Answer:** The case I have chosen is that of an LA resident who was suspected of street robbery. Walter Fernandez was inside the building at the time the police called to his door, however it was his girlfriend, Roxanne Rojas who answered the door and allowed officials in.

Ms Rojas gave consent to the police officers to enter the premise, but Mr Fernandez was adamant that the police were not allowed to enter without a warrant. He was arrested by officials on suspicion of street robbery in which he held a man at knife point, robbed him and stabbed him. The victim was able to call 911 and send officials in the direction Mr Fernandez had fled.

Mr Fernandez appealed his robbery conviction and it was taken all the way to the US Supreme Court. A ruling of 6-3 was given against his favour however and he was ultimately sentenced to 14 years behind bars. The high court said that Mr Hernandez had no right to impede the search of his premise as his girlfriend, Ms Rojas had given officials the right to enter his premises.

**Question 2:** Locate online a sample affidavit requesting a search warrant to be issued. Fill out your own affidavit requesting a warrant to search the computer systems and premises of James Walsh, 123 Fake Street, Cork Co. Cork. You suspect him of possessing several terabytes of illegal music downloads

**Answer:**

**Affidavit For Search Warrant**

Republic of Ireland

County Dublin

Before the honourable Big John,

Judge of the Supreme Court, Inns Quay, Dublin.

The undersigned, being duly sworn deposes and says that they have reason to believe that on the premises known as **123 Fake Street, Cork, Co.Cork**; which described is a two storey, semi-detached, brick residence with white sides. The house is mark with a 123 metal furnishing at the end of Fake Street.

There is now being concealed certain property, namely 3 computers suspected of storing several terabytes of illegal music downloads. These computers may act as agents to store and distribute the illegal music. This relates to section 12 of act xxxxx.

And the facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:

On Friday, January 13th, 2017, information was provided to Inspector Daniel Tilley of the Pearse Street Garda Station of possibly storing several terabytes of illegal music on 3 different computers belonging to Mr James Walsh who resides at 123 Fake Street.

One of the allegations was that Mr Walsh tried to distribute files to a friend of his (Dean Thompson) for the sake of profit. Mr Thompson refused to take the files from Mr Walsh.

On Friday, January 13th, 2017 Dean Thompson was interviewed. He confirmed that Mr Walsh had tried to offer him illegally downloaded music files which he had stored on one of his three computers in exchange for profit on Wednesday, December 14th, 2016.

**Daniel Tilley**

**Inspector Pearse Garda Station**

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Sworn before me and subscribed in my presence, **January 14th 2017**

**Honourable, Judge Big John**

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