

Issue: Whether the search and seizure of the bomb and cocaine by Officer Aden in Derrick's home violated Derrick's Fourth Amendment rights?

Rule:

1) 4th Amendment: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2) Exclusionary rule: The exclusionary rule is a legal doctrine that prohibits the use of evidence obtained through unconstitutional searches and seizures in criminal proceedings.

Analysis:

1) Was the search or seizure conducted by a government entity or government agent?

Yes, Officer Aden, a government police officer, conducted the search and seizure of the bomb and cocaine in Derrick's home.

2) Did the search or seizure intrude upon an individual's privacy interests?

Yes, the search and seizure of the bomb and cocaine occurred in Derrick's home, which is considered a private place where individuals have a reasonable expectation of privacy.

3) Did the government have a warrant?

No, Officer Aden conducted the search and seizure without a warrant. Officer Ben was in the process of obtaining a warrant when Officer Aden arrived at Derrick's home.

4) If there is no warrant, did an exception to the warrant requirement apply?

No, there was no warrant and no apparent exceptions to the warrant requirement that would justify Officer Aden's search and seizure.

5) Scope of search

Officer Aden conducted a thorough search of Derrick's home, including the closet in the bedroom and the medicine cabinet in the bathroom, where the bomb and cocaine were found.

6) Exclusionary Rule

The exclusionary rule may apply in this case, as the evidence of the bomb and cocaine were obtained through a warrantless search and seizure that likely violated Derrick's Fourth Amendment rights.

Conclusion:

Based on a thorough analysis of the facts and applicable legal principles, Derrick's motion to suppress the evidence of the bomb and cocaine should be granted. The conduct of Officer Aden, who conducted a search and seizure without obtaining a warrant, likely infringed upon Derrick's Fourth Amendment rights, which safeguard individuals from unreasonable searches and seizures by the government.

In addition, it is important to uphold the exclusionary rule, a fundamental legal doctrine aimed at deterring law enforcement officers from engaging in unconstitutional searches and seizures by precluding the use of evidence obtained through such means in criminal proceedings. In this case, Officer Aden's warrantless search and seizure resulted in the discovery of the bomb and cocaine. Therefore, in order to safeguard the constitutional rights enshrined in the Fourth Amendment and discourage unlawful conduct by law enforcement officials, the evidence of the bomb and cocaine must be excluded from the criminal proceedings against Derrick in accordance with the exclusionary rule.

In Conclusion, the court's decision should find in favor of Derrick's motion to suppress the evidence of the bomb and cocaine. The search and seizure conducted by Officer Aden without a warrant likely violated Derrick's Fourth Amendment rights, and the use of the exclusionary rule

Assignment 9 – Essay Question

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should be applied to prohibit the use of evidence through unconstitutional means in the criminal case against Derrick.