

QUESTION 12 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV
OR IN EXAMPLIFY ANSWER SCREEN 12

Police received an unverified tip that a man named Michael Metheny was operating a methamphetamine laboratory at his home at 444 Boils Drive, Somewhere, Michigan. Drug Enforcement Task Force members, Smith and Collins, went to Metheny's home between 3:00 and 4:00 in the morning. Collins brought his department-trained canine named Dante. The dog had been trained to detect drugs of many sorts, including methamphetamine. Smith brought along sophisticated surveillance equipment.

On arrival, police and Dante walked up the sidewalk leading to the front door which held a heavy brass knocker and had no windows. It looked to be made of solid steel, a material that could likely thwart Dante's efforts. Police and Dante circled around the house, walking onto the lawn to the driveway and then the side of the house. A thin metal screen door served as a side entrance to the home and had a two-step walk-up porch in front of it. The porch in turn wrapped around the back of the house and held chairs, a table, and a grill. Smith stayed off the porch, keeping his eyes on the open windows. Collins stepped onto the porch and let Dante do his job. Smith readied his surveillance equipment.

Dante ran about the porch area but soon made moves towards the door and then sat down at the door. Coming to rest at the door was a known indication - or alert - that the strongest scent of drugs was at the location where Dante sat.

Collins later sought a search warrant for Metheny's home using as a basis Dante's alert. The warrant was issued and, pursuant to the warrant, police returned later that morning and searched Metheny's home. Methamphetamine was seized along with equipment, packaging, stacks of sorted currency, and a payment ledger indicating dollar amounts as well as quantities purchased.

Metheny was charged with operating a methamphetamine lab. His lawyer moved to suppress the seized evidence claiming when police came onto his property and went to his side door and employed Dante, they violated his 4th Amendment protections. The prosecutor responded no 4th Amendment activity was conducted by the police activity of coming onto the property and coming to

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the side door, so suppression was unwarranted absent a 4th Amendment violation.

Using 4th Amendment principles, indicate which is the better position and why. Fully explain your answer and conclusions.

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