Case Brief #1

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# CASE

**Manuel v. City of Joliet, *580 US \_ (2017)***

**Petitioner**: Elijah Manuel

**Respondent**: City of Joliet, Illinois, et al.

**Presented to**: United States Court of Appeals for the Seventh Circuit

# FACTS

The petitioner, Manuel, was a passenger in a car. This car was pulled over by the office for failing to signal while driving. Upon inspection, the police officer detected a faint odor of marijuana from the car. This lead to him dragging the petitioner out of the car, pushing him and then proceeding to kick him repeatedly. The officer also found a bottle of vitamins in the petitioner’s pocket. The pills were subjected to a field test and was proven negative for any controlled substance. The petitioner was arrested by the officers on this ground.

Later at the police station, all the pills were tested further and just one of the entire bottle tested positive for “the probable presence of ecstasy”. The officer present at the scene cited his field experience as the reason why he knew the pills were ecstasy. The officers continued to rely on this false positive report throughout the court process. During the 48-days period, Manual was kept in police custody and was later released when the case was finally dismissed.

Two years after this incident, but well before two-year mark on case dismissal was over, Manuel filed a 42 U.S. Code § 1983 against the city of Joliet, as well as the police officers (*Manuel v. City of Joliet, Illinois*, 2018). It stated that both the police and the officers were in clear violation of his fourth amendment rights and should not have unlawfully searched his person or arrested him.

# ISSUE

The issue presented to the appeals court stated that the police officers did not have the authority to carry out a search and seizure order against the petitioner on the basis of a haunch. Was this unreasonable search of the passenger of a car, according to the fourth amendment right of the US constitution?

# HOLDING

According to the fourth amendment law, carrying out an unauthorized search and seizure order against an individual and placing him/her in pretrial detention without a probable cause is prohibited, both before and after the initiation of the legal process (Sekhon, 2017).

# RATIONALE

The district court dismissed the claim, stating that the two-year statute of limitations was up on the case. Thus, the petitioner’s unlawful arrest claim, as well as the 48-days pretrial detention could not give rise to the violation claim of the fourth amendment. Additionally, the point at which Manuel brought his claim, it could have only been made under malicious prosecution (Okpaluba, 2013).

# REFERENCES

*Manuel v. City of Joliet, Illinois*. , (2018).

Okpaluba, C. (2013). Reasonable and probable cause in the law of malicious prosecution: a review of South African and Commonwealth decisions. *Potchefstroom Electronic Law Journal/Potchefstroomse Elektroniese Regsblad*, *16*(1), 240–279.

Sekhon, N. (2017). Purpose, policing, and the Fourth Amendment. *J. Crim. L. & Criminology*, *107*, 65.