Applied Constitution Issues

Martin Gutierrez

[Institutional Affiliation(s)]

**Introduction**

“Bill of Rights” consists of the first ten amendments that were made in the American Constitution. This bill was passed for protecting and guaranteeing the rights and freedom of the citizens. It also highlights limitations that must be observed by the government while exercising its power in the judicial system as well as other proceedings. Representative James Madison studied and pointed out the deficiencies in the constitution that were not at all in the favor of the citizens. These deficiencies were pointed out by anti-federalists and then were followed by a series of corrective proposals. Bill of right guarantees liberties and civil rights of Americans and these liberties include freedom of speech, religion, choice, etc. The first ten amendments protected basic freedom of the citizens and especially of the minority groups (Halperin et al, 2019, p. 356-359). Another purpose for adding this to the constitution was protecting the people so that they would not be overruled and over-powered by the government. Bill of Rights helped a lot in changing the mindset of citizens regarding the ratification of the constitution.

Many solutions were provided for winning back the confidence of citizens for the constitution and 4th Amendment was presented as one of these solutions. Justice Potter Stewart claimed that "Fourth Amendment protects people not places". A “search" occurs **for** purposes **of** the **Fourth Amendment** when the government violates a person's "reasonable expectation **of** privacy. “The **Fourth Amendment** to the U.S. Constitution addresses search and seizure law. It is **important** because the framers of the constitution realized that governmental intrusions infringed on the rights of the public.

**Opinion**

The fourth amendment of the US constitution provides people security from being searched and seizure unnecessary in their house and papers so that the basic rights of the citizen could not be violated because of the over-powering of the government policies. The fourth amendment would save people from unlawful seizures and search which mean, police could not search an individual or his house without a probable cause or warrant. According to the previous cases that have been solved at the Supreme Court, it could be said that for all the judicial departments like Supreme Court, citizens come first when it is about their freedom and right. Do-Right and Justice Officers must realize their mistake and must keep in mind that Fourth and Eighth Amendment protects people and limits the law enforcement department from misusing their powers.

**1.** All are the same in the eye of the law and this fact must be realized by all whether one is working for the implementation of laws or is a criminal. According to the Fourth Amendment, no one could be searched or seized without a probable cause or warrant, so tracking of Dripster was unconstitutional and placing of the tracking device was a clear violation of the Bill of Rights that claims freedom of people (Browne et al, 2019). Do-Right and Justice Officers violated the constitution and were supposed to be punished, so it could be said that all the pieces of evidence gathered from the house of Dufus's girlfriend must be suppressed as they would prove a poisonous tree for the officers as they went against the fourth amendment.

**2.** It has been seen that though the Do-Right and Justice Officers informed and got permission before getting into the house and arresting Drips and their leader, the main violation was placing the tracking device (Sammons et al, 2019, p. 353-356). To cover the matter, all the evidence must be suppressed that were collected from the house as officers were not having the search warrant and used Bloodhound (tracking device) without any probable cause or warrant. It shows a clear violation of the Fourth Amendment, so to avoid adding fuel to the fire, shreds of evidence must be suppressed.

**3**. Yes, all the evidences must be suppressed as the warrant that the officers got from the magistrate was not a no-knock warrant so as per the law, the Do-Right and Justice Officers did not announce anything nor did they knock the door that is against the Fourth Amendments and searched the house and people without any warrant so suppression of the evidence would be a good option for keeping them on safe side as the officers searched and seized the house even without having probable cause or search warrant.

**4**. Yes, in order to avoid any legal proceeding against the violation of the Fourth Amendment, the gun that was used by the Stupido must be suppressed as the officers despite having no search warrant, they searched Stupido’s car and got the gun that he once used for the robbery as well (Stafford et al, 2019). Searching of the car at the scene was unconstitutional as Fourth Amendment was passed for securing the rights, freedom and personal life of citizens so that they don't feel overruled by the government and the constitution.

**5.** Dummy's conviction for marijuana possession can be overturned. This assumption is made by considering several factors. Primarily, his conviction can be overturned based on not being read Miranda warnings before the arrest was made. Under the Miranda warnings, the accused has the right to stay silent. He also has the right to an attorney. If he cannot afford an attorney he will be provided one by the state. Finally, everything he says or does can be used against him in the court of law. These are important factors that need to be relayed to any accused person as these are his or her fundamental rights under the eyes of the law. If these are infringed upon, then that means that the basis for the arrest and the deal is null and void. As he did not know anything about his rights, he diligently went along with what the investigators were asking and telling him.

**6**. Stupido's confession should be suppressed. This is because it was his right to have his attorney present during his investigation. His lawyer would have advised him what he should say and what he should not. Furthermore, his lawyer would also have made sure that his client was not badgered continuously by questions and was not strong-armed into a confession. Even without the presence of the lawyer during the writing of the confession, it makes the confession bogus and liable to be suppressed. Moreover, the presence of the lawyer during arrest and questioning is part and parcel of the Miranda rights of each and every individual who has ever been accused of some crime. This ensures that any confession taken from the accused regarding the crimes committed was done without any action that could be considered as a mockery of the legal system. This is why Stupido’s confession should be suppressed.

**7**. The eighth Amendment of the United States Constitution is one of the sections of the Bill of Rights that claims no excessive fines and cruel and unusual punishments. This amendment saves people from many hassles as it discourages high amount and death sentences. Taking a look at the scenario or the case it could be said that Dripster’s death sentence was valid as she shot and paralyzed a young girl who was witnessing the arresting from her front yard. Though, a death sentence to Dripster is valid but still violates the 8th amendment because the death sentence is unusual and cruel punishments. Killing someone is cruel no matter how horrible crime one committed (Allison et al, 2019). The death sentence of Dripster would be also be unconstitutional in the eye of the 8th amendment. Failure in the elimination of the death penalty would mean the bill of rights failed in providing citizen protection. It won’t be wrong to say that death sentence would only devalue the life of Dripster and would give nothing to the 12 years old girl who has been paralyzed because of his shooting as she was not his target.

**Conclusion**

Considering the cases and stance of the individuals involved in the light of the constitution (both Fourth and Eighth Amendments), it could be said that although Dripster was sentenced to death for his action but it was against the Eighth Amendment to sentence any individual death. In this whole scenario, there could be witnessed a clear violation of both Fourth and Eighth Amendment discourages heavy fines and cruel punishments. It has been seen that Do-Right and Justice Officers went against the law and without having a proper warrant they violated the Fourth Amendment. So it could be concluded that for avoiding all the legal proceedings they have to suppress all the evidence obtained from the house. They have to suppress the gun as well as search Stupido's car without having a search warrant.

**References**

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