

Class 13: Terry

Admin

Next Time: 355-83

New Syllabus on Thursday

Possible Changes for Next Week's Reading

Last Time

Third Party Consent

Matlock

"The consent of one who possesses common authority over premises or effects is valid as against the absent, nonconsenting person with whom that authority is shared"

Randolph

If one party consents but other party unequivocally refuses to consent, police may not search

Rodriguez

Facts

Woman suffered severe beating, called police to her mother's home. Accused D.

Consented to travel to apartment where D slept to unlock the door with "her key"

She unlocked door, they entered without a warrant, arrested D and seized drugs and paraphernalia in plain view.

Referred to it as "our apartment"
Said she kept clothes/furniture there.

Lower courts

Suppressed evidence because she did not have common authority.

Held

Reasoning

Class 13: Terry

Terry

Facts

2:30pm, Downtown Cleveland

Zoomed on Intersection
Blocks from "The Jake"

Officer McFadden

Police 39 Years; Detective 35; Patrolled this vicinity 30.

Suspects

Two men on the corner.

"they didn't look right to me at the time."

men took turns

- walked up the street
- stopped
- looked into store window
- walked on
- turned around
- looked in again
- rejoined other man
- KEY: five or six times each.

third men enters, chatted, walked west from intersection.

two men repeat routine for 10-12 minutes; then followed path of third man.

344: Combined, the pair stared in the same window roughly 24 times.

The stop

- McFadden approached three men.
- Asked for their names.
- Men "mumbled something"
- Spun Terry around.

The frisk

- Patted down the outside of Terry's clothing.
- In left breast pocket, felt a pistol.
- Reached in and grabbed weapon.
- Ordered all three men against wall. Pat down of outer clothing of other two.
- Another weapon in Chilton's overcoat pocket.

Again, outer pat first, reached in only after feeling their guns.

Held

Reasoning

Note 5: Problem

Reasonable suspicion of shoplifting

Note 11: Sibron

Dickerson (Note 6)

Williams (Note 9)