

Class 19: Exclusionary Rule Exceptions

Admin
Next Time: 486-504
Mind Maps on Thursday

Last Time
Herring

Note 10: Evans
Warrantless arrest.
Computer indicated outstanding warrant for Evans's arrest. In error. No update to show warrant quashed.
Arrest; SITA; Marijuana found
Held: Admissible
Reasoning: Mistakes by court employees aren't a huge problem and they won't be deterred anyway.

Evans FN 5: The Solicitor General, as amicus curiae, argues that an analysis similar to that we apply here to court personnel also would apply in order to determine whether the evidence should be suppressed if police personnel were responsible for the error. As the State has not made any such argument here, we agree that "[t]he record in this case . . . does not adequately present that issue for the Court's consideration." Brief for United States as Amicus Curiae 13. Accordingly, we decline to address that question.

Key difference: Police officer's mistake, not the court's

Facts
Officer called Sheriff in neighboring county to see if D had any outstanding warrants.

Warrant clerk reported there was a warrant. 10-15 minutes later, realized the computer was wrong and the warrant had been recalled.

In the meantime, SITA, meth and unloaded pistol.

11th Circuit
No Suppression
Key: This was a negligent error. Negligent errors are hard to deter.
There is no reason to believe that anyone in the Dale County Sheriff's Office weighed the possible ramifications of being negligent and decided to be careless in record keeping.

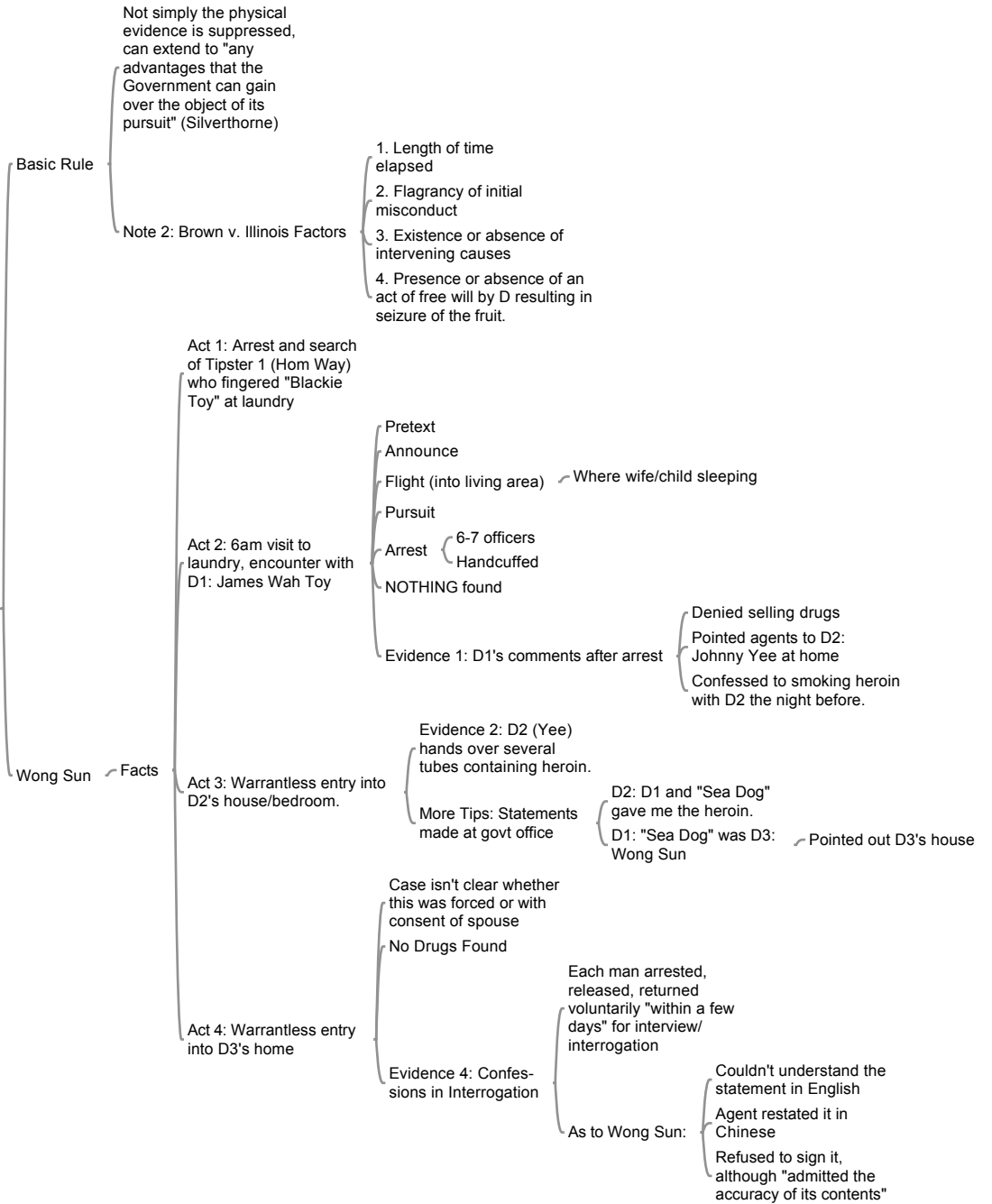
Cert granted. Oral argument not yet calendared.

Hypos

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Exceptions to the Exclusionary Rule

Fruit of the Poisonous Tree/Attenuation



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Exceptions to the Exclusionary Rule

