

The Trash Search



Fourth Amendment United States Constitution

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

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Case Study Sheet

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments for Petitioner:

IV. Arguments for Respondent:

V. What Would You Decide?

VI. Reasons/Evaluation:

VII. Mock Supreme Court Conference Decision:

VIII. Actual Decision of the Court:

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State of Florida v. Billy Greenwood

The local police believed that Billy Greenwood was selling drugs. Neighbors complained that cars often came to Billy's house late at night and stayed for only a short time. A police informant also told the police that Billy was expecting a large shipment of drugs to arrive by truck. The police watched Billy's house and saw cars come and go throughout the night. The police also saw a truck leave the house. The police followed the truck to another house, which was known to be a drug dealing location.

Police investigator Jenny Scott had been working on the case for several months. One day, she asked the trash collector for Billy's neighborhood if he would give her Billy's trash without mixing it together with anyone else's trash. When Officer Scott looked in Billy's trash, she found evidence related to drug use. Officer Scott used this evidence to get a search warrant to search Billy's house. When the police searched Billy's house, they found large amounts of cocaine. Billy was arrested on felony drug charges.

Billy's case went to the circuit court. There, Billy's attorney argued that the search of Billy's trash without a warrant was unlawful and that it violated the Fourth Amendment. The attorney argued that because the trash search led to the search of Billy's house, the evidence that the police got from Billy's house should not be allowed as evidence at trial. The circuit court agreed with Billy's attorney and decided that the trash search without a warrant was unlawful. The State appealed the decision to the District Court of Appeal. The district court agreed with the circuit court's decision that the trash search was unlawful. Now the State has appealed to the Florida Supreme Court, which will hear oral argument in this case.

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Constitutional Question

Did the police violate Billy Greenwood's Fourth Amendment rights by searching through his trash without a warrant?

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Petitioner Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE PETITIONER, THE STATE OF FLORIDA. EVEN THOUGH THE POLICE DID NOT HAVE A WARRANT TO SEARCH BILLY'S TRASH, THE SEARCH DID NOT VIOLATE BILLY'S FOURTH AMENDMENT RIGHTS.

The State's Arguments (*for the warrantless trash search*) include:

1. Billy did not own his trash anymore. He threw his trash away. Anyone could have gone through his trash and found the evidence.
2. The Fourth Amendment did not apply in Billy's case because the trash was out in public. Since the trash was in a place where anyone could look inside it, it was okay for the police to search it.
3. Billy had no right to privacy in his trash. His trash was not protected by the Fourth Amendment, and the police did not need a search warrant to search it.
4. If he wanted to keep his trash private, he could have gotten rid of it in a different way than putting it out on the street where anyone could have gotten to it.
5. Since Billy gave his trash away and never planned to get it back, he cannot now say that it was his private property.
6. Since the police did have a search warrant for the house, anything that came from the house should be used as evidence.

Try to think of other arguments in favor of warrantless trash searches. Write these arguments on the note pad at your seat.

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Respondent Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE RESPONDENT, BILLY. BECAUSE THE POLICE DID NOT HAVE A WARRANT TO SEARCH BILLY'S TRASH, THE SEARCH VIOLATED BILLY'S FOURTH AMENDMENT RIGHTS .

Billy's Arguments (*against* the warrantless trash search) include:

1. Billy's trash is his personal property and it cannot be invaded just because the police want to look in it.
2. The Fourth Amendment clearly says that a person's things and property are protected from unreasonable searches, and this trash was Billy's property.
3. If the police had a good reason to believe that Billy had drugs, they could have gotten a search warrant for the trash.
4. The police could have found something that belonged to Billy that Billy didn't want anyone else to see and had nothing to do with drugs.
5. If the court rules that it was fair to search Billy's trash without a warrant because it was out in public, then the police will start looking in our mailboxes or unlocked cars without getting warrants.
6. Billy did not expect his trash to be searched by the police. He thought that it was going to the dump with all the other trash. It made sense for Billy to think that his trash was private.

Try to think of other arguments against warrantless trash searches. Write these arguments on the note pad at your seat.

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Sample Questions for Justices

Questions to ask the Petitioner (State of Florida)

1. Why didn't the officers get a search warrant?
2. Shouldn't the police be required to have a warrant before they go through someone's belongings?
3. Why doesn't the Fourth Amendment apply to Billy's case?
4. If we rule that searching someone's garbage without a warrant is okay, how can we make sure that police will not go through our mail or search other property like unlocked cars?

Try to think of other questions for the attorneys who are in favor of warrantless trash searches. Write these questions on the note pad at your seat.

Questions to ask the Respondent (Billy Greenwood):

1. Does the Fourth Amendment apply in Billy's case? Why?
2. Why should this Court worry about whether Billy might have wanted to keep something in his trash private?
3. Why should the officer have been required to get a search warrant if the trash was out on the street?
4. Isn't it possible for anyone to get into Billy's trash since it was outside and ready to be collected?

Try to think of other questions for the attorneys who are against warrantless trash searches. Write these questions on the note pad at your seat.

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Marshal's Script

(You must call Court to order in a very **loud** voice.)

All rise.

Hear ye! Hear ye! Hear ye!

The Supreme Court of Florida is now in session.

All who have cause to plea, draw near, give attention, and you shall be heard.

God save these United States, this great State of Florida, and this honorable Court.

Ladies and gentlemen, the Florida Supreme Court.

Please be seated.

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Chief Justice's Script

**The Court is ready to hear the case of
State of Florida v. Billy Greenwood.**

Are the attorneys ready to proceed?

Attorneys for the Petitioner may begin.

[When the Clerk calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys for the Respondent may begin.

[When the Clerk calls time, you tell the respondent's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys for the Petitioner may present rebuttal.

[When the Clerk calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys, thank you for your arguments. The Court will announce its decision shortly.

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Vote Sheet

Votes:

Chief Justice Lewis

Petitioner/State

Respondent/Billy

Justice Wells

Petitioner/State

Respondent/Billy

Justice Anstead

Petitioner/State

Respondent/Billy

Justice Pariente

Petitioner/State

Respondent/Billy

Justice Quince

Petitioner/State

Respondent/Billy

Justice Cantero

Petitioner/State

Respondent/Billy

Justice Bell

Petitioner/State

Respondent/Billy

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Clerk

(place on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (State of Florida) and Respondent (Billy).

READ:

The Florida Supreme Court has reached a decision in this case. By a vote of _____ to _____ the Court rules in favor of the _____.

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Court Decisions

California v. Greenwood (1988)

Available at <http://laws.findlaw.com/us/486/35.html>

In this case, the police believed that Billy Greenwood was involved with drugs. Acting on information it got from an informant and a neighbor, the police seized two garbage cans left on the curb of Greenwood's home. Because the items inside the garbage can showed possible drug use, the police got a search warrant to search Greenwood's home. The search of Greenwood's home showed that Greenwood possessed several controlled substances.

The trial court ruled that the probable cause utilized to search Greenwood's home was obtained through a warrantless search of his garbage that violated Greenwood's Fourth Amendment rights. Therefore, the trial court dismissed the charges against Greenwood.

The State of California appealed the issue to the state's Court of Appeals. The Court of Appeals affirmed the trial court's decision.

When the California Supreme Court refused to review the Court of Appeals's decision, the State of California asked the United States Supreme Court to step in. The U.S. Supreme Court did, and it reversed the Court of Appeals's decision. The U.S. Supreme Court ruled that since Greenwood had no expectation of privacy in his garbage, it was not protected under the Fourth Amendment. The warrantless search of his garbage was completely legal.