

First Year Orientation

Professor Graw Leary

August 2023

### **Assignment**

1. Read the attached materials and come to the lecture prepared to discuss them. Please note that you have not been given all the dissenting or concurring opinions in their totality.
2. In addition to your reading and preparation, also think about the following questions.
  - a. What does the Fourth Amendment actually prohibit?
  - b. What does the Fourth Amendment actually allow?
  - c. When, if ever, does the Fourth Amendment require warrants?
  - d. What is the holding of each of the cases (*Gant* as well as the cases referenced in the opinion)? How broad is their scope?
  - e. How would you describe the rules, i.e. bright line, factor based, totality of the circumstances, etc.?
  - f. How did the Court determine the rule generated?
  - g. How does *Gant* relate to *Chimel* and *Belton*?
  - h. Is *Belton* overturned or intact?

## **United States Constitution**

### **Amendment IV**

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 person or things to be seized.