Drugs, Drug Dogs and Automobiles:

The Fourth Amendment, Searches and Seizures in Idaho

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| **Class:** Government |
| **Unit:** Civil Liberties and or Judicial Branch |
| **Lesson Title or Topic/Essential Question:**  **Title:** Drugs, Drug Dogs and Automobiles: The Fourth Amendment, Searches and Seizures in Idaho  **Essential Question:** How does the Bill of Rights protect citizens’ civil liberties? |
| **Estimated Classroom Time Required for the Lesson:** 2.5-3 block schedule instructional periods. |
| **Content Standard Alignment:**  Analyze and evaluate decisions about individual rights in landmark cases of the Supreme Court of the United States. (9-12.G.4.3.4)  Discuss how the interpretation and application of the United States Constitution has evolved. (9-12.G.4.4.4) |
| **Lesson Objectives/Instructional Outcomes:**  Students will:  Analyze how an established precedent impacts their rights and how it protects them and/or society from governmental power or interest.  Analyze and evaluate landmark Supreme Court cases dealing with the Fourth Amendment and search and seizure.  Apply and synthesize U.S. Supreme Court precedents to a novel Idaho Supreme Court case. |
| **Lesson’s Relationship to Unit Structure:**  This lesson will take place within the Judiciary Branch and/or Civil Liberties unit. Traditionally, students will cover lessons on the Fourth Amendment after learning about the First and Second Amendments and before the Fifth Amendment. |
| **Academic and content specific vocabulary:**  Exclusionary rule  Probable cause  Reasonable suspicion  Unreasonable search and seizure  Search and seizure  Mapp v. Ohio (1961)  Katz v. U.S. (1967)  Terry v. Ohio (1968)  United States v. Ross (1981)  Kyllo v U.S. (2001)  **Instructional Materials/Resources:**  *(Links to cases and other online materials are also provided on student handouts.)*    U.S. Supreme Court Cases  Mapp v. United States <https://www.oyez.org/cases/1960/236>  Terry v. Ohio <https://www.oyez.org/cases/1967/67>  Kyllo v. U.S. <https://www.oyez.org/cases/2000/99-8508>  Jones v. U.S. <https://www.oyez.org/cases/2011/10-1259>  Florida v. Jardines <https://www.oyez.org/cases/2012/11-564>  Idaho Supreme Court Case: Video of Proceedings  State of Idaho v. Randall (2021)  https://isc.idaho.gov/appeals-court/archive  (On this site look up: June 17, 2021, State v. Randall, #48692.)  List of Student Readings and Activity Sheets:  Summary Statement  Definitions and Explanations of Key Terms Activity  Landmark Supreme Court Case Matrix  State of Idaho v. Randall Reading Activity  State of Idaho v. Randall Oral Argument Video Guide  Supreme Court Opinion Activity |
| **Methods and Instructional Strategies** |
| **Concept Prerequisites:**  Precedent, stare decisis, federalism. impartial judiciary, appellate jurisdiction, appeals process |
| **Anticipated Student Misconceptions:**  Students may have misconceptions surrounding the:   1. Roles and relationship of state and federal judicial systems. 2. Appeals process in criminal convictions. 3. Role of precedent in constraining judges’ decisions and determining the outcome of cases. |
| **Introduction/Anticipatory Set:**  Distribute Summary Statement handout. Read aloud with students (2 min). |
| **Instructional Activities:**  Day 1:  (Whole Group) After anticipatory set, explain to students they will analyze the Idaho Supreme Court case referenced above: State of Idaho v. Randall. They will learn about key concepts and U.S. Supreme Court cases dealing with search and seizure. They will then act as Idaho Supreme Court Justices in determining whether Defendant-Appellant Randall’s Fourth Amendment rights were violated by the state of Idaho when he was stopped and arrested for trafficking marijuana (5 min).  (Whole Group) Review Anticipated Student Misconceptions with students. This can be accomplished by turning that section’s statements into questions for students to answer, or by discussing and explaining common misconceptions (10 min.).  (Small Group) Break class into groups of 3-5 students. Students should be in mixed ability groups. Hand out Definitions and Key Terms Activity Sheet. Have students follow directions. Monitor student progress by “checking in” with groups to ensure they are on task, following directions, and understanding the material (25 min.).  (Whole Group) Review and answer students’ questions (10-15 min).  (Small group/Whole Group) Students return to working groups. Hand out Landmark Supreme Court Matrix to students. Have students work as groups, on the first question. Students may answer the second question in groups or as individuals. Review with class (40 min).  Day 2:  (Whole class) Distribute Case Facts and read this handout together (5 min).  (Whole class) Handout State v. Randall Video Guide. Stop the video at times marked on the guide and allow students to complete answers (80 min).  (Individual) Have students complete Case Facts during any remaining time or outside class.  Day 3:  (Small group) Place students in groups of 5 for mock Supreme Court Chambers discussion. Handout Supreme Court Opinion to class and follow directions (30 Min.). Circulate to check students’ homework.  (Individual) Have students finish Supreme Court Opinion activity during remainder of period and as homework, if warranted. |
| **Differentiation According to Student Needs:**  GATE Students:  See Extension of Lesson.  Students below grade level and/or ELL:  Provide students peer annotations and notes for reading and completing matrix activities. Teacher can use oral questioning with these students to gauge comprehension and competency/mastery of the content. |
| **Wrap Up- Synthesis/Closure:**  The lesson will be closed with the mock Supreme Court Chambers discussion and student Opinion Writing activity. |
| **Assessment (Formative and Summative):**  Completed handouts as well as oral questioning can be used as formative assessments.  Use Supreme Court Decision activity as summative assessment. |
| **Extension of the Lesson** |
| Students may look up the written opinions of the landmark Supreme Court cases covered in this lesson, trace the Justices’ reasoning, and decide whether they agree with the Justices.  <https://www.oyez.org/> |

**Drugs, Drug Dogs, and Automobiles Summary Statement**

State of Idaho v. Jacob Steele Randall

Docket No. 46893

An Idaho Police Trooper initiated a valid traffic stop on Jacob Steele Randall. During the course of the stop, the trooper obtained information that caused the trooper concern about Randal’s possible involvement in drug trafficking. The trooper expressed that concern, but Randall denied any involvement and consented to the trooper running his drug dog, Bingo, around the car. Bingo approached the driver’s side door, sniffed, and jumped through the open window, becoming stuck halfway inside the car. When the trooper realized Bingo jumped into the car and became stuck, the trooper assisted Bingo into the car. Bingo, alerted at the car’s back seat, facing the trunk. The trooper then walked Bingo around the exterior of the car, and Bingo again alerted at the trunk. A subsequent search of the car’s trunk revealed 65 pounds of marijuana, and the state charged Randall with felony trafficking of marijuana. Randall filed a motion to suppress all evidence obtained as a result of the stop of his car. The district court denied his motion. Randall entered a conditional guilty plea to an amended charge of trafficking marijuana, and the district court sentenced him to a unified term of seven years, with three years determinate.

On appeal, Randall alleges the district court erred in denying his motion to suppress and abused its discretion in imposing a unified sentence of seven years, with three years determinate. First, the Idaho Court of Appeals held that the district court did not err in denying Randall’s motion to suppress because: Bingo’s alert on the exterior of Randall’s car gave rise to probable cause to support a warrantless search; and Bingo’s entry into Randall’s car did not constitute a search under the Fourth Amendment. Second, the Court held the district court did not abuse its discretion by imposing an excessive sentence because the Court could not hold that under any view of the facts the sentence was unreasonable. Accordingly, the judgement of the sentence was confirmed.

The case was appealed to the Idaho Supreme Court.

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# Drugs, Drug Dogs, and Automobiles: Definitions and Explanations of Key Terms Activity

# *Directions:*

# *1.Read over definitions and explanations of key terms.*

# *2. Highlight/underline and use the margin to note information that is key to understanding the terms, concept, and/or application to law and/or your rights.*

# *3. Use the margins as a space to ask clarification questions from your teacher.*

# Fourth Amendment and Unreasonable Searches and Seizures

The [Fourth Amendment](https://www.law.cornell.edu/constitution/fourth_amendment) of the [U.S. Constitution](https://www.law.cornell.edu/constitution) provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against [unreasonable searches and seizures](https://www.law.cornell.edu/wex/unreasonable_search_and_seizure), shall not be violated, and no [Warrants](https://www.law.cornell.edu/wex/warrant) shall issue, but upon [probable cause](https://www.law.cornell.edu/wex/probable_cause), supported by Oath or affirmation, and particularly describing the place to be [searched](https://www.law.cornell.edu/wex/search_0), and the persons or things to be [seized](https://www.law.cornell.edu/wex/seizure)."

The ultimate goal of this provision is to protect people’s [right to privacy](https://www.law.cornell.edu/wex/right_to_privacy) and freedom from unreasonable intrusions by the government. However, the Fourth Amendment does not guarantee protection from all searches and seizures, but only those done by the government and deemed unreasonable under the law.

To claim violation of Fourth Amendment as the basis for suppressing a relevant evidence, the court had long required that the claimant must prove that he himself was the victim of an invasion of privacy to have a valid [standing](https://www.law.cornell.edu/wex/standing) to claim protection under the Fourth Amendment. However, the Supreme Court has departed from such requirement, issue of exclusion is to be determined solely upon a resolution of the substantive question whether the claimant's Fourth Amendment rights have been violated, which in turn requires that the claimant demonstrates a justifiable [expectation of privacy](https://www.law.cornell.edu/wex/expectation_of_privacy), which was arbitrarily violated by the government.

In general, most warrantless searches of private premises are prohibited under the Fourth Amendment, unless specific exception applies. For instance, a warrantless search may be lawful, if an officer has asked and is given consent to search; if the search is incident to a lawful arrest; if there is probable cause to search and there is exigent circumstance calling for the warrantless search. Exigent circumstances exist in situations where a situation where people are in imminent danger, where [evidence](https://en.wikipedia.org/wiki/Evidence_(law)) faces imminent destruction, or prior to a [suspect](https://en.wikipedia.org/wiki/Suspect)'s imminent escape.

On the other hand, warrantless search and seizure of properties are not illegal if the objects being searched are in plain view. Further, warrantless seizure of abandoned property, or of properties on an open field do not violate Fourth Amendment, because it is considered that having expectation of privacy right to an abandoned property or to properties on an open field is not reasonable.  
However, in some states, there are some exception to this limitation, where some state authorities have granted protection to open fields. States can always establish higher standards for [searches and seizures](https://www.law.cornell.edu/wex/search_and_seizure) protection than what is required by the Fourth Amendment, but states cannot allow conducts that violate the Fourth Amendment.

*https://www.law.cornell.edu/wex/fourth\_amendment*

**Probable Cause**

Probable cause is a requirement found in the [Fourth Amendment](https://www.law.cornell.edu/wex/fourth_amendment) that must usually be met before police make an [arrest](https://www.law.cornell.edu/wex/arres), conduct a [search](https://www.law.cornell.edu/wex/search_0), or receive a [warrant](https://www.law.cornell.edu/wex/warrant). Courts usually find probable cause when there is a [reasonable](https://www.law.cornell.edu/wex/reasonable) basis for believing that a crime may have been committed (for an arrest) or when evidence of the crime is present in the place to be [searched](https://www.law.cornell.edu/wex/search_0) (for a [search](https://www.law.cornell.edu/wex/search_0)). Under [exigent [necessary/pressing] circumstances](https://www.law.cornell.edu/wex/exigent_circumstances), probable cause can also justify a warrantless [search or seizure](https://www.law.cornell.edu/wex/search_and_seizure). Persons arrested without a [warrant](https://www.law.cornell.edu/wex/warrant) are required to be brought before a competent authority shortly after the arrest for a [prompt judicial determination](https://www.law.cornell.edu/wex/prompt_judicial_determination) of probable cause.

Although the [Fourth Amendment](https://www.law.cornell.edu/constitution/fourth_amendment) states that "no warrants shall issue, but upon probable cause", it does not specify what "probable cause" actually means. The [Supreme Court](https://www.law.cornell.edu/wex/supreme_court) has attempted to clarify the meaning of the term on several occasions, while recognizing that probable cause is a concept that is imprecise, fluid and very dependent on context. In *Illinois v. Gates*, the Court favored a flexible approach, viewing probable cause as a "practical, non-technical" standard that calls upon the "factual and practical considerations of everyday life on which [reasonable](https://www.law.cornell.edu/wex/reasonable) and prudent men [...] act".[1](https://www.law.cornell.edu/wex/probable_cause#footnote1_u9itd34) Courts often adopt a broader, more flexible view of probable cause when the alleged offenses are serious. *Source:* [*https://www.law.cornell.edu/wex/probable\_cause*](https://www.law.cornell.edu/wex/probable_cause)

**Reasonable Suspicion**

Reasonable suspicion is a standard used in [criminal procedure](https://www.law.cornell.edu/wex/criminal_procedure). Reasonable suspicion is used in determining the legality of a police officer's decision to perform a [search](https://www.law.cornell.edu/wex/search_and_seizure).

When an officer [stops](https://www.law.cornell.edu/wex/terry_stop_stop_and_frisk) someone to search the person, courts require that the officer has either a [search warrant](https://www.law.cornell.edu/wex/search_warrant), [probable cause](https://www.law.cornell.edu/wex/probable_cause) to search, or a reasonable suspicion to search. In descending order of what gives an officer the broadest authority to perform a search, courts have found that the order is search warrant, probable cause, and then reasonable suspicion.

In [*Terry v. Ohio*392 U.S. 1 (1968)](https://supreme.justia.com/cases/federal/us/392/1/case.html), the Supreme Court [held](https://www.law.cornell.edu/wex/holding) that if a police officer believes that an individual has a weapon which poses a danger to the officer, the officer may stop that individual to search the individual for a weapon. The Court held that to determine whether the police officer acted reasonably in the stop, a court should not look at whether he has a hunch, but rather "to the specific reasonable inferences which he is entitled to draw from the facts in light of his experience."

*Source: https://www.law.cornell.edu/wex/reasonable\_suspicion*

# Exclusionary Rule

The exclusionary rule prevents the government from using [evidence](https://www.law.cornell.edu/wex/evidence) gathered in violation of the [United States Constitution](https://www.law.cornell.edu/constitution/overview).  The decision in [Mapp v. Ohio](https://www.law.cornell.edu/supremecourt/text/367/643) established that the exclusionary rule applies to [evidence](https://www.law.cornell.edu/wex/evidence) gained from an [unreasonable search or seizure](https://www.law.cornell.edu/wex/unreasonable_search_and_seizure) in violation of the [Fourth Amendment](https://www.law.cornell.edu/wex/fourth_amendment).  *Source:* [*https://www.law.cornell.edu/wex/exclusionary\_rule*](https://www.law.cornell.edu/wex/exclusionary_rule)

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Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Drugs, Drug Dogs, and Automobiles: Landmark Supreme Court Case Matrix**

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| --- | --- | --- | --- | --- |
| Case Name and Website Link | Case Facts | Question | Conclusion | 1. What is/are **the main** portion(s) of   the court’s decision in terms  of search and seizure/Fourth  Amendment?   1. Respond to **one** of the following in   3-5 well written sentences.   1. *How did this ruling expand or restrict*   *a suspect’s rights?*   1. *Do you personally believe this was/wasn’t*   *“good” for you and/or society? Was the*  *value of giving the government*  *more power for societal safety*  *in this case justified? Explain.* |
| Mapp v. United States <https://www.oyez.org/cases/1960/236> | Dollree Mapp was convicted of possessing obscene materials after an admittedly illegal police search of her home for a fugitive. She appealed her conviction based on freedom of expression. | Were the confiscated materials protected from seizure by the Fourth Amendment? | Yes. In a 6-3 Decision authored by Justice Tom C. Clark, the majority brushed aside First Amendment issues and declared that all evidence obtained by searches and seizures in violation of the Fourth Amendment is inadmissible in a state court. The decision launched the Court on a troubled course of determining how and when to apply the exclusionary rule. |  | |
| Terry v. Ohio <https://www.oyez.org/cases/1967/67> | Terry and two other men were observed by a plain clothes policeman in what the officer believed to be "casing a job, a stick-up." The officer stopped and frisked the three men and found weapons on two of them. Terry was convicted of carrying a concealed weapon and sentenced to three years in jail. | Was the search and seizure of Terry and the other men in violation of the Fourth Amendment? | No. In an 8-to-1 decision, the Court held that the search undertaken by the officer was reasonable under the Fourth Amendment and that the weapons seized could be introduced into evidence against Terry. Attempting to focus narrowly on the facts of this particular case, the Court found that the officer acted on more than a "hunch" and that "a reasonably prudent man would have been warranted in believing [Terry] was armed and thus presented a threat to the officer's safety while he was investigating his suspicious behavior." The Court found that the searches undertaken were limited in scope and designed to protect the officer's safety incident to the investigation. |  | |
| Kyllo v. US <https://www.oyez.org/cases/2000/99-8508> | A Department of the Interior agent, suspicious that Danny Kyllo was growing marijuana, used a thermal-imaging device to scan his triplex. The imaging was to be used to determine if the amount of heat emanating from the home was consistent with the high-intensity lamps typically used for indoor marijuana growth. Subsequently, the imaging revealed that relatively hot areas existed, compared to the rest of the home. Based on informants, utility bills, and the thermal imaging, a federal magistrate judge issued a warrant to search Kyllo's home. The search unveiled growing marijuana. After Kyllo was indicted on a federal drug charge, he unsuccessfully moved to suppress the evidence seized from his home and then entered a conditional guilty plea. Ultimately affirming, the Court of Appeals held that Kyllo had shown no subjective expectation of privacy because he had made no attempt to conceal the heat escaping from his home, and even if he had, there was no objectively reasonable expectation of privacy because the imager "did not expose any intimate details of Kyllo's life," only "amorphous 'hot spots' on the roof and exterior wall." | Does the use of a thermal-imaging device to detect relative amounts of heat emanating from a private home constitute an unconstitutional search in violation of the Fourth Amendment? | Yes. In a 5-4 opinion delivered by Justice Antonin Scalia, the Court held that "[w]here, as here, the Government uses a device that is not in general public use, to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is a 'search' and is presumptively unreasonable without a warrant." In dissent, Justice John Paul Stevens argued that the "observations were made with a fairly primitive thermal imager that gathered data exposed on the outside of [Kyllo's] home but did not invade any constitutionally protected interest in privacy," and were, thus, "information in the public domain." |  | |
| Jones v. US  <https://www.oyez.org/cases/2011/10-1259> | Antoine Jones was arrested on Oct. 24, 2005, for drug possession after police attached a tracker to Jones's Jeep -- without judicial approval -- and used it to follow him for a month. A jury found Jones not guilty on all charges save for conspiracy, on which point jurors hung. District prosecutors, upset at the loss, re-filed a single count of conspiracy against Jones and his business partner, Lawrence Maynard. Jones owned the "Levels" nightclub in the District of Columbia. Jones and Maynard were then convicted, but a three-judge panel of the U.S. Court of Appeals for the D.C. Circuit ruled that the Supreme Court specifically stated in a 1983 case regarding the use of a beeper to track a suspect that the decision could not be used to justify 24-hour surveillance without a warrant. | Did the warrantless use of a tracking device on Jones's vehicle to monitor its movements on public streets violate Jones' Fourth Amendment rights? | Yes. Justice Antonin Scalia delivered the opinion of the Court. The Court affirmed the judgment of the lower court and held that the installation of a GPS tracking device on Jones' vehicle, without a warrant, constituted an unlawful search under the Fourth Amendment. The Court rejected the government's argument that there is no reasonable expectation of privacy in a person's movement on public thoroughfares and emphasized that the Fourth Amendment provided some protection for trespass onto personal property. |  | |
| Florida v. Jardines  <https://www.oyez.org/cases/2012/11-564> | On November 3, 2006, the Miami-Dade Police Department received an unverified "crime stoppers" tip that the home of Joelis Jardines was being used to grow marijuana. On December 6, 2006, two detectives, along with a trained drug detection dog, approached the residence. The dog handler accompanied the dog to the front door of the home. The dog signaled that it detected the scent of narcotics. The detective also personally smelled marijuana.  The detective prepared an affidavit and applied for a search warrant, which was issued. A search confirmed that marijuana was being grown inside the home. Jardines was arrested and charged with trafficking cannabis. Jardines moved to suppress the evidence seized at his home on the theory that the drug dog's sniff was an impermissible search under the Fourth Amendment and that all subsequent evidence was fruit of the poisonous tree.  The trial court conducted an evidentiary hearing and subsequently ruled to suppress the evidence. The state appealed the suppression ruling and the state appellate court reversed, concluding that no illegal search had occurred since the officer had the right to go up to the defendant's front door and that a warrant was not necessary for the drug dog's sniff. The Florida Supreme Court reversed the appellate court's decision and concluded that the dog's sniff was a substantial government intrusion into the sanctity of the home and constituted a search within the meaning of the Fourth Amendment. The state of Florida appealed the Florida Supreme Court's decision. | Is a dog sniff at the front door of a suspected grow house by a trained narcotics detection dog a Fourth Amendment search requiring probable cause? | Yes. Justice Antonin Scalia delivered a 5-4 opinion affirming the Florida Supreme Court's decision. The Court held that the front porch of a home is part of the home itself for Fourth Amendment purposes. Typically, ordinary citizens are invited to enter onto the porch, either explicitly or implicitly, to communicate with the house's occupants. Police officers, however, cannot go beyond the scope of that invitation. Entering a person's porch for the purposes of conducting a search requires a broader license than the one commonly given to the general public. Without such a license, the police officers were conducting an unlawful search in violation of the Fourth Amendment.  Justice Elena Kagan wrote a concurring opinion in which she argued that the case dealt with privacy issues as well as the property issues the majority opinion addressed. People have a heightened expectation of privacy in their homes and the areas immediately surrounding their homes, and in this case, the police violated that expectation. Because the police officers used a device (a drug-sniffing dog) not in public use to learn details about the home, Justice Kagan argued that an illegal search had been conducted. Justice Ruth Bader Ginsburg and Justice Sonia Sotomayor joined in the concurrence. |  | |

Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Drugs, Drug Dogs, and Automobiles: Case Facts Reading**

Instructions:

1. In class, read Case Facts.
2. After viewing Supreme Court video of State of Idaho V. Randall, read over the case facts of State of Idaho v. Randall. Highlight facts that are pertinent to the Fourth Amendment. Use the space underneath paragraphs to note facts that are related to the Landmark Supreme Court Cases and Key Terms Sheet which support or undercut Randall’s claim his Fourth Amendment/search and seizure rights were violated. YOU WILL USE THIS INFORMATION TO WRITE A COURT OPINION.

On September 3, while parked in an interstate median, Idaho State Police Trooper Scheierman observed a car near Pocatello traveling east at approximately eighty miles per hour. Although this speed was within the speed limit, the car slowed down upon approaching Scheierman's patrol car. As Scheierman watched the car pass, he noticed the driver sitting in a very rigid, uncomfortable, and unnatural driving position and pressing himself backwards in the seat. Scheierman believed this to be abnormal behavior and followed the car. After witnessing the driver fail to use his turn signal for the requisite five seconds before changing lanes, Scheierman activated his emergency lights and initiated a traffic stop.

Scheierman made contact with Randall, the driver, explained the basis for the stop, and asked for Randall's driver's license, proof of registration, and insurance. After Randall complied with these requests, Scheierman learned the car was a rental. Randall stated that because of low airline fares, he decided to fly to Las Vegas for a vacation. Randall said he purchased an airline ticket from Saint Paul, Minnesota to Las Vegas, Nevada for seventy-five dollars and arrived in Las Vegas late in the evening on August 30. Randall explained he rented a car to drive back to Saint Paul; the rental car paperwork indicated he rented the car on August 31. Randall told Scheierman that after renting the car, he drove west to Reno, Nevada, about a seven-hour drive from Las Vegas. During this conversation, Scheierman noticed Randall's hands were shaking, his carotid artery was pulsating, and the car had a lived-in look, with food wrappers, gallons of water, and toiletries scattered throughout the interior.

Scheierman asked Randall to step out of the car to speak with him by Scheierman's patrol car. Randall complied. While Scheierman checked for outstanding warrants, Scheierman and Randall continued to speak about Randall's travel destinations over the previous few days. When Scheierman checked Randall's driver's license, the law enforcement database did not indicate any outstanding warrants or anything else that required further action by law enforcement.

Nevertheless, Scheierman thought several of Randall's statements were suspicious. First, Randall only paid seventy-five dollars for airfare from Saint Paul to Las Vegas but paid more than $500 to rent the car for the trip home. Second, Randall stated he wanted to vacation in Las Vegas, but then spent very little time there, instead spending the vast majority of his time driving  west to Reno before heading northeast towards Saint Paul. Third, Randall initially denied traveling anywhere but Las Vegas, but later admitted driving to Reno. Based upon Randall's unusual travel, which included known drug trafficking destinations, his level of nervousness, and the physical state of the interior of the rental car, Scheierman had concerns about Randall's possible involvement in drug trafficking and expressed these concerns to Randall. Randall denied any involvement in drug trafficking and, upon Scheierman's request, consented to Scheierman running his drug-detection dog, Bingo, around the car. Bingo approached the driver's side door of Randall's rental car, sniffed, and jumped through the open window, becoming stuck halfway inside the car and halfway outside the car. When Scheierman realized Bingo jumped into the car and became stuck, Scheierman assisted the dog further into the car to prevent injury to the animal and the car. Bingo entered the back seat of Randall's rental car, intensely sniffed, and alerted on the back seat, facing the trunk. Scheierman then walked Bingo around the exterior of the car and Bingo again alerted at the trunk. A subsequent search of the car's trunk revealed sixty-five pounds of marijuana. The State charged Randall with felony trafficking in marijuana.

Randall filed a motion to suppress all evidence obtained as a result of the stop of his rental car by law enforcement arguing, in part, that the initial purpose of the stop was unconstitutionally expanded to include a drug investigation even though Scheierman did not have reasonable suspicion of illegal drug activity and that Bingo's entry into the interior of the car was facilitated by Scheierman and, thus, constituted an illegal search. The district court found Scheierman had reasonable suspicion of drug activity, which justified the subsequent drug investigation, the use of a drug-detection dog, and the search of the car. Additionally, the district court found Bingo's sniff in the interior of Randall's rental car was not unconstitutional because Bingo independently entered Randall's rental car after detecting an odor emanating from the car. Accordingly, the district court denied Randall's motion to suppress.

Randall pled guilty to an amended charge of trafficking in marijuana of at least five pounds, but less than twenty-five pounds, [Idaho Code § 37-2732B(a)(1)(B)](https://casetext.com/statute/idaho-code/title-37-food-drugs-and-oil/chapter-27-uniform-controlled-substances/article-iv/section-37-2732b-trafficking-mandatory-sentences), but reserved the right to appeal the district court's denial of his motion to suppress. The district court sentenced Randall to a unified term of seven years, with three years determinate. Randall appealed.

**Drugs, Drug Dogs and Automobiles Supreme Court Opinion Activity**

As noted, after oral arguments finished, the five Idaho Supreme Court members retired to their chambers and set a time to discuss the case amongst themselves to determine their opinion on the case. A minimum of three Justices are needed to determine the ruling by the court.

1. Working with four other students (your fellow Justices) you will take the next 30 minutes to discuss the case facts, the relevant precedents from landmark Supreme Court cases as well as the oral arguments by the attorneys. You will then confer with your fellow Justices to determine if Randall’s Fourth Amendment rights were violated**. BE SURE TO ADD TO YOUR NOTES/ANNOTATIONS.**
2. At the end of 30 minutes, you will vote. You will either be in the majority or the minority. If you are in the majority, you will write the Court’s opinion. If you are in the minority, you will write a dissenting opinion. In either case you will:
3. Write 250-500 word opinion on State of Idaho v. Randall.
4. Include a minimum of three references to separate landmark Supreme Court Cases as they apply to the Randall case. Italicize landmark cases.
5. Properly use all terms: Fourth Amendment, search and seizure, probable cause, reasonable suspicion, and exclusionary rule. Boldface these terms.
6. Use a minimum six relevant case facts. Underline case facts.
7. Be sure to state the court’s (or your dissenting) “opinion” in the first sentence. Use the rest of the paper to craft an argument using evidence and explanation.

PLEASE DO NOT EXCEED 500 WORDS. ALSO, THE NUMBER OF LANDMARK CASES AND CASE FACTS STATED ABOVE ARE MINIMUM REQUIREMENTS. YOU MAY WISH TO EXCEED THEM IN ORDER TO ACHIEVE A HIGH (AND NOT MERELY PASSING) GRADE.

**RUBRIC**

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| --- | --- | --- | --- | --- |
|  | Excellent | Good | Needs Improvement | Insufficient Evidence of Success with Assignment |
| Overall Impression | Author directly and thoroughly addresses the main question or issue and adds insight to the subject not provided in lectures, readings, or class discussions.  The author has learned a great deal in class and is able to communicate this knowledge to others. | Author competently addresses main question or issue. It is clear the author has learned a great deal in class and is able to communicate this knowledge to others. | Author attempts to address main question or issue but fails. The author has retained some information from the course but does not fully understand its meaning or context and cannot clearly convey it to others. | Essay does not address main question or issue and/or the author has not presented information that demonstrates success with the assignment’s objectives/guidelines. |
| Opinion | Essay contains a clear and appropriate opinion on the case. | An opinion is present, but reader must reconstruct it from the text. | Author attempts, but fails, to make an opinion. | Author has not articulated a relevant/coherent opinion. |
| Evidence | Provides compelling and accurate evidence that convinces reader to accept main argument. The importance/relevance of all pieces of evidence is clearly stated.  Author uses:  All Terms  more than:  3 Landmark Cases  6 Relevant Case Facts | Provides necessary evidence to convince reader of all aspects of the main argument.  Author uses at least:  All Terms  3 Landmark Cases  6 Relevant Case Facts | Not enough evidence is provided to support author’s argument, or evidence is incomplete, incorrect, or oversimplified. Information from lectures and readings is not effectively used.  Author does not use or misapplies:  All Terms  3 Landmark Cases  6 Relevant Case Facts | Either no evidence is provided, or there are numerous factual mistakes, omissions, or oversimplifications. There is little or no mention of:  Terms  Landmark Cases  Relevant Case Facts |
| Clarity and Style | All sentences are grammatically correct and clearly written. No words are misused or unnecessarily fancy. All information is accurate and up to date. Paper contains no errors. | All sentences are grammatically correct and clearly written. An occasional word is misused or unnecessarily fancy. Paper contains no more than a few minor errors, which do not adversely affect the reader’s ability to understand. | A few sentences are grammatically incorrect or not clearly written. A few words are misused. Paper contains errors. Reader’s ability to understand may be compromised by these errors. | Paper includes several grammatical errors, misused words, and/or examples of awkward syntax. Reader has a difficult time understanding essay because of errors. |