

**Class 5: Probable Cause**

Admin

Next Time: 187-202 (No Supplemental Reading)

Mind maps today an hour after class!

For Tuesday, Scott v. Harris

Excerpted Opinion will be posted tomorrow (Wed.)  
Must watch ~9 Minute Video on YouTube

Overview

Fourth Amendment: 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.

Judging the Affiant

Note 6: Franks hearings

**Class 5: Probable Cause**

Judging the CI

Two-prongs of Spinelli

How much corroboration is enough?

What is a "Self-Verifying" detail?

Who is a typical CI?

Anonymous (even to the police) CIs

Note 3: Boggess case

Anonymous phone call to social worker that D had battered two children. ⊕  
D refused to let police into house.

Multiple-levels of hearsay? ⊕

How probable is PC?

Gates, 145: "an effort to fix some general, numerically precise degree of certainty . . . may not be helpful."

What Percentage?

Note 8: Texas v. Brown: Need not be "more likely true than false" ie, need not be 51%

Identical Twins?

Identical Triplets?

Certainty that it is one of ten.

Certainty that 10% of residents in this community have illegal weapons.

Three drunks in the back seat, sleeping

Pringle: Arrested all three for cocaine found in back seat.

Sliding scale based on invasion or risk?

Invasion

Schmerber, forced blood sample  
Winston, forced surgery to remove bullet.

Risk of Harm

Atomic bomb and radiation sensors ⊕

