

Exam:

Exam Form:

C2502 - Static Form

Response

- **Rob's Statement**

Involuntary Statement

In reference to the Criminal Procedure Code, it is pertinent to note that any involuntary statement made to the police officer in reference to the crime committed shall not be admitted as a part of the evidence. However, such involuntary statement shall be used to impeach the character witness of the defendant provided the defendant opens the door for the same.

In this case, as we can see that the police officer relied on the bank teller's information and sought evidence for the Rob without any probable cause. However, there was no appropriate identification that was caused during the finding of the same which resulted in not only apprehending the defendant on wrongful grounds but also violated the right to bring the statements to the officer in an appropriate ground.

Rob's Defence

Rob in this case shall argue that such evidence or the statement by the police officer was not within his rightful rights and such rights were taken into consideration without any probable cause, thus violating his right to seek lawful justice.

Prosecutor's Argument

Prosecutor in this case will mention to the court that such statement by Rob was not involuntary and the police officer had reasonable reasons to rely on the statements provided by the Bank Teller. *Since Robbery is a felony crime*, any statements accumulated during the course of the scene is only acting in consonance to the crime adverted and no other probable cause was required. There was no coercion or no breach of the duty while attaining to such statements and the officer in his rightful lawful right or duty asked Rob for the same.

Statements without interrogation

Any statement obtained by the officer that is not interrogation is valid and does not require any Miranda rights or any such declaration of the rights to the defendant.

In addition, the police officer in this case was not interrogating Rob during the course of such action and asked a question in relation to the crime that is conducted. Such evidence with a reasonable proof of the statement from the bank teller cannot be termed as interrogation and such statement shall be provided in the court, provided such evidence is used only to impeach the defendant for the same.

In conclusion, the Rob's statement is a voluntary admission and such statement can be used by the prosecutor to impeach the defendant in the court of law.

- **Rob's Statement that he had left the stolen money in the apartment**

Miranda Rights

Miranda rights are the rights that the officer is required to provide an individual during an interrogation and also ensure the following:

- 1) He has the right to remain silent
- 2) He has a right to retain a lawyer
- 3) Explain that such statements provided during this interrogation shall be used against him in the court of law.

In this case, the police officer interviewed Rob without providing his miranda rights and seeked admission of the same from Rob. However, it is peritnent to note that such information obtained by the officer cannot be construed as an evidence in the court of law.

Rob's Defense

In reference to the Miranda rights provided above, any statement taken by the officer during the course of interview without providing any appropriate rights, such statement shall not be admissible in the court of the law and they can be used to impeach the defendant during the course of law.

Prosecution's Argument

The presecution's argument in this case shall be that Rob had affirmatively waived his Miranda rights when the officer interviewed him for the same and the information of the money was obtained as an admission from the officer after a through explanation of the rights and no coerce or force was used to obtain such rights from the defendant.

Fourth Amendment of the United States

The Fourth Amendment of the United States mentions about the search and seizure of the evidence obtained by the officer during the crime. The officer had no probable cause to ask Rob for the money and seizing the same from the defendant without an appropriate warrant.

It is also pertinent to note that the warrant also did not consist of the all the elements required for a warrant to be issued.

An improper warrant shall not be eligible for the court of law to consider for the evidence proided such evidence can be used to impeach the defendant for the same. Here, there is no probable evidence that the warrant was rightfully issued and such issuance shall be considered as invalid as per the court of the law.

- The Gun

Violation of the Fourth Amedment

The officer committed a gross violation the fourth amendment while searching for evidence for Rob. Any officer, can conduct such sesrch on the defendant or the individual provided such search has a probable cause and not the reasonable cause.

Here the officer searched Rob on the basis of the information received from the Bank Teller. However, the officer cannot conduct any search without a probable cause unless the officer feels that such sesrch may consists of a weapon on the defendant.

Frisk Search

The officer can conduct such frisk search only if has a probable cause if the sesrch consisted of a weapon. It is againt the fourth amendment of the constitution to conduct a search in the suitcase. Any search beyond the reasonable means of the defendant shall be termed as acting beyond the reasonable powers of the officer.

Rob's Defense

Here Rob can raise a valid defence that such search and seizure was not within the rightful rights of the officer and the admission of such search should not be admitted in the court of law.

Prosecution's Argument

The prosecutor may argue that the search was conducted on Rob after a valid admission of the statement was taken into consideration from Rob. However, the prosecution can raise that Robbery being a felony crime, the officer may conduct such search that is well within the powers and such search is created in anticipation of the crime committed and refrain the defendant from committing such other crime in anticipation of the same.

- Stolen Money

Fifth Amendment of the United States constitution consists of the rights against self-incrimination. Here the officer should have provided valid miranda rights before admitting any evidence in the court of law.

Additionally, Rob may contest that such warrant is invalidly issued and did not consist of a valid search and any such evidence shall not be admitted in the court.

More importantly, such obtained evidence can also be a fruit of the poisonous tree wherein all the evidences obtained during the course of the search shall not be admitted in the court of law.

Rob can rightfully disclaim the evidence of gun and stolen money.