

California v. Greenwood

A Supreme Court Case

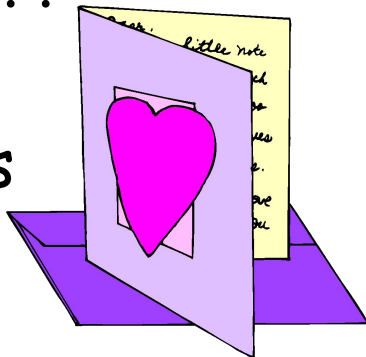


Think about this question:

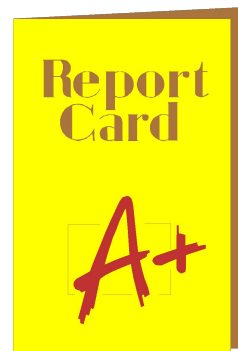
Are there things you throw away that you and your family would not like everyone to see?

How about . . .

Love letters



Receipts



Notes home from teachers

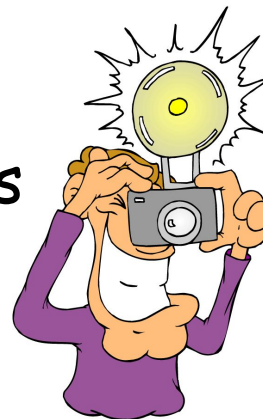
Computer disks



Underwear



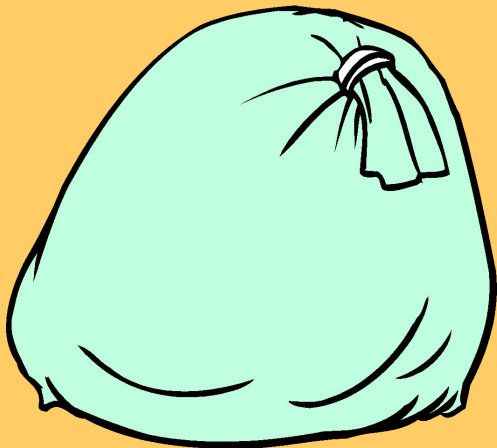
Photos



You are going to work on a case that went to the U.S. Supreme Court. The name of the case is ***California v. Greenwood***.

Here are the facts:

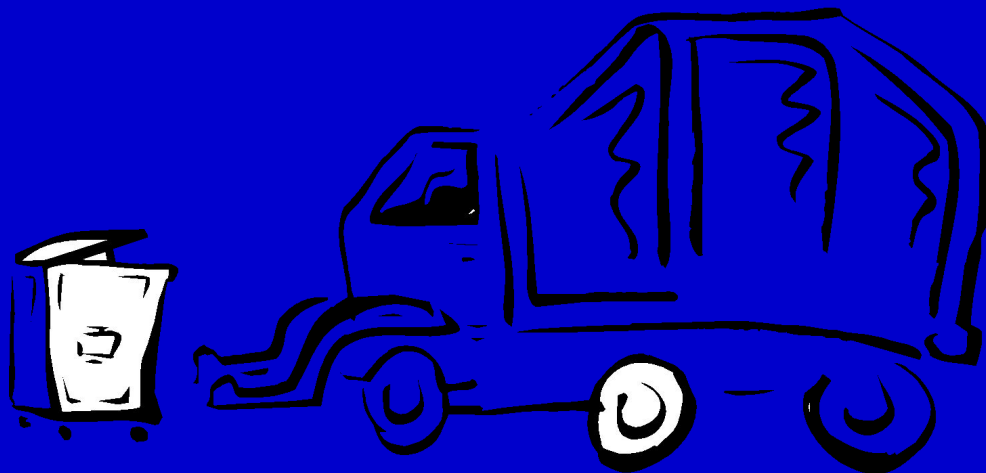
In 1984, Billy Greenwood was arrested in California on felony narcotics charges. He was tried in Superior Court and convicted.



The police had collected most of the evidence against Greenwood from dark green plastic trash bags (the kind you can't see through).

Greenwood had left the bags out for the trash collector. They sat on the curb in front of his house.

The police did not have a search warrant. But they did get permission from the trash collector to look through Greenwood's trash bags.



Under the Fourth Amendment, to conduct a search, police need...

"probable cause," or a reason to suspect, that a person has committed a crime,

"consent," or permission, from the person or property owner,

or a **search warrant.**

**The police had
none of these.**

Greenwood's lawyers appealed his conviction.

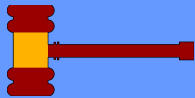
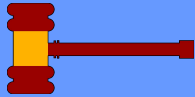
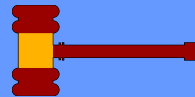
They argued that the police had no right to search the trash bags.

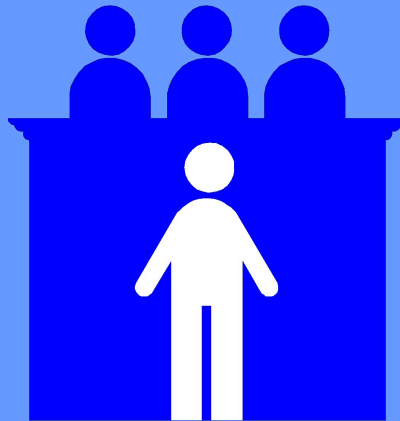
Therefore the evidence from the trash bags should not have been admitted at the trial.



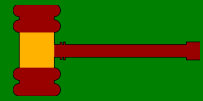
Both sides presented oral arguments and briefs to the appeals courts.

Attorneys for the state of California presented this argument:

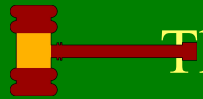
-  Police did not conduct a “search” as defined by law. A search is a governmental intrusion into something in which a person has **a reasonable expectation of privacy**.
-  Greenwood had thrown away the evidence. He had no reasonable expectation of privacy in trash bags left on the curb for the trash collector.
-  Therefore the police did not conduct a search.



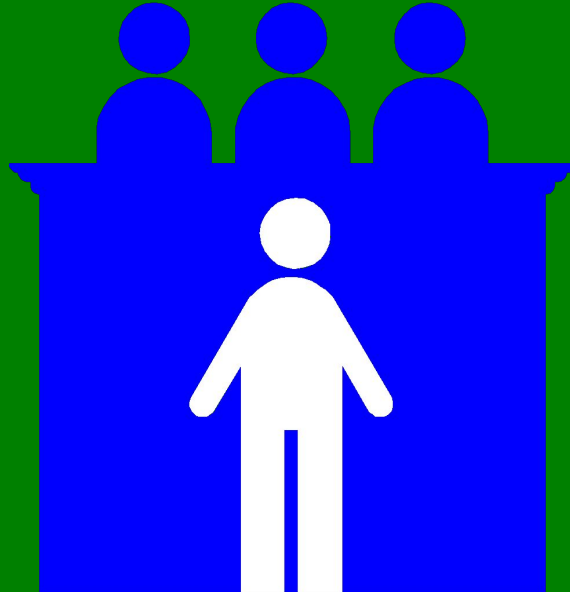
Greenwood's lawyers presented this argument to the appeals court:



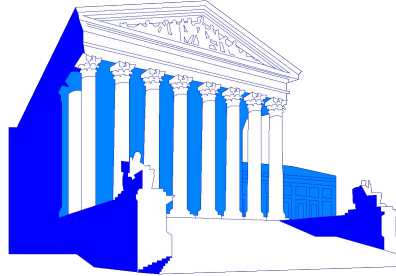
Greenwood did have a reasonable expectation of privacy of these bags.



Therefore the police did conduct a search, which they had no right to do.

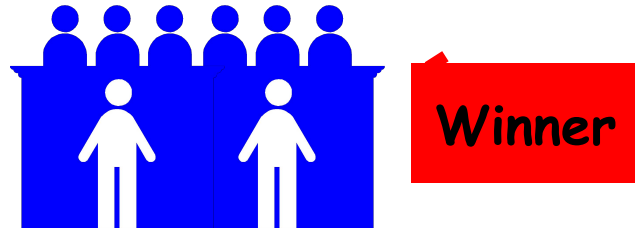


The case went through the appeals process.



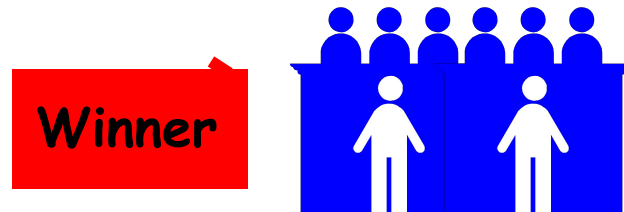
So the state of California appealed the case to the U.S. Supreme Court.

This court also ruled in favor of Greenwood.



The state then appealed to the California Supreme Court.

This court ruled in favor of Greenwood.



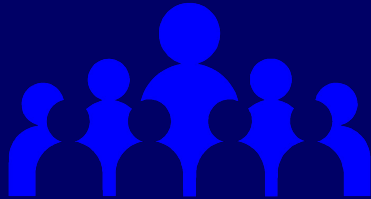
First, it went to the California Court of Appeals.

**You are going to take the case to
the Supreme Court.**

The U.S. Supreme Court had to decide
these questions:

- Was it a search?
- Did Greenwood have a reasonable expectation that his trash would remain private?

You will take the roles of:



Justices of the U.S. Supreme Court.

Attorneys for the state of California.



Attorneys for Greenwood.



To prepare for the case...

Attorneys for Greenwood: Create arguments to convince the justices that Greenwood had a reasonable expectation of privacy. The trash bags should not have been searched.

Attorneys for the state of California: Create arguments that Greenwood had no reasonable expectation of privacy. The trash bags could be searched legally.

Justices of the U.S. Supreme Court: Create at least three questions to ask each side to help you determine the case.

Decide who will represent your group to perform the moot court.

Rules for the Oral Argument

- 1. Attorneys for the state of **California** will present first.**
- 2. Attorneys for **Greenwood** will present second.**
- 3. Justices will ask questions of both sides during the arguments.**

The Justices' Decision

- 1. After oral arguments, the justices meet and discuss the case.**
- 2. Then they vote.**
- 3. The justices will explain the reasons for the decision.**

The Decision of the U.S. Supreme Court in *California v. Greenwood* (1988)

The court found in favor of California.

Writing the opinion of the court, Justice Byron White said:

“ . . . plastic garbage bags left . . . at the side of a public street are readily accessible to animals, children, scavengers, snoops, and other members of the public Moreover, [Greenwood] placed refuse for the express purpose of [giving] it to . . . the trash collector [Greenwood] could have no reasonable expectation of privacy in the . . . items . . . discarded.”

Writing in dissent, Justice William Brennan said:

“Society [should be prepared] to recognize as reasonable an individual’s expectation of privacy in the most private of personal effects sealed in an opaque container and disposed . . . [so as] to commingle it . . . with the trash of others. . . . The mere *possibility* that unwelcome meddlers might open and rummage through the containers does not negate the expectation of privacy in its contents any more than the possibility of a burglary negates the expectation of privacy in a home”

How do you think the case should
have been decided?

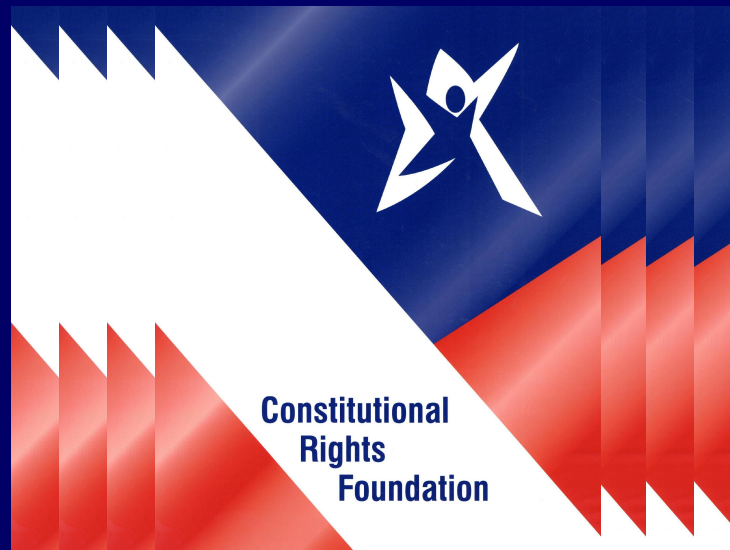
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Designed by Marshall Croddy

Written by Keri Doggett & Bill Hayes

Graphic Design and Production by Keri Doggett

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