Cases Which Influence The Criminal Procedure

Abstract

In October during the year of 1973, Memphis police officers received a call for a burglary. Once the officers arrived, they split up to search the premises. One officer seen a fleeing suspect who was 15 year old Edward Garner. The officer shines his flashlight on Garner and was able to see that Garner had no weapon. Garner began climbing a fence and was asked by the officer to stop but he continued. That is when the officer began shooting, striking Garner in the back of his head which caused his death. Taking an insight into Graham v Connor. Graham was a diabetic asked his friend, Berry to take him to a convenience store to purchase orange juice to counteract the onset of an insulin reaction. (Justia, 2019). Graham entered into the store and the line was too long so he quickly left back. Officer Conner noticed how fast entered and came back out, so he decided to follow them and pull then over for an investigative stop. During the stop Graham has endured several injuries. Once the officer Conner had realized he did nothing wrong he let Graham go. Graham filed a suit in the District Court. Reading furthermore in this paper, will be discussed the decisions made with both cases and why are those decisions important to criminal procedure?

Tennessee v Garner

In this case a teenage boy life was taken in a matter of seconds. He was an individual who had no weapon at the point he was shot in the back of the head and killed by an officer. On October 03, 1974. Officers were called out for a burglary and once they arrived and searched the premises they seen 15 year old Edward Garner, he was spotted running across the street and trying to climb a fence the officer flashed his flashlight to clearly see that Garner had no weapon on him. However the officer still took it upon himself to shoot Garner to keep him from escaping. This case was a Supreme Court case, in which they ruled under the Fourth Amendment of the U.S Constitution, that “An officer may not use deadly force to prevent escape unless the suspects poses a significant threat a bodily harm or death to another person or police officer”. (Justia, 2019).

The Fourth Amendment under the U.S constitution is important to criminal procedure because this would prevent others from losing their lives. If a suspect is seen fleeing officer should not shoot unless harm is brought against them or other people. Of course if someone is doing something they should not be doing it is the officer’s duties to protect the community and capture the suspects, however no lives should be lost in the mist of doing so. Safety is very important. Officers should also learn not to abuse their power and follow are rules and laws that apply. In most recent days a lot of innocent people and even those that have committed a crime are losing their due to police brutality. Shooting and killing any person who is not armed and whom is not bringing in harm toward and officer or any other person should not have to endure such harsh punishment.

As officer they step out and risk their lives every day. It is of course very important for them to protect themselves but also even more important to do their jobs and protect even the criminals.

Graham v Connor was a Supreme Court case that provides the foundation for evaluating police use force incident. Happened in 1989 where police officer saw a man by the name of Graham acting suspiciously, police believed that he was drunk. However it turned out that Graham was experiencing a diabetic emergency. Because Graham was non-compliant the officers started to use force against him to detain him. Graham sustained a broken foot, as well as other injuries. Lower courts threw out the case because they believe that Officer Conner acted in good faith effort to maintain discipline. The Supreme Court reversed the lower courts determination that the subjective intent of Officer Connor was in good faith. The court then determined that weather or not the officer has a bad intent, because of this case Graham v Connor holds that the officer conduct has to be objectively reasonable, and that reasonableness of an officer's action is judged by the totality of the circumstance. So basically it is what an officer does not what they intentions were. The court also held that reasonableness of the use of force must be judge from the perspective of a reasonable officer on the scene.

This decision is very important to criminal procedure because it would save an individual from getting hurt and possible killed from such force. Police officer needs to know their limits and what that can and cannot do when it comes to such situations. For future situation officers can't do something with a certain intent because that's not what matters, what matters is that all officers understand that actions are to be based on the totality of the circumstances.