

## ROCHIN V. CALIFORNIA (1952)

On the morning of July 1, 1949, three deputy sheriffs of the County of Los Angeles received a tip that a man named Rochin was selling narcotics out of his mother-in-law's house. The outside door to the house was open, and after entering, the deputy sheriffs went up to the second floor, forced open the door to Rochin's bedroom and found him lying in bed. On a stand beside the bed, the deputies saw two capsules and asked what they were. Rochin then grabbed the capsules and put them in his mouth. A fight started as the deputies tried to remove them, but Rochin had swallowed the capsules. He was handcuffed and taken to the hospital. The deputies directed a doctor to pump Rochin's stomach, and the capsules were recovered. Upon analysis, they were found to contain morphine.

Tried and convicted of possessing morphine in violation of the California health and safety code, Rochin was sentenced to sixty days imprisonment. His appeal through the higher courts of California was denied. He then took his case to the Supreme Court of the United States, seeking to have the conviction overturned on the grounds that the deputies had no right under the Fourth Amendment to order a doctor to pump his stomach to recover the evidence. He also claimed violation of his Fifth Amendment protection against self-incrimination.

## SCHMERBER V. CALIFORNIA (1966)

Sometime around midnight, Armando Schmerber and his friend walked out of a Los Angeles Tavern and bowling alley where they had been drinking. They got into the car, and Schmerber roared away. Suddenly the car whipped into a skid, crossed the road, and smashed into a tree. Both Schmerber and his friend were injured.

A police officer arrived shortly after the accident. He said he smelled alcohol on Schmerber's breath and said that his eyes had a "bloodshot, watery, sort of glassy appearance." Later, at the hospital where Schmerber and his friend were taken for treatment, the investigating officer said he noticed the same symptoms of drunkenness. He placed Schmerber under arrest, informing him that he could remain silent and that anything he said could be used against him. The officer also ordered a physician to conduct a blood test for alcohol on Schmerber (breathalyzers did not exist at this time). On the advice of his attorney, Schmerber refused to consent. In spite of his refusal, the blood sample was drawn. It revealed enough alcohol in Schmerber's blood to indicate intoxication.

At Schmerber's trial, both the officer's testimony and the chemical analysis of Schmerber's blood were introduced. He was convicted of driving while intoxicated; the crime was a misdemeanor. Schmerber appealed his conviction, contending that the taking of the blood sample under those conditions and the admission of the chemical analysis as evidence against him denied him "due process of law" (14th Amendment), abridged his right against "unreasonable search and seizure" (4th Amendment), and took away his privilege against "self incrimination" (5th Amendment). The California Superior Court rejected these arguments and affirmed his conviction. The case then went before the U.S. Supreme Court.

## MAPP V. OHIO (1961)

Mrs. Mapp lived alone with her daughter on the top floor of a two family house. At about 1:30 on the afternoon of May 23, 1957, three Cleveland police officers arrived at the house, knocked on the door, and demanded to be admitted. They were acting on confidential information that a person who was wanted for questioning in connection with a recent bombing was hiding in the house.

Mrs. Mapp, looking out of her second-story window, asked the police what they wanted. They replied that they wanted to question her, but would not state the reason. She then called her attorney and, on his advice, told the police that she would not let them in without a search warrant.

The officers informed police headquarters of this situation and continued to watch the house. Some three hours later, four or more additional officers arrived. By this time Mrs. Mapp's lawyer had appeared, but the police would not permit him to see her or to enter the building. The police forcibly opened one of the doors and entered the building.

Mrs. Mapp demanded to see their search warrant. A paper, claimed to be a warrant (but not actually) was held up by one of the officers. She grabbed the warrant and placed it in her blouse. The policemen seized her, recovered the piece of paper, and handcuffed her. She was treated roughly and was taken forcibly upstairs. The police then made a complete search of the four rooms of her apartment and the basement of the house. They found four little pamphlets, a couple of photographs, and a pencil drawing, all of which were regarded as pornographic. The police testified that the obscene materials had been found in Mrs. Mapp's dressers and in a suitcase near her bed. She claimed that most of the articles had been found in a cardboard box in the basement and that only one had been found in the suitcase by her bed. Mrs. Mapp and a friend testified that all of the material belonged to a recent boarder who had left for New York.

Mrs. Mapp was found guilty of possession of obscene materials according to the laws of Ohio. She appealed through the courts of Ohio and finally took her case to the U.S. Supreme Court.