

Wednesday, October 3, 2007

When cops let non-cops do the dirty work.

Bill of Rights. (From the public domain.) Cops know that courts generally refuse to apply the Fourth Amendment to private actors. What better way to tempt cops to entice private actors into actions that would be Fourth Amendment violations if committed by cops? Last week, the District of Columbia Court of Appeals underlined this point by refusing to apply the Fourth Amendment to a dorm search at the George Washington University (where I graduated law school), even though GW special police waited closeby in the wings during the search, and then some. The case is *Limpuangthip v. U.S.*, __ A.2d __ (D.C. Sept. 27, 2007). Thanks to one of our frequent Underdog readers for alerting me to this Limpuangthip case -- through a link to FourthAmendment.com -- before I read it via the online slip opinions. I welcome readers' ongoing tips. Jon Katz.

Posted by Jon Katz in Criminal Defense at 01:00

Looks like GW's student newspaper, the GW Hatchet, wrote about the case. It quotes GW Law Professor and 4th Amendment scholar Orin Kerr as saying, "I'm not sure the Court got it right..." The article can be found at <http://media.www.gwhatchet.com/media/storage/paper332/news/2007/10/08/News/Former.Gw.Student.Fights.Drug.Charges-3017649.shtml>

Anonymous on Oct 8 2007, 10:06

Thanks, Stever, for the update. When I was at GW Law School, the Hatchet's writing and editorial approach often struck me as unnecessarily sophomoric. I'm happy the newspaper got a comment from Orin Kerr on this story.

My favorite feature of the Hatchett was the Moonbaby comic strip, written and illustrated by Shawn Belshwender (sp?), who illustrates News of the Weird (at least in the Washington City Paper).

Anonymous on Oct 11 2007, 07:21