

Case Name: District of Columbia v. Heller

Case Citation: Supreme Court of the United States, 554 U.S. 570 (2008)

Facts: Heller is a special police officer and seeks to register a handgun for self-defense in his home. His right to register this handgun is under the second amendment, which is the right to bear arms.

Fact
Question

Issue(s): The court has denied Heller's right to register this handgun and states that the handgun needs not only be registered, but the gun needs to be unloaded or equipped with a safety lock.

Not issue stated!

Ruling: Heller is able to register his handgun for self-defense purposes in his household and the Supreme Court ruled that it would be unconstitutional if the court ruled against him and that it would take away his right to the second amendment.

Discussion: Heller is a police officer and is in a field of work that expertises in handguns so it would be reasonable to let him have a handgun in his home for self-defense purposes.

? there was no dissent!!

There was no dissent but I agree with the decision of the Supreme Court because it allows Heller the rights of the second amendment of the Constitution. The handgun Heller wanted to register was so that he can use it at home and protect himself and his family. I also believe that it is unconstitutional to take away Heller's right to bear arms for self-defense reasons even if the handgun is to be registered.

D

Case Name: Kemper v. Brown
Case Citation: 754 S.E.2d 14 (Ga. App. 2014)

5014
accept

FACTS: Kemper was involved in a motor vehicle accident with Brown. Kemper was riding her motorcycle when she was struck by Brown with his car. Kemper suffered a very serious injury and Brown was charged with driving under the influence and reckless driving. Kemper sent a letter to Brown's insurance company demanding that they send all the insurance money he had under his insurance policy. She agreed to sign a limited release in exchange. The insurance company agreed to settle her claims and they sent a \$25,000 check and a two page limited liability release form. It also stated that they want Kemper to place the money into an escrow account to protect the interest of any liens. Kemper will not be accepting the check. Kemper sues Brown because of the counteroffer the insurance company demanded her to place the money into an escrow account.

ISSUE(S): Was Kemper's check and the additional condition that she put the money into an escrow account a counteroffer or an acceptance?

RULING: The court concluded that the check and additional terms was a counteroffer rather than an acceptance and consequently, did not create an enforceable settlement agreement. They reversed the trial court's order granting Brown's motion to enforce settlement.

RATIONALE/DISCUSSION: Since the insurance company demanded that Kemper place the money into an escrow account, it is obviously a counteroffer because these were not the original terms that they have agreed to. Kemper and Brown should have made an enforceable contract if the parties have both agreed on the terms. But, no binding settlement agreement was formed.

MY OPINION: There was no dissent with this case and I agree with the ruling. When Kemper suggested that she would sign a limited liability release in return of getting the insurance check and the insurance company demanded that she put the funds into a trust account, it was already a counteroffer. If the acceptance is not identical to the offer, it is called a counteroffer. The mirror image rule requires that an acceptance match the terms of an offer. So in conclusion, this case is closed as a counteroffer.

"B"

Case Name: Arizona v. Johnson

Case Citation: 55 U.S. 323 (2009)

Fact: In 2002, Officer Trevizo who was serving on Arizona's gang task force stopped a car while patrolling near Tucson neighborhood due to its suspended registration. There was three people on the car at the time, and all of them stated that no one was carrying a gun. Johnson who is the back-seat passenger was noticed by Trevizo by his dress and his behavior. Johnson was wearing blue bandana, which considered with Crisp's gang, and carrying a scanner in his pocket. Suspecting that Johnson had some gang relates, Officer Trevizo questioned him and asked him to exit the car because she did not want the front seat passenger to gain knowledge about his gang. Because the officer believed that Johnson was dangerous and armed, she pat him down for safety. At that time, Trevizo found a gun behind Johnson's butt. Johnson was charged with possession of gun by a prohibited possessor. Unlike the Trial Court, the Arizona Court of Appeal reversed the decision of the lower court by stating that the consensual conversation about Johnson's gang was not related to the traffic stop. However, in the Arizona Supreme Court, the Court reverse the Arizona Court of Appeals.

Issue: Was the patdown on passenger who is Johnson during the traffic stop for investigating suspended registration considered as lawful based on the Fourth Amendment under unreasonable search and seizures? *Good issue statement,*

Rationale
Ruling: Yes The ~~Arizona~~ Supreme Court reversed the Arizona Court of ~~Appeal~~ based on Justice Ginsburg's opinion. The Court held that a police officer have right to seize everyone in the car which does not exclude the passenger either seating in the front or the back seats during a lawful traffic stop if the person was suspected to be dangerous and armed during the lawful traffic stop. Moreover, Johnson has the right to be silence to Trevizo's questions and to stay in the car. Nonetheless, the officer may order driver and the passenger to get out of the vehicle during a lawful traffic stop without violating the Fourth Amendment. Additionally, during a lawful traffic stop, the passenger and the driver do not have the right to end the encounter with the police until the police inform with the driver and the passenger that they are free to leave. Also, if the police officer reasonably suspect that the passenger or the drive are dangerous and armed, the officer many proceed from stop to frisk.

Rationale/Discussion: The patrol police officers may conduct a traffic stop of a vehicle due to traffic violation. A lawful traffic stop begin when the police officers pull over a vehicle and end only when the officers have no further need to control the scene which they will inform the passenger and the driver. During the traffic stop, any person on the vehicle may be asked to get out the car without violating the Fourth Amendment. In case the officers consider that any

In spite of a couple typos and confusion regarding which court - thoughtful "A"

person is dangerous and armed, the officer may conduct a patdown on the person due to safety. In *Arizona v. Johnson*, before conducting a patdown, Trevizo has enough information to consider that *Johnson is dangerous and armed due to his bandana, which consider as Crisp's gang's uniform, and the scanner, which Johnson was carrying in his pocket nad was considered by Trevizo that he was about to conduct a criminal activity.* Therefore, the patdown is considered valid under the Fourth Amendment.

Justice Ginsburg's opinion: In the *Terry v. Ohio*, 392 U.S. 1, a patdown for weapons may be conducted without violating the Fourth Amendment ban on unreasonable searches and seizures only if the stop must ~~be~~ constitutionally lawful, and the person is considered as dangerous and armed. Moreover, in the *Brendlin v. California*, it rules that the police officer may size both the passenger and the driver. Additionally, it states that to constitutionally conduct a patdown, the police only need to have a reasonable suspicion that the person is armed and dangerous, which the police need not to prove that the person is practicing or involving in a criminal activity.

My opinion: I highly agree with the ~~Arizona~~ Supreme Court's holding and reasoning. Officer Trevizo had enough evidences that Johnson was dangerous and armed at that time. First, when the police asked all the occupants in the car if anyone was armed, Johnson lied. Second, Johnson's clothing indicated that he was in Crisp's gang. Lastly, he was carrying a scanner which could be used for a criminal activity. Therefore the patdown was reasonable and not ~~went~~ against the Fourth Amendment.