Arrest

Agents knew features from photo believed in area pulled from phone booth asked identity in holding found pistol. Held then being sent to find def could check out persons of similar characteristics. Had probable cause.
Gilbert v U.S. 366 Fed 2 923

Identity from mug shot:
Witness allowed to testify he had previously identified def. from 2 pictures.
Comm v McLellan 220 N.E. 2-819 (Mass)

Foreign Police - Search & Statements

The 4th Amend. does not apply to actions by foreign officials. Search by Philippine police made invalid warrant. Evidence admissable in U.S. prosecution. Bralay v US 345 Fed 2 383

cited - U.S. v Stonehill 274 Fed Supp 420

also cites Birdsell v US 346 Fed 2 775

Search of car
Reasonableness of officers belief car abandoned. Crocker v State 150 SE, 294 (Ga)

Police in pursuit of car, men abandoned + fled, officers searched w/o warrant. Held officers performed their duty in inspecting. They were required to determine if stolen or if perhaps some misadventure had befallen the driver. Quoting Hester v U.S. 265 U.S. 57
"One who abandons or discards property cannot complain of the seizure or its use against him in a criminal prosecution. State v Bonn 223 Atl, 462 (Vt)

also see Cooper v Calif 87 Sup Ct. 788

Illegally seized property should only be sterilized against victim of the unlawful actions but not against third parties
Jones v U.S. 357 cited in U.S. v Gonello 365 F 2 990

Letters from Prison

Letters voluntarily written by a def. admitting a crime while serving time in a penal institution in another state are admissable. Fact that jury could see the source of letters indicating another crime does not effect the admissibility

State v Barnett 423 P 2nd 527 (Hawk)

Fingerprints used as evidence
Def was arrested for unlawful poss.
of firearm by convicted felon. His
f'prints taken to establish his previous
record identity and when w/o Counsel.
Held valid part of routine i.d.
process & evidence obtained thereby admissible.
Gentile v State 190 So 2 200 (Fla.

Eavesdropping

new trial ordered where conversation between def. and attorney monitored by F.B.I. after indictment. Roberts v U.S. 88 S Ct 1

Letters written from Prison

Letters written from jail while awaiting trial were copied by the jailer held to be admissable as they were read as part of standard security measure. Baker v State 202 So 563 citing Stroud v U.S. 251 US 15

Handwriting

money taken from def. - returned to him & he signed receipt which was used as handwriting sample

Writing sample like fingerprints are physical evidence and are not protected by 5th Amend. People v Goldberg 22 N Y 2 575

See Weaver v U.S. 379 Fed 2 799 (10th) Admission of sample as basis for testing of experts was not violative of def's right against self incrimination (4th & 5th) advised of rights by FBI.