

An Atlanta Criminal Lawyer Explains Search and Seizure

Search and seizure law protects one of the fundamental rights for Americans. In fact, the Founding Fathers thought that search and seizure was so important that they put it in the Bill of Rights: the Fourth Amendment to the Constitution says that the police are not allowed to do unreasonable searches and seizures. But what is an unreasonable search and seizure? What searches are protected under the law, and what searches aren't? This article can give you an introduction, but if you face prosecution because of evidence found by a search and seizure that may have been unreasonable, you should hire an [Atlanta criminal lawyer](#) to guide you through the complications of this area of the law.

The Fourth Amendment does not protect you against every conceivable type of search. However, it does put limits on the police's ability to search you. Officers must get a warrant to search someone's home, which requires them to have probable cause that a crime was committed. If they don't, the search may still be legitimate if circumstances allow an exception. [Atlanta DUI lawyers](#) and drug attorneys know these rules particularly well. Police may search without a warrant if:

- The evidence (drug paraphernalia, for example) is in plain view;
- You give consent to have your house or car searched (say, at a DUI checkpoint);
- They are performing an arrest;
- The search occurs as a result of an emergency situation in which waiting for a warrant may cause harm to public safety or important evidence (your spouse calls the cops and says you are inside your apartment threatening her with a gun).

However, the Fourth Amendment only protects you if the police are searching an area in which you have a reasonable expectation of privacy. "Reasonable" means that society is willing to grant that this is a place in which people can expect a certain level of privacy. For instance, you have a reasonable expectation of privacy in your bedroom, but not on a street corner; you have a reasonable expectation of privacy in the restroom, but not on the front seat of your car.

Improper search and seizure can make the difference between freedom and imprisonment for a person who has been prosecuted for a crime. The "exclusionary doctrine" states that no evidence from an improper search may be used to prosecute someone. In addition, the "fruit of the poisonous tree" doctrine states that no evidence that was found because of an improper search may be used to prosecute someone – no matter how incriminating that evidence may be. This has the potential to eliminate much of the evidence against someone in a criminal case, which makes their [criminal defense](#) more likely to succeed.

Therefore, if you have been arrested, hire a skilled Atlanta criminal lawyer who is familiar with areas of criminal law. An Atlanta criminal lawyer may find that the evidence against you is invalid because of improper search and seizure and put you in a much better position to defend yourself.