

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Cr. No. 06-20304 JPM</b>
<b>vs.</b>	)	
	)	
<b>ARTHUR SEASE,</b>	)	
	)	
<b>Defendant.</b>	)	

---

**SUPPLEMENTAL INSTRUCTION NO. 1**

---

The Court has received the following question from the jury: We, the jury, want a better understanding of what is unreasonable search and seizure?

Answer:

The Fourth Amendment to the United States Constitution protects the right of all people in the United States to have their persons, houses, papers, and effects protected from unreasonable searches and seizures by persons acting under color of law.

Under the Fourth Amendment, every search and seizure by a government agent must be reasonable. In general, searches and seizures are unreasonable and invalid unless based on probable cause and executed pursuant to a search warrant. A warrantless search and seizure not based on probable cause is generally invalid as is any search for an illegal purpose (for example, to take property for personal use rather than for a law enforcement purpose).

For purposes of the Fourth Amendment, a seizure occurs when there is a meaningful interference with an individual's possessory interest in an item. If the defendant, acting under color of law, took a person's possessions, that would constitute a seizure. A seizure also occurs if the defendant places a person under arrest. The Fourth Amendment protects against unreasonable seizures of possessions, and also against unreasonable seizure of a person.

To violate the Constitution, a search or seizure must be unreasonable. To determine whether the defendant unreasonably searched or seized property, you should examine all the facts and circumstances surrounding the seizure from the point of view of a reasonable officer on the scene. Specifically, you should determine whether the search or seizure was reasonably necessary to accomplish a legitimate law enforcement purpose. Legitimate law enforcement purposes for a seizure include seizing property pursuant to a valid court order or warrant; seizing property – such as firearms or knives – which might endanger the officer or others; or temporarily seizing personal property for safekeeping after the officer makes a valid arrest. I instruct you that seizure of money, drugs, or other personal property solely for the personal enrichment of an individual law enforcement officer is not a legitimate law enforcement purpose.

The rights guaranteed by the Fourth Amendment apply to all people regardless of whether they may be suspected of or involved in criminal activity.

Remember, you must follow all of my instructions as a whole. You may not single out, or disregard, any of the Court's instructions on the law.

Respectfully submitted,

LAWRENCE J. LAURENZI  
UNITED STATES ATTORNEY

By: /s/Stephen C. Parker  
Assistant United States Attorney  
167 N. Main Street, Suite 800  
Memphis, Tennessee 38103  
(901) 544-4231  
(#012747 Tennessee)

/s/Jonathan Skrmetti  
Trial Attorney  
Civil Rights Division

#### **CERTIFICATE OF SERVICE**

I, Stephen C. Parker, Assistant United States Attorney for the Western District of Tennessee, hereby certify that a copy of the foregoing Supplemental Instruction has been sent via the Court's electronic filing system to: Coleman W. Garrett, counsel for the defendant.

This 5th day of January, 2009

/s/Stephen C. Parker  
Assistant United States Attorney