Assume a law enforcement officer, Pete, has probable cause to arrest Stan for armed assault, and Pete also has probable cause to believe that Stan is hiding in a third person (Wendy’s) garage, which is attached to Wendy’s house. Pete saw Stan commit a felony crime but did not see Stan enter the garage and cannot see Stan in the garage through any windows. Respond to each of the following situations with a short narrative addressing the following:

Is any warrant needed?

What type of warrant is needed?

If no warrant is needed, then are there other steps that need to be taken?

Can you search the garage for evidence after the defendant’s arrest?

Consider the following situations:

No one saw Stan enter Wendy’s garage, and Pete cannot see Stan through a window. Can Pete enter the garage? Does Pete need a search warrant? Does Pete need an arrest warrant? Because Stan does not have any standing concerning Wendy’s garage, can Pete enter the garage anyway, since he would not be violating Stan’s rights? Does Pete have enough probable cause to get a search warrant? Does he need a search warrant if Wendy consents to his search of her garage only? What is the search called when the owner of the property agrees to permit the search?

In this situation, no one saw Stan enter the garage, and Wendy is not giving Pete permission to search the garage. Can Pete conduct a search of the garage? Explain how he can search the garage or what prevents Pete from searching the garage.

This time, no one saw Stan enter the garage and Wendy again is not permitting Pete permission to search the garage, but Pete has an arrest warrant. This time, he looks through the garage window and sees Stan sitting on the floor trying to destroy some evidence of his crime. Can Pete enter the garage over the Wendy’s objections and arrest Stan and recover the evidence that Stan was attempting to destroy? If Pete can enter the garage, then what permits Pete to enter the garage? If Pete cannot enter the garage, then why can’t Pete enter the garage? What is the reasoning behind both situations?

In this last scenario, no one saw Stan enter the garage, but Wendy does give Pete permission to search the garage but not the house. Pete enters the garage and, when entering, sees Stan run into the house via an interior hallway. Can Pete follow Stan into the house and then arrest Stan? What is the justification for going into the house? For not going into the house?

Also, address the scenario described below, and answer the questions:

Mr. A walks into a police station, drops three wristwatches on a table, and tells an officer that Mr. B robbed a local jewelry store 2 weeks ago. Mr. A will not say anything else in response to police questioning. A quick investigation reveals that the three watches were among a number of items stolen in the jewelry store robbery.

Do the police have probable cause to do any or all of the following?

Arrest Mr. A

Arrest Mr. B

Search Mr. A's home

Search Mr. B's home

If you answered no to any of the above, explain why in detail. If you answered yes to any of them, draft the complaint or affidavit for a warrant, or explain why a warrant is not needed.

Be sure to cite all references.