**A look into the case of Mapp vs. Ohio, and how it applied the exclusionary rule to the states.**

The case of Mapp vs. Ohio is one of the most important Supreme Court decisions of the last century. Until this decision, the rights against illegal search and seizure had no method to be enforced. Up until this time, previous cased at set precedents that provided little no protection from illegal searches and seizures for the accused facing state prosecution.

On May 23, 1957, Miss Mapp heard a knocking at her door. When she asked who it was, three men identified themselves as Cleveland police officers. The officers stated that they believed a fugitive was hiding in her home. Miss Mapp told the officers that there was no one else in her home. They asked her for entrance. Miss Mapp phoned her attorney, and was instructed not to let the police into her home. The police grudgingly left, and set up surveillance around the home. Around three hours later, the police officers returned to Miss Mapp's residence, and was met by four additional officers as well. The officers gave Miss Mapp little time to respond to their presence, and almost immediately forced entry through several of the entrances to Miss Mapp's home. Miss Mapp's attorney arrived on the scene to provide council, but was met by the police instead. The police held him outside, preventing him from meeting with his client. When Miss Mapp was confronted by the officers, she demanded to see the search warrant. An officer held up a piece of paper, which is believed to be a fake warrant. Miss Mapp grabbed the paper, and put it down her blouse. The police then forcibly tried to retrieve the "warrant" from Miss Mapp's blouse. They handcuffed her for being "belligerent". The police then proceeded to search every room in the entire house. In the basement, they found a trunk, which they opened. Inside they found materials that they considered to be "obscene". They retrieved all the materials, and charged her with the possession of obscene material, and took her into custody.

Miss Mapp was indicted on the charge, and went to trial. During her trial, no search warrant was ever produced. The judge stated that there was considerable doubt as to whether there ever was a warrant in the first place. Even so, the evidence collected illegally was presented during the case. As reasoning, the case of Wolf vs. Colorado was cited, which stated that when the accused is being tried in a state court, he or she does not have the protection of the exclusionary rule, which protects against illegal search and seizure, which was already provided for federal cases. The fourteenth amendment allows other amendments to be applied to the states through the process of selective incorporation. The due process clauses in the constitution had been applied to the states via selective incorporation. However, the exclusionary rule had not been selectively incorporated. This meant that while a citizen had rights against illegal search and seizure, there was no way to enforce these rights, or to punish those who broke them. In no small part, due to the illegally obtained evidence, Miss Mapp was convicted on the charge and was held over to be sentenced. Miss Mapp and her attorney appealed the decision.

Upon making its way to the Supreme Court, many important decisions were made. First, the court showed that the fourth amendment right of privacy is enforceable for the states through the due process clause that had already been selectively incorporated by the fourteenth amendment. They then went on to say that therefore the exclusionary rule should be enforceable as well. The reasoning behind this is that without the exclusionary rule, saying the fourth amendment is enforceable would simply be words, without any true way of making it so. This was a direct reversal of the decision made in Wolf vs. Colorado. The Supreme Court went on to say that without allowing the exclusionary rule for the states, state prosecutors would be encouraged to violate the rights of citizens. Due to these insights, the Supreme Court overturned the decision of the Ohio court, meaning Miss Mapp would have to be re-tried without the illegally seized evidence.

This decision has changed many of the ways cases are handled today. Many of the abuses prosecutors used have been rendered invalid. For example, under the old system, a federal prosecutor could prepare a case illegally, then simply hand it to the state for the actual hearing to avoid having his illegally gained evidence seized. There were also problems with certain states having protections similar to the exclusionary rule in their state constitutions. This now meant that citizens had different rights depending on what state they lived in. This allowed another way for prosecutors to abuse the system. They could attempt to get cases to be heard in states which did not have an exclusionary rule adopted. By applying the federal exclusionary rule to all the states, all citizens would be equally protected. While a controversial decision at the time, the creation of the exclusionary rule is now one of the backbones of the accused rights in American society.