**The Arrest for Seat Belt Violations**

Gail Atwater was driving through the streets of her small town in Texas when Officer Turek stopped her. Her three-year-old son and five-year-old daughter were with her in the front seat of her pickup. None of them were wearing seatbelts. Texas law allows police to make a warrantless arrest for seat belt violations or allows them to give out a citation (ticket) to the offender. The penalty under Texas law of this offense is a fine of no less than $25 and no more than $50.

The officer asked Ms. Atwater for her license and registration. She was unable to produce them, telling Officer Turek they had been stolen the day before. Turek told her she was “going to jail.” Her two small children began to cry. Fortunately, a neighbor saw the incident and took the children into her home. Once the children left, Officer Turek handcuffed Ms. Atwater and took her to the police station. After an hour in jail she was taken to a magistrate who released her on bond. She eventually paid a small fine but brought a lawsuit against the town and the police department for violating her rights.

The lower federal courts found for the town. The U.S. Supreme Court agreed to review the case to determine whether or not a warrantless arrest could be made by police for a misdemeanor that did not involve a breach of the peace and that is punishable only by a fine.

**Questions:**

1. Did Officer Turek have probable cause to believe that Gail Atwater had violated the Texas seat belt laws?
2. Do you agree or disagree with the way the officer handled the case? Would it make a difference to you if he had stopped her for a seat belt violation with her children in the past? Explain.
3. Given the circumstances of the case, was the seizure reasonable?
4. How should the Court decide this case? Giver your reasons.

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