Article Heading:

Defining Probable Cause in a Criminal Case

Keyword-Rich Content:

If you have ever tuned in to a police television show or have been summoned for jury duty, you have probably heard the term “probable cause.” Probable cause is a legal requisite before any prosecutor can proceed with criminal charges against a suspect, but it has both legal and practical definitions.

If you have been arrested, contact an attorney at a Miami defense lawyer firm who will defend your rights and help you determine if probable cause has been met in your case. If it has not, it is not only possible, but likely, that your charges will be dismissed.

Legal Definition of Probable Cause for Florida Criminal Defense

According to the United States Supreme Court, as defined by the case Brinegar v. United States in 1949, the legal definition of probable cause can best be described as a level of reasonable belief that a person or persons have committed a crime before they are arrested or prosecuted in court.

The grounds upon which a person is charged must be based on facts in evidence that can be articulated and that any reasonable person would consider a valid basis for believing that the suspect had committed the crime in question.

Probable cause is the test for proceeding forward with formal charges, and the Supreme Court has repeatedly emphasized that it must be based on more than just a hunch or a general suspicion.

Probable cause must be apparent to a person without legal or criminal training, such as a police officer, lawyer, magistrate, or judge, and the term “a man of reasonable caution” has been used to describe the standard of probable cause.

According to the courts, a “man of reasonable caution” would, if probable cause exists, determine that the suspect had committed a crime based on the available evidence and admissible testimony.

The terms “reasonable cause” and “reasonable grounds” are used interchangeably to describe probable cause because there is no difference in the legal meaning.

Practical Definition of Probable Cause for Florida Criminal Defense

Probable cause has practical manifestations when it comes to police work. An officer or agent must have reliable evidence that would compel the aforementioned “man of reasonable caution” to conclude that the suspect in question ought to be arrested or that a search is justified.

In other words, the police officer who made the arrest or conducted a search without a warrant must be more than 50 percent certain that a crime has taken place. This “50 percent” quantification has been frowned upon by the courts, and is only convenient as a means of explaining probable cause, not of enforcing or practicing it.

For instance, probable cause is a vital component of the following 4 police actions:

- arrests with a warrant intact;
- arrests made with no warrant intact;
- searches and/or seizures of property with a warrant intact; and
- searches and/or seizures of property with no warrant intact.

Additionally, a police officer or other law enforcement agent may not conduct a custodial interrogation without a warrant or probable cause. If you have been arrested or subject to a search without probable cause, an attorney may be able to help you in your Florida criminal defense trial.