CREXAC Lesson Plan: Handout 1  
Respondents failed to meet their burden of proving that they had a legitimate expectation of privacy because they introduced absolutely no evidence regarding their status in Thompson’s apartment

Respondents bore the burden of proving that they had a legitimate expectation of privacy that entitled them to invoke the Fourth Amendment’s protection. Respondents failed to introduce any evidence whatsoever regarding their status in Thompson’s apartment and, therefore, failed to meet their burden of proof. Because Respondents have proved no legitimate expectation of privacy, this court must reverse. The proponent of a motion of suppress bears the burden of establishing that his or her own rights were violated by the challenged search. Before a criminal defendant can bring a motion to suppress evidence on the basis that it was obtained in violation of the Fourth Amendment, the defendant must show that he or she is a proper party to assert the claim of illegality and to seek the remedy of exclusion. *See Rakas v. Illinois* 439 U.S. 128, 130-31 n.1 (1978*); Simmons v. United States* 390 U.S. 377, 389-90 (1968); *Jones v. United States* 362 U.S. 257, 261 (1960) (indicating that “it is entirely proper to require of one who seeks to challenge the legality of a search as the basis for suppressing relevant evidence that he allege, and if the allegation be disputed, that he establish, that he himself was a victim of an invasion of privacy”). The defendant in a criminal trial bears the burden of proving that his or her expectation of privacy was a reasonable one. *Florida v. Riley*, 488 U.S. 445, 455 (1989) (O’Connor, J., concurring). In the present case, Respondents made a motion to suppress on Fourth Amendment grounds, Record E-7, and therefore bore the burden of proving they had a legitimate expectation of privacy. Yet the record is entirely devoid of evidence of any connection between Respondents and the apartment that would give rise to a legitimate expectation of privacy. The trial court explicitly found that “no evidence was presented as to respondents’ status in the apartment” other than that Officer Thielen viewed Respondents packaging cocaine inside the apartment for a very short time on May 15, 1994. Record at E-4. The record’s sparseness is attributable only to Respondents’ failure to introduce evidence regarding their status. Having failed to meet their burden of providing a legitimate expectation of privacy, Respondents cannot attempt to assert a Fourth Amendment claim. This Court must reverse.