

HALF CENTURY 2016 GIFT PHOTO AND
MEMO FROM A 1966 LAW CLERK

I am pleased and honored to gift to the Cuyahoga County Court of Appeals an original enhanced and autographed photograph of **Judges Joseph Silbert, Joseph Artl, JJP Corrigan, Lee Skeel, Charles White, and Daniel Wasserman** who sat on the Court in Cleveland, Ohio in 1966.

The 1966 Judges were learned, genuine, and warm human beings and will be fondly remembered. I was fresh out of Western Reserve Law School and was honored to serve as Judge Artl's law clerk.

Every Friday afternoon, Judge Artl called me into his chambers to discuss my research of cases assigned to him by a three-judge panel, to prepare for him to draft the written opinion. Judge Artl would begin our session by reciting me his favorite poem "Tobacco is a dirty weed; I like it," laughing while the ash from his cigar would fall on his rotund belly. He was a pleasant and admirable man with a kindly disposition. He inspired me to become a judge.

Judges Silbert, Artl, and Corrigan were assigned *Ohio v. Terry*, 5 Ohio App.2d 122 (1966) for review and decision. It became America's landmark decision interpreting the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures involving "stop and frisk" street searches.

The facts were simple. On the afternoon of Oct 31, 1963 Cleveland plainclothes detective Martin McFadden observed Terry and a companion standing on a downtown Cleveland, Ohio street-corner he had patrolled for 30 years for shoplifters and pickpockets. He had no prior knowledge of them. He observed their suspicious series of movements for about ten minutes. They each separately walked past several stores including a jewelry store, paused to look in the windows, walked a short distance away, turned around and again walked past and looked in the windows, and then rejoined and conferred together. They repeated this ritual of pacing, peering, and conferring a dozen times.

Because of their suspicious activity, McFadden suspected them of "casing a store with robbery in mind," and he thus feared "they may have a gun." He approached them, identified himself as a police officer, asked for their names, but received only a mumbled response. McFadden patted down their outside clothing and felt and removed fully-loaded automatic concealed guns from them.

Each was charged with carrying-a-concealed-weapon felony. Separate trials were held, and Terry was convicted by Judge Bernard Friedman without a jury.

Terry argued upon appeal to the Cuyahoga County Court of Appeals that the trial court erred in not sustaining his motion to suppress evidence upon a finding that the search and seizure and subsequent arrest constituted a violation of the United States Constitution's Fourth Amendment.

Cuyahoga County Court of Appeals Judges Joseph Silbert, Joseph Artl, and JJP Corrigan affirmed the trial court ruling, and in their written opinion established the rule of law and constitutional standard that **the United States Constitution's Fourth Amendment prohibition against unreasonable searches and seizures is not violated when an officer stops and frisks a suspect, if the officer reasonably suspects criminal activity and reasonably believes that the suspect may be armed and presently dangerous.**

The United State Supreme Court upheld the Ohio *Terry* decisions. *Terry v. Ohio*, 392 U.S. 1 (1968). Judges Silbert, Artl, and Corrigan performed their judicial duties admirably as always and set a fair and proper legal precedent balancing the constitutional rights of the government and citizens.

Law Clerk William F. Chinnock 1966
Cuyahoga County Court of Appeals

Judge William F. Chinnock 2016

