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## 66/02/10 Police Upheld in Acts of Personal Search

Cleveland Press

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# Police Upheld in Acts of Personal Search

PRESS FEB 10 '66

The Court of Appeals today held that a policeman has a right to question a suspicious person and search him in order to protect himself from a possible assault with a deadly weapon.

Judges Joseph H. Silbert, Joseph A. Artl and J. J. P. Corrigan unanimously agreed with Common Pleas Judge Bernard Friedman who had ruled that the detective's search which located two defendants' guns did not violate their constitutional rights.

Richard D. Chilton, 27, and John W. Terry, 32, were convicted of carrying concealed weapons when Judge Friedman upheld the search and permitted the evidence to be used in their trial.

Their attorney, Louis Stokes, appealed the cases.

**DETECTIVE** Martin J. McFadden, a veteran of 39 years' experience, conducted the search after he watched the two men, later joined by a third, for 10 to 12 minutes at E. 14th St. and Euclid Ave. take turns walking several hundred feet to a jewelry store, peer inside, then walk back to the others.

He testified that because of their conduct he suspected them of "casing a job, a stickup." It was then that he began questioning them, leading to the search and finding of weapons on two of the three.

**THE COURT OF APPEALS** opinion, by Judge Silbert stated:

"... stopping and questioning of suspicious persons is not prohibited by the Constitution.

"It does not unreasonably invade the individual's right of privacy to hold that the price of indulgence in sus-

picious behavior is a police inquiry.

"The business of police is not only to solve crimes after they occur, but to prevent them from taking place whenever it is legally possible."