

A case brief
CM308Z/05

Petr Masný

State vs. Stack

- A) Defendant 1: Shack – a staff attorney for a non pro organization, Defendant 2: Tejeras - a field worker for the same organization.
Plaintiff: Tedasco – the owner
- B) Shack – an attorney and his co-worker Tejeras entered Tedasco’s property to provide medical and legal services – specifically to remove stitches. Tedasco demanded that Shack and Tejeras need a special permission to enter the property and access the laborers who need help. Shack and Tejeras did not want to depart the property and were convicted of trespass and fined 50 USD each in the first instance.
- C) The issue in this case is whether the owner has the right to bar governmental services to provide their services.
- D) The court reverse the ruling of the first instance and said that the owner has no right to bar governmental services to provide their services. The court held that there is a First Amendment right to enter the property and aid laborers. The owner’s right in his property is not absolute.
- E) The court pointed out that the property rights serve the human value and there is no question about what is essential for human health, welfare or dignity.