

In the following case, the U.S. Supreme Court addressed the issue of the lawfulness of a warrantless search of a living space.



CASE 7.1 U.S. SUPREME COURT Exigent Circumstances

Kentucky v. King

131 S.Ct. 1849, 179 L.Ed.2d 865, Web 2011 U.S. Lexis 3541 (2011)
Supreme Court of the United States

“And—what is relevant here—the need to prevent the imminent destruction of evidence has long been recognized as a sufficient justification for a warrantless search.”

—Alito, Justice

Facts

Kentucky undercover police officers set up a controlled buy of cocaine outside an apartment complex. After the deal took place, uniformed police moved in on the suspect. The suspect ran to a breezeway of an apartment building. As the officers arrived to the area they heard a door shut. At the end of the breezeway there were two apartments, one on the left and one on the right. The officers smelled marijuana smoke emanating from the apartment on the left.

The officers banged on the door as loudly as they could, while yelling “Police!” As soon as the officers started banging on the door they heard people moving inside and things being moved inside the apartment. These noises led the officers to believe that drug-related evidence was about to be destroyed. At that point, the officers kicked in the door and entered the apartment, where they found three people, including Hollis King, his girlfriend, and a guest who was smoking marijuana. The officers saw marijuana and powder cocaine in plain view. A further search turned up crack cocaine, cash, and drug paraphernalia. Police eventually entered the apartment on the right side of the breezeway and found the suspect who was the initial target of their investigation.

King was indicted for criminal violations, including trafficking in marijuana, trafficking in controlled substances, and persistent felony offender status. King filed a motion to have the evidence suppressed as the fruits of an illegal warrantless search. The Kentucky trial court denied the motion, finding that exigent circumstances justified the warrantless entry. King was sentenced to 11 years imprisonment.

The Kentucky Court of Appeals affirmed the judgment, but the Kentucky Supreme Court reversed, finding that the warrantless search was not lawful. The state of Kentucky appealed to the U.S. Supreme Court.

Issue

Did exigent circumstances exist that supported the police’s warrantless search of the apartment?

Language of the U.S. Supreme Court

The warrant requirement is subject to certain reasonable exceptions. One well-recognized exception applies when the exigencies of the situation make the needs of law enforcement so compelling that a warrantless search is objectively reasonable under the Fourth Amendment. This Court has identified several exigencies that may justify a warrantless search of a home. Police officers may enter premises without a warrant when they are in hot pursuit of a fleeing suspect. And—what is relevant here—the need to prevent the imminent destruction of evidence has long been recognized as a sufficient justification for a warrantless search.

Destruction of evidence issues probably occur most frequently in drug cases because drugs may be easily destroyed by flushing them down a toilet or rinsing them down a drain. Occupants who elect to attempt to destroy evidence have only themselves to blame for the warrantless exigent-circumstances search that may ensue.

Decision

The U.S. Supreme Court held that exigent circumstances existed that justified the warrantless search and seizure of the evidence used against King.

(continued)

Case Questions

Critical Legal Thinking

Is it difficult to determine when exigent circumstances exist that would justify warrantless search?

Ethics

Is it ethical for a defendant to try to keep damaging evidence out at trial? Does the Fourth Amendment

protection against unreasonable search and seizure trump any ethical considerations?

Contemporary Business

Are businesses subject to warrantless search and seizure?

In the following case, the U.S. Supreme Court addressed the lawfulness of a warrantless search.



CASE 7.2 U.S. SUPREME COURT Search and Seizure

Arizona v. Gant

129 S.Ct. 1710, 173 L.Ed.2d 485, Web 2009 U.S. Lexis 3120 (2009)
Supreme Court of the United States

"Because police could not reasonably have believed either that Gant could have accessed his car at the time of the search or that evidence of the offense for which he was arrested might have been found therein, the search in this case was unreasonable."

—Stevens, Justice

Facts

Acting on an anonymous tip that a residence was being used to sell drugs, Tucson, Arizona, police officers knocked on the front door of the residence. Rodney Gant opened the door, and the police asked to speak to the owner. Gant identified himself and stated that the owner was expected to return later. The police officers left the residence. Later, the police conducted a records search that revealed that there was an outstanding warrant for Gant's arrest for driving with a suspended license.

When the police officers returned to the house that evening, Gant drove up in an automobile, parked in the driveway, got out of his car, and shut the door. One of the police officers called to Gant and he walked toward the officer. When Gant was about 10 to 12 feet from the car, the officer arrested Gant, handcuffed him, and locked him in the backseat of a patrol car.

The police officers searched Gant's car and found a gun and a bag of cocaine. Gant was charged with possession of a narcotic drug for sale. At the criminal trial, Gant moved to suppress the evidence seized

from the car on the ground that the warrantless search violated the Fourth Amendment. The Arizona trial court held that the search was permissible as a search incident to an arrest. The jury found Gant guilty, and he was sentenced to a three-year term in prison. The Arizona Supreme Court held that the search of Gant's car was unreasonable and violated the Fourth Amendment and that the evidence was inadmissible at trial. The case was appealed to the U.S. Supreme Court.

Issue

Is the warrantless search of Gant's automobile justified as a search incident to an arrest?

Language of the U.S. Supreme Court

Our analysis begins, as it should in every case addressing the reasonableness of a warrantless search, with the basic rule that searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions. Among the exceptions to the warrant requirement is a search incident to a lawful arrest. The exception derives from interests in officer safety and evidence preservation that are typically implicated in arrest situations.