



Class 8: Exigent Circumstances And Incident To Arrest

Searches Incident to Arrest (Cars)

Robinson

Facts

Four days earlier, discovered he had lost his license 🌐
Police Dept. rules said drivers w/o licenses had to be arrested.

The search

Pat down
Felt object in left breast pocket
Reached into pocket and pulled out crumpled up cigarette package.
Opened package and found heroin.

"I couldn't tell what it was"
"Did not feel like a gun"

Held Reasoning

Belton

Supremes 1981

Same authors as in Chimel
Stewart (again) in Majority
White (again) in Dissent
But opposite results

Issue

Search of Interior of Automobile after arrest of those in car and removal from car.

Facts

New York Thruway: Defendant in speeding car.
Pulled over; smelled marijuana and saw envelope with "Supergold".
* Removed four men from car and placed them in different areas of highway.
Search of car
Opened envelope: Marijuana
Found black jacket on back seat. Unzipped pockets and found cocaine.

Held Reasoning

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Thornton

Supremes 2004

Issue: What if person is not arrested in the vehicle?

Unmarked police car / officer in uniform.
Suspicious driving behavior
Ran tags: mismatched. (violation)
D pulled into lot, parked, got out of vehicle

Facts

Consensual patdown.
Bulge in pocket. "Do you have illegal narcotics"
D reaches into pocket and pulls out bags.

Handcuffed D, placed in back of patrol car.
Search of car; gun under driver's seat.
Suppression of gun sought (not drugs)

Held

Vote:

Five for majority op. by Rehnquist
Two for Scalia's concurrence
O'Connor likes Scalia's, but wants to wait for it to be briefed and argued.
Two dissenters

Reasoning