



convicted of a crime punishable by a term of imprisonment exceeding one year [21 U.S.C. § 841], and (2) possession of a firearm in furtherance of a drug trafficking crime [18 U.S.C. § 922].

**ISSUE:**

As long as an arrestee is sort of a "recent occupant" of a vehicle, such as Thornton was in this case, may officers search that vehicle incident to arrest?

**HELD:** Yes.

**REASONING:**

1. Belton (see Roger Belton v. NY, Legal Bulletin No. 50) governs even when an officer does not make contact until the person has left the vehicle.
2. In all relevant aspects, the arrest of a suspect who is next to a vehicle presents identical concerns regarding officer safety and the destruction of evidence as does the arrest of one who is inside the vehicle.
3. In some circumstances, it may be more safe and more effective for officers to conceal their presence from a suspect until he has left his vehicle.
4. Once an officer determines there is probable cause to make an arrest, it is reasonable to allow officers to ensure their safety and to preserve evidence by searching the entire passenger compartment.

**NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:**

Add this case to Section E, "Incident to Arrest," of your Contents and Text. File Legal Bulletin No. 280 numerically under Section R of the manual.