



DPS TRAINING BULLETIN



LEGAL BULLETIN NO. 382

June 14, 2018

United States Supreme Court

Opinion No. 16-1027

May 29, 2018

Reference: Ryan Austin Collins
v
State of Alaska Virginia

VEHICLE PARKED ADJACENT TO PRIVATE DRIVEWAY IS CONSIDERED PART OF CURTILAGE OF HOME

FACTS:

Albemarle, Virginia County Police were investigating the theft of a motorcycle and developed COLLINS as a suspect. Police went to one of COLLINS' social media sites and discovered photographs of an orange and black motorcycle parked in his driveway. The investigating officer drove to the residence where he observed what appeared to be a motorcycle under a white tarp. The motorcycle was parked inside a partially enclosed top portion of the driveway that abuts the house. The officer without a search warrant, walked to the top of the driveway, removed the tarp, ran the license and VIN, and confirmed the motorcycle was stolen. After taking photographs of the motorcycle, the officer covered it back up and returned to his police car to await the arrival of COLLINS.

When COLLINS returned to his home, the officer arrested him for possessing stolen property.

COLLINS argued that the officer's initial search of the motorcycle was illegal. The State of Virginia successfully argued up to its State Supreme Court that the search was justified as a "vehicle exception" to the warrant requirement.

COLLINS appealed to the United States Supreme Court.

ISSUE:

Does the automobile exception to the Fourth Amendment permit a police officer, uninvited and without a warrant, to enter the curtilage of a home to search a vehicle parked therein?

HELD:

No. The vehicle exception does not permit the warrantless entry of a home or its curtilage to search a vehicle therein.

REASONING:

1. The part of the driveway where Collins' motorcycle was parked and subsequently searched is curtilage. Curtilage is "the area immediately surrounding and associated with the home like front porch, side garden, or area outside the front window or an area adjacent to the home and to which the activity of home life extends".
2. When an officer physically intrudes on the curtilage to gather evidence, a Fourth Amendment search has occurred and is presumptively unreasonable absent a warrant.
3. The driveway enclosure where the officer searched the motorcycle constitutes "an area adjacent to the home and to which the activity of home life extends", and so is properly considered curtilage.
4. The case is remanded to Virginia to determine whether the officer's warrantless intrusion on the curtilage of Collins' house may have been reasonable on a different basis, such as the exigent circumstances to the warrant requirement.

NOTES:

In this opinion, the court cited several vehicle exception cases going back to the first case it recognized the vehicle exception which is Carroll v. United States, decided in 1925. This is commonly referred to as the "Carroll Doctrine." Mobility and location of the vehicle (public parking vs private parking) are the main factors. Here are some other cases they cited and several AK cases that have similar issues: California v Carney (bulletin no. 94) upholding the search of a motorhome parked in a public parking lot; Wyoming v Houghton, (bulletin no. 232) upholding search of purse of passenger where driver had been arrested for drug-related offense and search upheld as incident to arrest; Arizona v Gant, (bulletin no.338) police observed suspect drive into a private driveway, lock his vehicle, and when he was 20 feet away from it arrested him for misdemeanor DWLS and searched his car. He argued they had no right to make warrantless entry into his vehicle and US Supreme Court agreed; Deemer v State, (bulletin no. 351) suspect stopped for traffic violation and gave troopers a false name (Troopers searched the vehicle and found drugs, court said this was okay as incident to arrest – ID could be in vehicle -); Hilbish v State, (bulletin no. 189) consent given by person who had permission to camp on private property gave police consent to look under a tarp where the body of a murder victim was hidden, owner of property was subsequently arrested, and court said visitor had authority to consent to search of that area outside the residence they controlled.

Remember, because something might be in your "plain site" (you see something in a window in a private residence that you recognize as contraband or stolen) doesn't mean, absent exigent circumstances, that it is in your "plain view" and subject to warrantless entry or seizure. See State v Spietz, (bulletin no. 18) where police effected an arrest on the porch but could see quantities of marijuana on the floor of the now unoccupied residence. They seized the evidence which was suppressed by the lower courts and the suppression was upheld by our Supreme Court. The court said you needed a warrant, no exigency here, and police could have secured residence and applied for a search warrant.

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