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Police Cannot Search Vehicle Within Curtilage Of A Home Without A Search Warrant

29 May 2018

The Fourth Amendment has long required that any police officer entering the curtilage of a home to have a search warrant. However, the Fourth Amendment also has an "automobile exception," permitting warrantless searches of vehicles due to their ready mobility. In *Collins v. Virginia*, a police officer entered the curtilage of a home (its driveway) without a warrant to search a motorcycle covered by a tarp to determine that it had been stolen. When the owner of the stolen vehicle moved to suppress the evidence of the search, the Supreme Court of Virginia held that the automobile exception permitted the search. The Court, in an 8-1 opinion by Justice Sotomayor, reversed, holding that the automobile exception to the Fourth Amendment only extends to the vehicle itself, and does not override the requirement of a warrant for items within a home's curtilage. Justice Thomas filed a concurrence noting his doubt that the result of this case—the exclusion of the search evidence—could be enforced against a state. Justice Alito penned a dissent arguing that the Fourth Amendment only prohibits "unreasonable" warrantless searches, and the search of the motorcycle in the driveway here was reasonable.

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TAGGED: scotus, Fourth Amendment, Curtilage, Search Warrant, Automobile Exception, Collins v. Virginia