

bile are in fact generally, if not inevitably, within ‘the area into which an arrestee might reach in order to grab a weapon or evidentiary item[.]’”²⁵²

Belton was “widely understood to allow a vehicle search incident to the arrest of a recent occupant even if there is no possibility the arrestee could gain access to the vehicle at the time of the search.”²⁵³ In *Arizona v. Gant*,²⁵⁴ however, the Court disavowed this understanding of *Belton*²⁵⁵ and held that “[p]olice may search a vehicle incident to a recent occupant’s arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe that the vehicle contains evidence of the offense of arrest.”²⁵⁶

Still, the Court has not always closely adhered to these justifications for searches incident to arrest. For instance, it was argued in *United States v. Robinson*²⁵⁷ that the search of a person incident to a traffic offense arrest, which resulted in the discovery of heroin inside a crumpled cigarette package, was invalid, because there could have been no destructible evidence relating to the offense nor a weapon concealed in the cigarette package. The Court noted, however, that “[a] police officer’s determination as to how and where to search the person of a suspect whom he has arrested is necessarily a quick ad hoc judgment which the Fourth Amendment does not require to be broken down in each instance into an analysis of each step in the search.” Thus the Court ruled that, once a person has been arrested based on probable cause, the police could

²⁵² 453 U.S. at 460 (quoting *Chimel v. California*, 395 U.S. 752, 763 (1969)). In this particular instance, *Belton* had been removed from the automobile and handcuffed, but the Court wished to create a general rule removed from the fact-specific nature of any one case. “‘Container’ here denotes any object capable of holding another object. It thus includes closed or open glove compartments, consoles, or other receptacles located anywhere within the passenger compartment, as well as luggage, boxes, bags, clothing, and the like. Our holding encompasses only the interior of the passenger compartment of an automobile and does not encompass the trunk.” 453 U.S. at 460–61 n.4.

²⁵³ *Arizona v. Gant*, 556 U.S. ___, No. 07–542, slip op. at 8 (2009).

²⁵⁴ 556 U.S. ___, No. 07–542, slip op. (2009).

²⁵⁵ “To read *Belton* as authorizing a vehicle search incident to every recent occupant’s arrest would . . . untether the rule from the justifications underlying the *Chimel* exception” Slip op. at 9.

²⁵⁶ 556 U.S. ___, No. 07–542, slip op. at 18. Justice Alito, in a dissenting opinion joined by Chief Justice Roberts and Justice Kennedy and in part by Justice Breyer, wrote that “there can be no doubt that” the majority had overruled *Belton*. 556 U.S. ___, No. 07–542, slip op. at 2.

²⁵⁷ 414 U.S. 218 (1973).