

A man held up a drugstore at 10:30 at night and drove away. His car broke down in an isolated area just outside the small city in which the crime occurred. The man walked to the nearest house and asked a farmer if he could stay until the next morning, explaining that he had been searching for his sister's home and had run out of gas. The farmer agreed to let him sleep on a couch in the basement.

During the course of the night, the farmer began to doubt the story the man had told him. Early the next morning, the farmer called the police for help and said he was suspicious and frightened of a stranger whom he had allowed to stay the night. The police went immediately to the house to assist the farmer and walked through the open front door. They found the man and the farmer drinking coffee in the kitchen. When they saw the man, they realized he matched the description of the drugstore robber. They arrested the man and found drugs taken during the robbery in the jacket he was wearing.

The man moves to suppress the evidence of the drugs at trial. Assume that the court finds that the police did not have probable cause to believe the man was the robber until they saw him inside the farmer's house and realized he matched the description.

How should the court rule on the man's motion to suppress?

- A. Deny the motion, because the man had no ownership or other possessory interest in the premises.
- B. Deny the motion, because the police had the permission of the farmer to enter his house.
- C. Grant the motion, because, as a guest, the man has sufficient standing to contest the entry of the house without a warrant.
- D. Grant the motion, because, as a guest, the man has sufficient standing to contest the lack of probable cause at the time of the entry.

Explanation:

To prevail on a motion to suppress, the defendant must first establish that he/she has standing to contest the allegedly unlawful Fourth Amendment search or seizure. **Standing** exists when the defendant has:

an **ownership or possessory interest** in the place or property searched *or* a **reasonable expectation of privacy** in that place or property.

In *Minnesota v. Olson*, the Supreme Court held that an **overnight guest** has a reasonable expectation of **privacy in the host's home** and therefore has standing to contest a government search of that home. The search will be found unlawful if it is conducted without a warrant and no **exception** to the warrant requirement (eg, consent) applies.

Here, though the man had no ownership or other possessory interest in the farmer's home, he did have a reasonable expectation of privacy in the premises because he was an overnight guest (**Choice A**). This status gave him standing to contest the police entry of the house without a warrant based on probable cause (**Choices C & D**). However, the police did not need a warrant since the farmer (who owned the home) consented to their entry when he called the police for help.

Once the police entered the farmer's home, they noticed that the man matched the description of the robber. Since this observation gave them probable cause to believe that the man committed the robbery (a felony), they could—and did—arrest him without a warrant. As part of this arrest, the police properly conducted a warrantless search of the man's body (ie, a search incident to a valid arrest). Therefore, the drugs found in his jacket should be admitted at trial.

Educational objective:

A defendant has standing to challenge a Fourth Amendment search when he/she has an ownership or possessory interest, or a reasonable expectation of privacy, in the place or property searched. Since an overnight guest has a reasonable expectation of privacy in the host's home, the guest has standing to contest a search of that home.

References

U.S. Const. amend. IV (prohibition against unreasonable searches and seizures).

Minnesota v. Olson, 495 U.S. 91, 99–100 (1990) (holding that an overnight guest has a reasonable expectation of privacy in the host's home).

United States v. Robinson, 414 U.S. 218, 235 (1973) (explaining the search incident to a lawful arrest exception to the warrant requirement).

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4th Amendment search & arrest timeline

