

State troopers lawfully stopped a car driver on a turnpike for exceeding the speed limit by four miles per hour. One trooper approached the car to warn the driver to drive within the speed limit. The other trooper remained in the patrol car and ran a computer check of the car's license number. The computer check indicated that there was an outstanding warrant for the driver's arrest for unpaid traffic tickets. The troopers then arrested the driver based on the warrant, and they proceeded to search the driver. During the search, they discovered a package of heroin in one of the driver's pockets. Later, it was learned that the driver had paid the outstanding traffic tickets 10 days earlier and that the warrant had been quashed, but the clerk of the court had failed to update the computer, which continued to list the warrant as outstanding.

The driver was charged with unlawful possession of heroin. Her attorney has filed a motion to suppress the use of the heroin as evidence.

Should the motion be granted?

- A. No, because the troopers could reasonably rely on the computer report and the search was incident to arrest.
- B. No, because troopers may lawfully search a driver incident to a valid traffic stop.
- C. Yes, because there was no arrest for the traffic violation and no lawful arrest could be made on the basis of the warrant.
- D. Yes, because there was no probable cause or reasonable suspicion to believe that the driver possessed drugs.

Explanation:

Exceptions to exclusionary rule

Exception	Definition	Examples
Good faith	Reasonable belief that actions leading to discovery of evidence were lawful	Executing later-invalidated warrant Following law subsequently deemed unconstitutional
Independent source	Evidence later obtained independent of initial illegality	Police return to site of illegal search with valid warrant based on other information
Inevitable discovery	Evidence would have been discovered through other untainted means	Incriminating evidence would have been discovered during search despite Miranda violation
Attenuation	Break in causal connection between illegal police conduct & discovery of evidence	Suspect released after invalid arrest later confesses Substantial passage of time between illegal conduct & discovery of evidence

The **exclusionary rule** seeks to deter police misconduct by prohibiting the government from using evidence obtained in violation of a defendant's constitutional rights at trial. But under the **good faith exception**, illegally obtained **evidence is admissible** if the prosecution proves by a preponderance of the evidence that:

police **relied in good faith** on (1) a **facially valid warrant later deemed invalid** or (2) an existing law later declared unconstitutional *and*

their **reliance was objectively reasonable**.

Here, state troopers stopped the driver for speeding and arrested her after a computer check indicated that she had an outstanding arrest warrant. Although the computer report was wrong, the troopers did not know that the facially valid warrant had been quashed. Therefore, they reasonably relied on that report in arresting the driver and searching her car incident to that arrest. As a result, the heroin found in her pocket was obtained in good faith, and the motion to suppress should be denied.

(Choice B) Under the search-incident-to-arrest exception, a warrantless search is lawful when a person (and the area within his/her immediate reach) is searched incident to a valid *arrest*—not a valid *traffic stop*.

(Choice C) Although there was no arrest for the traffic violation and no lawful arrest could be made based on the warrant, the troopers could reasonably rely on the computer check showing the outstanding warrant. Therefore, the heroin found during the subsequent search is admissible under the good faith exception.

(Choice D) The troopers did not have probable cause or reasonable suspicion to believe that the driver possessed drugs. But since the troopers arrested and then searched the driver in good faith, the heroin discovered during that search is admissible.

Educational objective:

The good faith exception to the exclusionary rule allows unlawfully obtained evidence to be admitted when (1) police relied in good faith on a facially valid warrant later deemed invalid OR an existing law later declared unconstitutional and (2) their reliance was objectively reasonable.

References

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

United States v. Leon, 468 U.S. 897, 919 (1984) (establishing the good faith exception to the exclusionary rule).

Herring v. United States, 555 U.S. 135, 137 (2009) (applying the good faith exception to an arrest based upon an invalid warrant).

Copyright © 2014 by the National Conference of Bar Examiners. All rights reserved.

Copyright © UWorld. All rights reserved.