

The police had, over time, accumulated reliable information that a man operated a large cocaine-distribution network, that he and his accomplices often resorted to violence, and that they kept a small arsenal of weapons in his home.

One day, the police received reliable information that a large brown suitcase with leather straps containing a supply of cocaine had been delivered to the man's home and that it would be moved to a distribution point the next morning. The police obtained a valid search warrant to search for and seize the brown suitcase and the cocaine, and they went to the man's house.

The police knocked on the man's door and called out, "Police. Open up. We have a search warrant." After a few seconds with no response, the police forced the door open and entered. Hearing noises in the basement, the police ran down there and found the man with a large brown suitcase with leather straps. They seized the suitcase and put handcuffs on the man. A search of his person revealed a switchblade knife and a .45-caliber pistol. The man cursed the police and said, "You never would have caught me with the stuff if it hadn't been for that lousy snitch!"

The police then fanned out through the house, looking in every room and closet. They found no one else, but one officer found an Uzi automatic weapon in a box on a closet shelf in the man's bedroom.

In addition to charges relating to the cocaine in the suitcase, the man is charged with unlawful possession of weapons. The man moves pretrial to suppress the use as evidence of the weapons seized by the police and of the statement he made.

As to the switchblade knife and the .45-caliber pistol, how is the court likely to rule?

- A. Deny the motion, because the police had reasonable grounds to believe that there were weapons in the house.
- B. Deny the motion, because the search and seizure were incident to a lawful arrest.
- C. Grant the motion, because the police did not inform the man that he was under arrest and did not read him his Miranda rights.
- D. Grant the motion, because the search and seizure were the result of illegal police conduct in executing the search warrant.

Explanation:

The Fourth Amendment generally requires that officers obtain a warrant before conducting a search. However, a warrant is not required to conduct a **search incident to a lawful arrest** because an immediate search is necessary for officer safety and to prevent the arrestee from destroying nearby evidence. This exception allows police to conduct a **warrantless search** of:

the **person** who has been **lawfully arrested** *and*
the **areas** within that person's **immediate reach**.

Here, the police obtained a warrant to search for and seize the brown suitcase and cocaine believed to be in the man's home. The police then entered his home, found him with the suitcase, and lawfully placed him in handcuffs. They conducted a warrantless search of the man's person incident to that arrest and found a switchblade knife and .45-caliber pistol. As a result, the man's motion to suppress that evidence should be denied.

(Choice A) Since the police had reasonable grounds (probable cause) to believe that there were weapons in the house, they could have obtained a warrant to search the home—but not persons in the home—for those weapons. But probable cause alone does not authorize a warrantless search.

(Choice C) Police need not inform suspects that they are under arrest, and [Miranda warnings](#) are only required if police intend to *interrogate* suspects while they are in custody. Since the man was not interrogated, Miranda warnings were not required. And even if they were, the court would suppress the man's self-incriminating statement—not the knife and pistol.

(Choice D) When executing a warrant, police must announce their presence and give the occupant a reasonable opportunity to answer before forcibly entering the home (knock and announce rule). However, an unannounced or expedited entry is permitted when there is a credible threat of violence or destruction of evidence (eg, the man's violent reputation and weapons arsenal).

Educational objective:

Police do not need a warrant to conduct a search incident to a lawful arrest. However, that search is limited to (1) the person arrested and (2) the areas within his/her immediate reach.

References

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

Chimel v. California, 395 U.S. 752, 763 (1969) (recognizing that search incident to lawful arrest extends to areas within the suspect's immediate control).

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Admissibility of evidence obtained by Fourth Amendment violation

