

SCOTUS on Fourth Amendment: Automobile Exception Does Not Allow Warrantless Entry of a Home or Its Curtilage to Conduct a Vehicle Search

Description

On May 29, 2018, the United States Supreme Court issued its decision in *Collins v. Virginia* (No. 16-1027), 584 US ____ (2018), holding that the automobile exception does not permit an officer to conduct a warrantless entry into a home or its curtilage to conduct a vehicle search.

On two occasions, two police Albemarle County police officers, working independently, attempted to stop a motorcycle after the driver committed traffic violations. On both occasions, the driver eluded the officers by speeding over 100 miles per hour. After the officers compared notes, they concluded that the two incidents involved the same motorist.

A camera in the officer's patrol vehicle was able to record the motorcycle's license plate number. Further investigation revealed that the motorcycle likely was stolen and in the possession of petitioner Ryan Collins. The motorcycle in question was orange and black and had distinct modifications to it, including chrome accents, and an extended frame with a "stretched out" rear wheel.

After discovering photographs on Collins' Facebook profile that featured an orange and black motorcycle parked at the top of the driveway of a house, one of the officers tracked down the address of the house, drove to his residence, and parked on the street.

From his parked position on the street, the officer saw parked at the top of the driveway in a partially enclosed area what appeared to be a motorcycle with an extended frame covered with a tarp. The officer, who did not have a warrant, exited his vehicle, took a photograph of the covered motorcycle from the sidewalk, and then walked up the driveway to where the motorcycle was parked. He then lifted the tarp and uncovered the motorcycle, which revealed a motorcycle that looked like the one involved in the two incidents. The officer conducted a computer search of the vehicle identification number (VIN), which revealed that the motorcycle had been stolen several years before. The officer took a picture of the uncovered motorcycle, put the tarp back on, left the property, and returned to his car to wait for Collins.

When Collins returned home, the officer walked up to the front door of the house and knocked. When Collins answered, he agreed to speak to the officer and admitted that the motorcycle was his and that he bought it without a title. The officer then arrested Collins for receiving stolen property.

Collins filed a motion to suppress the VIN information, arguing that the officer violated the Fourth Amendment when he walked up the driveway, without permission or a search warrant, and removed the motorcycle tarp to reveal the VIN. The trial court denied the motion and Collins was convicted. When Collins appealed, both the Court of Appeals and the Supreme Court of Virginia affirmed Collins' conviction. The Virginia Supreme Court held that the officer's entry onto Collins' driveway and lifting the tarp was a valid warrantless search under the automobile exception to the Fourth Amendment's warrant requirement. The court commented that the United States Supreme Court has "never limited the automobile exception such that it would not apply to vehicles parked on private property." In addition,

the Virginia Supreme Court noted that it “has held that there is no reasonable expectation of privacy in a vehicle parked on private property yet exposed to public view.”

Collins appealed to the United States Supreme Court. The Court strongly disagreed with the Virginia Supreme Court’s ruling and reversed it. In doing so, the Court held that the automobile exception does not permit an officer without a warrant to enter a home or its curtilage in order to search a vehicle therein. In justifying its decision, the Court reached to the following conclusions:

1. The area where Collins’ motorcycle was parked and subsequently searched is curtilage. The Court considers curtilage “the area immediately surrounding and associated with the home . . . to be part of the home itself for Fourth Amendment purposes.” When an officer physically enters upon curtilage to gather evidence, a search with the meaning of the Fourth Amendment occurs. Therefore, curtilage is afforded constitutional protection.
2. In this case, the driveway runs alongside the front lawn and up a few yards past the front perimeter of the house. The top portion of the driveway that sits behind the front perimeter of the house is enclosed on two sides by a brick wall about the height of a car and on a third side by the house and the motorcycle was parked inside this partially enclosed top portion of the driveway that abuts the house. When the officer searched the motorcycle, he was inside this partially enclosed area.
3. The ability to observe inside curtilage from a lawful vantage point is not the same as the right to enter curtilage without a warrant for the purpose of conducting a search to obtain information not otherwise accessible. So long as it is curtilage, a parking patio or carport into which an officer can see from the street is no less entitled to protection from trespass and a warrantless search than a fully enclosed garage.
4. The automobile exception requires that officers have a lawful right of access to a vehicle in order to search it.
5. The automobile exception does not provide officers the necessary lawful right of access to search a vehicle parked within a home or its curtilage because it does not justify an intrusion on a person’s separate and substantial Fourth Amendment interest in his home and curtilage. “It is, after all, an exception for automobile.”

Lastly, the court remanded the case so the trial court could resolve whether the officer warrantless intrusion on the curtilage may have been reasonable on a different basis.

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