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California v. Acevedo

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California v. Acevedo,

500 U.S. 565 (1991), argued 8 Jan. 1991, decided 30 May 1991 by vote of 6 to 3; Blackmun for the Court, Scalia concurring, Stevens in dissent. Until the 1991 *Acevedo* case was decided, two different rules governed the search of closed containers found in a motor vehicle. In *United States v. Ross* (1982), the Court held that if the police had probable cause to search an entire vehicle for contraband and came upon a closed container in the course of the automobile search, they could open the container without first obtaining a warrant. On the other hand, in *Arkansas v. Sanders* (1979) the justices had held that if probable cause focused exclusively on a particular closed container whose presence in a vehicle was purely fortuitous, the police had to obtain a search warrant before opening it.

In *Acevedo* the Court eliminated the warrant requirement for closed containers set forth in the *Sanders* case and adopted “one clear-cut rule” for all searches of closed containers found in an automobile. There is no difference, the Court concluded, whether the search of a vehicle coincidentally turns up a container, or the search of a container coincidentally turns up in a vehicle.

A number of commentators predicted that the reasoning of *Acevedo* would apply (or be extended) to closed containers outside vehicles. Indeed, in *Acevedo* Justice Antonin Scalia concurred in the result on the ground that the validity of the search of a closed container anywhere, so long as it occurs outside a home, should not depend upon whether the police could have obtained a warrant.