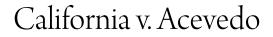
University of Michigan Law School University of Michigan Law School Scholarship Repository

Other Publications

Faculty Scholarship

2009



Yale Kamisar University of Michigan Law School, ykamisar@umich.edu

Available at: https://repository.law.umich.edu/other/135

Follow this and additional works at: https://repository.law.umich.edu/other Part of the <u>Supreme Court of the United States Commons</u>

Recommended Citation

Kamisar, Yale. "California v. Acevedo." In The Oxford Guide to United States Supreme Court Decisions. 2d ed., edited by K. L. Hall and J. W. Ely Jr., 52-3. Oxford: Oxford Univ. Press, 2009.

This Article is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Other Publications by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

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.

YALE KAMISAR