California v. Acevedo

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

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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.

Yale Kamisar