

Collins v. Virginia

Collins v. Virginia, 138 S.Ct. 1663 (2018)



In an 8-1 decision by the United States Supreme Court held that a partially enclosed portion of the driveway of a private home was protected under the Fourth Amendment making an exception to the automobile warrantless requirements.

The Virginia police observed a picture on Facebook suspecting the motorcycle was stolen justifying their ability to enter private property outside of a private home.



Collins' postulated the question "***whether the Fourth Amendment's automobile exception permits a police officer, uninvited and without a warrant, to enter private property, approach a home, and search a vehicle parked a few feet from the house.***" The Virginia Supreme Court opined that the case was "more appropriately resolved under the automobile exception" than under the home privacy rationale.

The automobile exception is based on the 1925 Supreme Court decision, *Carroll v. United States*, made during Prohibition as discussed in class.



Collins was unsuccessful in the Virginia Supreme Court and *writ of cert* was granted in the US Supreme Court where the legal question was about the Fourth Amendment's "automobile exception," which states if "a car is readily **mobile and probable cause exists** to believe it contains contraband, the Fourth Amendment . . . permits police to search the vehicle" without a warrant.

US Supreme Court Justice Sotomayor in the majority opinion said that "*contrary to Virginia's claim, the automobile exception is not a categorical one that permits the warrantless search of a vehicle anytime, anywhere, including in a home or curtilage,*" She went onto state that "this Court has long been clear that curtilage is afforded constitutional protection, and creating a carveout for certain types of curtilage seems more likely to create confusion than does uniform application of the Court's doctrine," "Virginia's rule also rests on a mistaken premise, for the ability to observe inside curtilage from a lawful vantage point is not the same as the right to enter curtilage without a warrant to search for information not otherwise accessible," she concluded.

Justice Thomas concurred with the majority on the Fourth Amendment issue but doubted the Court's precedent that the evidence must be excluded from the case could apply to states.

In the only dissent, Justice Alito said "the question before us is not whether there was a Fourth Amendment search but whether the search was reasonable. And the only possible argument as to why it might not be reasonable concerns the need for a

warrant,” He went onto state that “for nearly a century, however, it has been well established that officers do not need a warrant to search a motor vehicle on public streets so long as they have probable cause.” He opined that the officer’s actions as immediate and required.

The case was reversed and remanded.