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## High court limits vehicle searches

**An unusually aligned 5-4 vote gives police a higher bar in justifying no-warrant car searches.**

By Robert Barnes  
*The Washington Post*

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WASHINGTON — The Supreme Court on Tuesday sharply limited the power of police to search a suspect's car after making an arrest, acknowledging that the decision changes a rule that law enforcement has relied on for nearly 30 years.

In a decision written by Justice John Paul Stevens, an unusual five-member majority said police may search a vehicle without a warrant only when the suspect could reach for a weapon or try to destroy evidence, or when it is "reasonable to believe" there is evidence in the car supporting the crime at hand.

The justices noted that law enforcement for years has interpreted the court's rulings on warrantless car searches to mean that officers may search the passenger compartment of a vehicle as part of a lawful arrest of a suspect. But Stevens said that was a misreading of the court's decision in *New York vs. Belton* in 1981.

"Blind adherence to *Belton's* faulty assumption would authorize myriad unconstitutional searches," Stevens said, adding that the court's tradition of honoring past decisions did not bind it to continue such a view.

Stevens was joined by two of his most liberal colleagues — Justices David Souter and Ruth Bader Ginsburg — and two of his most conservative — Justices Antonin Scalia and Clarence Thomas.

The decision overturned a three-year prison sentence for Arizonan Rodney Gant, who had been convicted of cocaine possession. Police found the drug in a search of his car after his arrest for driving with a suspended license. Gant had walked away from his car when he was arrested, and he sat handcuffed a distance away while police searched his vehicle.

"Police could not reasonably have believed either that Gant could have accessed his car at the time of the search or that evidence of the offense for which he was arrested might have been found therein," Stevens wrote.

Justice Samuel Alito Jr., writing for the four dissenters, said the court's insistence that its precedents had been misinterpreted was simply a cover for getting rid of a decision with which it disagreed.

The court's new rules will endanger arresting officers, he said, and "cause the suppression of evidence gathered in many searches carried out in good-faith reliance on well-settled case law."

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