

## COA Opinion: Evidence obtained pursuant to a search that violated defendant's Fourth Amendment rights need not be suppressed if officer relied in good faith on case law that is later overturned

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A search of the defendant's car after he was arrested and in police custody was unconstitutional under *Arizona v. Gant*, 129 S. Ct. 1710 (2009), decided on the day of the defendant's suppression hearing. In *Gant*, the Supreme Court ruled that police may search a vehicle incident to an arrest only "when the arrestee is unsecured and within reaching distance of the passenger compartment at the time of the search," or when it is "reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle." 129 S. Ct. at 1719. In *People v. Short*, No. 292288 (published Aug. 26, 2010), the Michigan Court of Appeals explained that *Gant* applied retroactively, and the police search of the defendant's car was unconstitutional. But exclusion of evidence is not an automatic remedy for an unlawful search. The exclusionary rule is designed to deter police misconduct, and therefore, courts have recognized a good-faith exception to the rule. Addressing this issue of first impression, the Court of Appeals concluded that an officer's reliance on valid case law which was later overturned may form the basis of an officer's good faith and avoid exclusion of the disputed evidence at trial. Because the search was lawful under well-established case law at the time of the arrest, the Court of Appeals upheld the trial court's application of the good faith exception to the exclusionary rule.