



# Roll Call Reporter

LEGAL UPDATE FOR MARYLAND LAW ENFORCEMENT OFFICERS

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## Warrantless “Automobile Exception” Searches and Warrantless Searches of Curtilage

**Question: Does a warrantless vehicle search under the “automobile exception” (*Carroll Doctrine*) extend to vehicles parked on residential curtilage?**

**Answer: No. Warrantless *Carroll Doctrine* searches are generally limited to vehicles on roadways or other public areas. If the vehicle is located in a residential structure, such as a garage, or residential curtilage, the “automobile exception” does not apply.**

**Case:** *Ryan Austin Collins v. Virginia*  
Supreme Court of the United States  
Decided May 29, 2018

### The Motorcycle, the Traffic Violations, and the Investigation

Officer Matthew McCall of the Albermarle County Police Department in Virginia saw the driver of an orange and black motorcycle with an extended frame commit a traffic infraction. The driver eluded Officer McCall’s attempt to stop the motorcycle. A few weeks later, Officer David Rhodes of the same department saw an orange and black motorcycle traveling well over the speed limit, but the driver got away from him too. The

officers compared notes and concluded that the two incidents involved the same motorcyclist.

Upon further investigation, the officers learned that the motorcycle likely was stolen and in the possession of Ryan Collins (“Collins”). After discovering photographs on Collins’ Facebook profile that featured an orange and black motorcycle parked at the top of the driveway of a house, Officer Rhodes tracked down the address of the house, drove there, and parked on the street. It was later established that Collins’ girlfriend lived in the house and that Collins stayed there a few nights a week.

From his parked position on the street, Officer Rhodes saw what appeared to be a motorcycle with an extended frame covered with a white tarp, parked at the same angle and in the same location on the driveway as in the Facebook photograph.

### The Warrantless Entry Onto the Driveway and the Warrantless Search of the Motorcycle

Officer Rhodes, who did not have a warrant, exited his car and walked toward the house. He stopped to take a photograph of the covered motorcycle from the sidewalk, and then walked onto the residential property and up to the top of the driveway to where the motorcycle was parked.

The driveway runs alongside the front lawn and up a few yards past the front perimeter of the house. The top portion of the driveway that sits behind the perimeter of the house is enclosed on two sides by a brick wall about the height of a car and on a third side by the house. A side door provides direct access between this partially enclosed section of the driveway and the house. A visitor attempting to reach the front door would have to walk partway up the driveway, but turn off before entering the enclosure and instead proceed up a set of steps to the front porch. The motorcycle was parked in the enclosed area at the top of the driveway.

In order to investigate further, Officer Rhodes pulled off the tarp, revealing a motorcycle that looked like the one from the speeding incident. He then ran a search of the license plate and vehicle identification numbers, which confirmed that the motorcycle was stolen. After gathering this information, Officer Rhodes took a photograph of the uncovered motorcycle, put the tarp back on, left the property, and returned to his car to wait for Collins.

### The Arrest, Charges, Motion to Suppress and Outcome in State Court

Shortly thereafter, Collins returned home. Officer Rhodes walked up to the front door of the house and knocked. Collins answered, agreed to speak with Officer Rhodes, admitted that the motorcycle was his, and that he had bought it without a title. Officer Rhodes then arrested Collins.

Collins was indicted by a Virginia grand jury for receiving stolen property. He filed a pretrial motion to suppress the evidence that Officer Rhodes had obtained as a result of the warrantless search of the motorcycle. Collins argued that Officer Rhodes had trespassed on the curtilage of the house to conduct an investigation in violation of the Fourth Amendment. The trial court denied the motion and Collins was convicted. The State appeals court affirmed, holding that since the officer had probable cause to believe the motorcycle was contraband

(stolen property), the warrantless search was justified under the *Carroll* Doctrine.

The United States Supreme Court agreed to review the case.

### The Decision of the Supreme Court of the United States

The Supreme Court reversed the decision of the state appeals court denying Collins' motion to suppress the evidence and remanded the case for further proceedings. The Supreme Court's decision was based on the simple premise that the automobile exception to the warrant requirement announced in *Carroll* applies only to automobiles and not to houses. And, since "curtilage" (the area immediately surrounding and associated with a home) is treated as part of the home itself, the privacy protections afforded to a home are also afforded to the home's curtilage. The driveway enclosure where the motorcycle was parked was "curtilage." As such, any search there, including a search of any vehicle parked there, without a warrant, was presumptively unreasonable.

The question thus became whether the "automobile exception" (*Carroll* Doctrine) justified the search of the vehicle parked in the curtilage. The Supreme Court answered in the negative. The reason being, again, that "the scope of the automobile exception extends no further than the automobile itself." Nothing in the law gives an officer the right to enter a home or curtilage to access a vehicle without a warrant and the Court refused to expand the scope of the automobile exception to allow it.

**Note:** The Supreme Court refused Virginia's request for a "bright line" rule, denying expansion of searches under the "automobile exception" to only the physical threshold of a house or a similar, fixed enclosed structure inside the curtilage like a garage. This supposedly would avoid "case-by-case curtilage determinations." The Supreme Court rejected the approach, finding instead that officers are regularly required to assess whether an area is



curtilage before making a search, and that approach has proved acceptable. Finally, the Supreme Court left open the possibility that the search might be justified on other grounds, such as exigent circumstances. Since the issue was not before it, the Court remanded the case for further consideration by the lower courts.

*John F. Breads, Jr., Director of Legal Services,  
Local Government Insurance Trust*

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