



LGIT'S ROLL CALL REPORTER

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QUESTION: CAN A POLICE OFFICER ARREST ALL OCCUPANTS OF A CAR IN WHICH EVIDENCE OF A CRIME IS FOUND AND ALL OF THE OCCUPANTS DENY OWNERSHIP OF THE EVIDENCE?

ANSWER: YES, IF THE OCCUPANTS ARE IN CONSTRUCTIVE POSSESSION OF THE EVIDENCE.

**CASE: *MARYLAND V. PRINGLE*, United States Supreme Court
Decided December 15, 2003**

A not uncommon situation confronting police officers is the discovery of evidence of a crime in the passenger compartment of a car that has been stopped for a traffic violation. If the occupants of the car all admit to ownership of the evidence, the decision as to whom to arrest is simplified. If, however, all of the occupants deny ownership, does the officer have sufficient probable cause to arrest all of them? In light of the Supreme Court's unanimous decision late last year in *Maryland v. Pringle*, the answer, in most instances, is yes.

In the *Pringle* case, a Baltimore County Police Officer stopped a car for speeding. There were three occupants in the car, including Pringle, who was the front-seat passenger. When the driver was asked to produce the vehicle registration, he reached over and opened the glove compartment. As he did so, the officer observed a large amount of rolled-up money in the glove compartment. A second officer soon arrived and asked the driver if he had any weapons or narcotics in the car. The driver said that he did not, and then consented to a search of the car. The search yielded \$763 from the glove compartment and five glassine baggies containing cocaine from behind the back-seat armrest. The officers then questioned the three occupants about the ownership of the drugs and money, and told them that if no one admitted to ownership of the drugs they were going to arrest all of them. When the men offered no information, they were arrested and transported to the police station. Later that morning, Pringle waived his rights and gave an oral and written confession in which he acknowledged ownership of the cocaine. When Pringle insisted that the other men did not know about the drugs, they were released.

Subsequent to his conviction, Pringle appealed. Although the Maryland Court of Special Appeals affirmed, the Court of Appeals, Maryland's highest court, reversed,

finding that there was insufficient probable cause for Pringle's arrest. Rejecting Pringle's contention of "guilt by association", the United States Supreme Court reversed the Court of Appeals. In doing so, the Supreme Court found that it was "an entirely reasonable inference from [the] facts that any or all three occupants had knowledge of, and exercised dominion over, the cocaine. Thus a reasonable officer could conclude that Pringle committed the crime of possession of cocaine, either solely or jointly." Accordingly, the Court held that Pringle's arrest, which rested on probable cause, did not violate the Fourth and Fourteenth Amendments.

REMAINING ISSUE(S): Common sense led the Supreme Court to conclude that "a car passenger . . . will often be engaged in a common enterprise with the driver, and have the same interest in concealing the evidence of the fruits or other evidence of their wrongdoing." However, this may not always be the case. In light of *Maryland v. Pringle*, what should an officer do when the occupants of the car disagree as to the ownership of the evidence of a crime, or when they single out one occupant as the guilty party? When one occupant is "singled out" by the others, the officer must carefully weigh such circumstance against any decision to arrest the remaining occupants. On the other hand, a dispute as to ownership in cases where all occupants are in at least constructive possession of the evidence may be viewed as tantamount to a denial. In other words, such "finger pointing" may serve as the basis to arrest all of the occupants. In conclusion, each variant will require an officer to be guided by his or her knowledge, training, and experience in order to make the soundest decision. Such knowledge will include the fact that, under Maryland law, "possession" is defined as "the exercise of actual or constructive control over a thing by one or more person."

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