

07-542 ARIZONA V. GANT

DECISION BELOW: 216 Ariz. 1

LOWER COURT CASE NUMBER: CR-06-0385-PR

QUESTION PRESENTED:

In *New York v. Belton*, 453 U.S. 454 (1981), this Court held that the risks to officer safety and to the preservation of evidence inherent in the arrest of a vehicle's recent occupant justify a contemporaneous warrantless search of the automobile's passenger compartment incident to the arrest. The question presented is:

Did the Arizona Supreme Court effectively "overrule" this Court's bright-line rule in *Belton* by requiring in each case that the State prove after-the-fact that those inherent dangers actually existed at the time of the search?

THE PETITION FOR A WRIT OF CERTIORARI IS GRANTED LIMITED TO THE FOLLOWING QUESTION: DOES THE FOURTH AMENDMENT REQUIRE LAW ENFORCEMENT OFFICERS TO DEMONSTRATE A THREAT TO THEIR SAFETY OR A NEED TO PRESERVE EVIDENCE RELATED TO THE CRIME OF ARREST IN ORDER TO JUSTIFY A WARRANTLESS VEHICULAR SEARCH INCIDENT TO ARREST CONDUCTED AFTER THE VEHICLE'S RECENT OCCUPANTS HAVE BEEN ARRESTED AND SECURED?

CERT. GRANTED 2/25/2008