

Arizona v. gant (2009)

Law



Case Brief Case Brief And Citation Arizona V. Gant Arizona v. Gant, 556 U. S. 332, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009) Facts

In this case the defendant, Gant was arrested in the state of Arizona on the charges of driving under a suspended driving license. Gant was arrested in his friend's yard after parking his car. He and other suspects were secured and the vehicle owned by Gant was searched upon which the police obtained a gun along with cocaine and therefore he was charged for possessing and selling drugs.

Issue

The issue of the case was whether a warrantless search conducted by police after securing all the suspects is allowed or not because a warrantless search is only allowed if the security of the police officer is at stake or the search is conducted in order to ensure the preserving of evidence.

Holding

The court ruled in favor of the defending and held that in the case of Arizona V. Gant the search conducted by police officials was wrong and it led to Gant's deprivation of 4th Amendment Rights (Caselaw. Ip. findlaw. com, 2015).

Rationale

The rationale behind the court's ruling was that once the police have secured the suspects at the scene, the police officers cannot indulge in a search without a warrant. Furthermore the rationale was that the crime for which Gant was arrested was less severe in nature and did not require a search at all.

Dissenting Opinion

The dissenting opinions were provided by Alito, Roberts, Kennedy and Breyer <https://assignbuster.com/arizona-v-gant-2009/>

who argued that in this case the court was overruling its own solution that they opted for in the case of New York V. Belton. They argued that in that case the court allowed all officers to conduct a search in a suspect's vehicle that has been stopped for violating traffic rules and same was the issue in Arizona V. Gant.

References

Arizona v. Gant, 556 U. S. 332, 129 S. Ct. 1710, 173 L. Ed. 2d 485 (2009)
Caselaw. Ip. findlaw. com,. (2015). FindLaw | Cases and Codes. Retrieved 6
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