

## ***FLORIDA v. RILEY (1989)***

### **SUMMARY**

By a vote of five to four in the case of *Florida v. Riley*, the Court ruled that police do not need a warrant to conduct low altitude searches of private property.

### **BACKGROUND**

A Florida county sheriff's office received an anonymous tip that marijuana was being grown in a greenhouse in Michael Riley's backyard. When they investigated, police found that trees and Riley's mobile home obstructed their view of the greenhouse.

The police then went up in a helicopter and, from a height of 400, feet were able to observe marijuana plants through a hole in the roof of the greenhouse. A warrant was obtained and Riley was arrested.

The trial court and court of appeals said that the police conducted an illegal search by failing to first obtain a warrant. Consequently, the information they learned by flying over Riley's greenhouse could not be used in court against him.

Florida law enforcement officials asked the Supreme Court to decide whether the search violated the Constitution. The justices heard the case October 3, 1988 and issued their decision January 23, 1989.

### **ANALYSIS**

The Fourth Amendment of the Constitution protects citizens against unreasonable searches and seizures.

The question in many criminal cases becomes, what is a reasonable search? The answer has been evolving over the years.

In the Riley case, the justices said there were a number of factors that contributed to the search being a legal one.

The search was conducted by the naked eye, the helicopter was flying at an altitude deemed legal by the Federal Aviation Administration and the top of the greenhouse was open. Just because the area being searched involved a person's home does not mean that an individual can have a reasonable expectation to privacy, a majority of the Court said.

**EXCERPTS FROM THE MAJORITY DECISION** (Written by Justice White.)

“The home and its curtilage are not necessarily protected from inspection that involves no physical invasion. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protections.”

“The police, like the public, would have been free to inspect the backyard garden from the street if their view had been unobstructed. They were likewise free to inspect the yard from the vantage point of an aircraft. . .”

**EXCERPTS FROM THE DISSENTING OPINION** (Written by Justice Brennan.)

“The Fourth Amendment demands that we temper our efforts to apprehend criminals with a concern for the impact on our fundamental liberties of the methods we use . . . I hope it will be a matter of concern to my colleagues that the police surveillance methods they would sanction were among those described forty years ago in George Orwell’s dread vision of life in the 1980’s.” (See 1984 by G. Orwell.)