

## High Court Rules Against Unreasonable Search

by Joseph P. McCaffery

The U.S. Supreme Court issued a victory for supporters of Fourth Amendment rights and a blow to law enforcement in April when it placed new limits on vehicle searches by police. In a 5-4 decision, the high court put aside the 1981 opinion that gave police broad authority to search the vehicle of any person under arrest, whether or not the offense justified a search or a warrant had been obtained.

The case reviewed was that of Rodney Grant, a Tucson, Ariz., man who had been convicted on drug charges after police arrested him and found cocaine and a weapon in his parked vehicle. The arrest was for the unrelated charge of driving with a suspended license, and the U.S. Supreme Court affirmed the decision of the Arizona Supreme Court that the search without a warrant was unreasonable.

The result of the ruling is that, unless there is a threat to the safety of law enforcement officers or bystanders, police must have a warrant or consent of the arrestee before searching a vehicle for items that are not in plain view. An example given by Justice John Paul Stevens who spoke for the court explained that if an arrestee is handcuffed and in a patrol car, there is no danger that he (or she) can reach for a weapon hidden in his (or her) vehicle.

While some may suggest that anyone possessing illegal drugs or weapons should be arrested and charged, we must remember our Bill of Rights is designed to equally protect all of us, and that our criminal justice system is based on the concept of presumed innocence. Perhaps the police will have to work harder to make an arrest, but the alternative is unthinkable.

If you are a victim of an unjustified search and seizure, [contact our firm](#) to learn more about your rights. And remember, just as you have the right to legal counsel if arrested and charged with a crime, you also have the right to refuse to give consent to an unjustified search. If asked for permission to search your vehicle, just say no.

**FOURTH AMENDMENT [U.S. Constitution]** - *'The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.'*

### ¿Diga español? Przemawia Polsku? Говорите на русском языке?

To serve our non-English speaking clients, two-thirds of our staff speak languages other than English. Law Clerk Leilani Pino, Executive Assistant Adriana Castillo and Administrative Assistant Andrea Solorio each are fluent in Spanish. Attorneys Daniel Stamm and Mehgen Pitts, and Law Clerk Lee Hauserman speak conversational Spanish. Joe McCaffery also is working on his Spanish, and is conversational in Russian, German and Greek. Law Clerk Alex Kotelon is our Polish speaker, and a Bulgarian translator has worked with the firm for more than two years.



### JPMA Welcomes...

We've added two attorneys, Meghen Pitts and Toni Dillon, to our staff. In addition, Leilani Pino has joined us as a law clerk and Andrea Solorio is the newest addition to our administrative support team.

Meghen is a graduate of Syracuse University College of Law in New York, and completed her undergraduate degree at North Central College in Naperville. She joined the firm in April, focusing on family law and general litigation. Previously Meghen worked with the Family Law Project in Ann Arbor, Mich., and was a mediator with New Justice Conflict Resolution Services, Inc., in Syracuse.

Toni joined the firm May 1, bringing five years of experience as an attorney and law clerk specializing in tax issues, including IRS negotiations and estate planning. She also offers expertise in mortgage loan documents. A graduate of Northern Illinois University College of Law in DeKalb, Toni supports the firm's mortgage fraud and foreclosure practice, and its financial planning practice.

Leilani is a student at Loyola University School of Law. She joined JPMA in March and previously worked for a law firm in Florida.

Andrea also joined JPMA in March. She is a communications student at Aurora University. Andrea's previous experience includes positions at the Kane County Clerk's Office and two other local law firms.

*Congratulations to JPMA law clerks Lee Hauserman and Alexandra Kotelon who have earned their juris doctorate degrees and are preparing to pass the Illinois bar!*

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