

## FLORIDA v. JARDINES

U.S. S.Ct.

March 26, 2013

Officers received an anonymous tip that marijuana was being grown in a particular home. After observing the house in question for about 15 minutes, the officers approached the front door with a drug dog. The dog “hit” on the front door indicating the odor of drugs was emanating from the house. The officers left the property and obtained a search warrant based on the dogs “hit”.

Upon executing the warrant, the officers recovered a marijuana grow operation and arrested Jardines, the person residing at the house.

The evidence was suppressed at the trial level, as the result of an illegal search. The Florida Supreme Court upheld the suppression of the evidence as a violation of the 4<sup>th</sup> amendment. The United States Supreme Court agreed to hear the case on the 4<sup>th</sup> amendment question.

In a 5 to 4 decision the United States Supreme Court held:

1. The protection of “houses” in the 4<sup>th</sup> amendment extends to the area immediately outside of the house (the curtilage) regularly used by the occupants of the home. While there is an implicit right for anyone, including police, to approach the front door of a residence to talk with the occupants, this right is limited to that specific location, duration and purpose.
2. Approaching the house with a drug dog for the purpose of collecting evidence constituted a search within the meaning of the 4<sup>th</sup> amendment requiring a search warrant, an exigency or consent, to be lawful.