Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

THORNTON *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 03–5165. Argued March 31, 2004—Decided May 24, 2004

Before Officer Nichols could pull over petitioner, petitioner parked and got out of his car. Nichols then parked, accosted petitioner, and arrested him after finding drugs in his pocket. Incident to the arrest, Nichols searched petitioner's car and found a handgun under the driver's seat. Petitioner was charged with federal drug and firearms violations. In denying his motion to suppress the firearm as the fruit of an unconstitutional search, the District Court found, *inter alia,* the automobile search valid under *New York* v. *Belton,* 453 U. S. 454, in which this Court held that, when a police officer makes a lawful custodial arrest of an automobile's occupant, the Fourth Amendment allows the officer to search the vehicle's passenger compartment as a contemporaneous incident of arrest, *id.,* at 460. Petitioner appealed his conviction, arguing that *Belton* was limited to situations where the officer initiated contact with an arrestee while he was still in the car. The Fourth Circuit affirmed.

Held: Belton governs even when an officer does not make contact until the person arrested has left the vehicle. In *Belton,* the Court placed no reliance on the fact that the officer ordered the occupants out of the vehicle, or initiated contact with them while they remained within it. And here, there is simply no basis to conclude that the span of the area generally within the arrestee's immediate control is determined by whether the arrestee exited the vehicle at the officer's direction, or whether the officer initiated contact with him while he was in the car. In all relevant aspects, the arrest of a suspect who is next to a vehicle presents identical concerns regarding officer safety and evidence destruction as one who is inside. Under petitioner's proposed "contact initiation" rule, officers who decide that it may be safer and more effective to conceal their presence until a suspect has

left his car would be unable to search the passenger compartment in the event of a custodial arrest, potentially compromising their safety and placing incriminating evidence at risk of concealment or destruction. The Fourth Amendment does not require such a gamble. *Belton* allows police to search a car's passenger compartment incident to a lawful arrest of both "occupants" and "recent occupants." *Ibid.* While an arrestee's status as a "recent occupant" may turn on his temporal or spatial relationship to the car at the time of the arrest and search, it certainly does not turn on whether he was inside or outside the car when the officer first initiated contact with him. Although not all contraband in the passenger compartment is likely to be accessible to a "recent occupant," the need for a clear rule, readily understood by police and not depending on differing estimates of what items were or were not within an arrestee's reach at any particular moment, justifies the sort of generalization which *Belton* enunciated. Under petitioner's rule, an officer would have to determine whether he actually confronted or signaled confrontation with the suspect while he was in his car, or whether the suspect exited the car unaware of, and for reasons unrelated to, the officer's presence. Such a rule would be inherently subjective and highly fact specific, and would require precisely the sort of ad hoc determinations on the part of officers in the field and reviewing courts that *Belton* sought to avoid. Pp. 4–8.

325 F. 3d 189, affirmed.

REHNQUIST, C. J., delivered the opinion of the Court except as to footnote 4. KENNEDY, THOMAS, and BREYER, JJ., joined that opinion in full, and O'CONNOR, J., joined as to all but footnote 4. O'CONNOR, J., filed an opinion concurring in part. SCALIA, J., filed an opinion concurring in the judgment, in which GINSBURG, J., joined. STEVENS, J., filed a dissenting opinion, in which SOUTER, J., joined.