

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

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MINNESOTA v. CARTER

CERTIORARI TO THE SUPREME COURT OF MINNESOTA

No. 97–1147. Argued October 6, 1998— Decided December 1, 1998*

A police officer looked in an apartment window through a gap in the closed blind and observed respondents Carter and Johns and the apartment’s lessee bagging cocaine. After respondents were arrested, they moved to suppress, *inter alia*, cocaine and other evidence obtained from the apartment and their car, arguing that the officer’s initial observation was an unreasonable search in violation of the Fourth Amendment. Respondents were convicted of state drug offenses. The Minnesota trial court held that since they were not overnight social guests, they were not entitled to Fourth Amendment protection, and that the officer’s observation was not a search under the Amendment. The State Court of Appeals held that Carter did not have “standing” to object to the officer’s actions because the evidence indicated that he used the apartment for a business purpose— to package drugs— and, separately, affirmed Johns’ conviction without addressing the “standing” issue. In reversing, the State Supreme Court held that respondents had “standing” to claim Fourth Amendment protection because they had a legitimate expectation of privacy in the invaded place, and that the officer’s observation constituted an unreasonable search.

Held: Any search that may have occurred did not violate respondents’ Fourth Amendment rights. The state courts’ analysis of respondents’ expectation of privacy under the rubric of “standing” doctrine was expressly rejected in *Rakas v. Illinois*, 439 U. S. 128, 140. Rather, to claim Fourth Amendment protection, a defendant must demonstrate that he personally has an expectation of privacy in the place

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* Together with *Minnesota v. Johns*, also on certiorari to the same court (see this Court’s Rule 12.4).

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searched, and that his expectation is reasonable. *Id.*, at 143–144, n. 12. The Fourth Amendment protects persons against unreasonable searches of “their persons [and] houses,” and thus indicates that it is a personal right that must be invoked by an individual. But the extent to which the Amendment protects people may depend upon where those people are. While an overnight guest may have a legitimate expectation of privacy in someone else’s home, see *Minnesota v. Olson*, 495 U. S. 91, 98–99, one who is merely present with the consent of the householder may not, see *Jones v. United States*, 362 U. S. 257, 259. And an expectation of privacy in commercial property is different from, and less than, a similar expectation in a home. *New York v. Burger*, 482 U. S. 691, 700. Here, the purely commercial nature of the transaction, the relatively short period of time that respondents were on the premises, and the lack of any previous connection between them and the householder all lead to the conclusion that their situation is closer to that of one simply permitted on the premises. Any search which may have occurred did not violate their Fourth Amendment rights. Because respondents had no legitimate expectation of privacy, the Court need not decide whether the officer’s observation constituted a “search.” Pp. 4–8.

569 N. W. 2d 169 (first judgment) and 180 (second judgment), reversed and remanded.

REHNQUIST, C. J., delivered the opinion of the Court, in which O’CONNOR, SCALIA, KENNEDY, and THOMAS, JJ., joined. SCALIA, J., filed a concurring opinion, in which THOMAS, J., joined. KENNEDY, J., filed a concurring opinion. BREYER, J., filed an opinion concurring in the judgment. GINSBURG, J., filed a dissenting opinion, in which STEVENS and SOUTER, JJ., joined.