

# The Burger Court Opinion Writing Database

## *Oklahoma v. Castleberry*

471 U.S. 146 (1985)

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To: Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: The Chief Justice

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## SUPREME COURT OF THE UNITED STATES

No. 83-2126

OKLAHOMA, PETITIONER *v.* TIMOTHY  
R. CASTLEBERRY AND  
NICHOLAS RAINERI

ON WRIT OF CERTIORARI TO THE COURT OF CRIMINAL  
APPEALS OF OKLAHOMA

[April 1, 1985]

PER CURIAM.

The judgment is affirmed by an equally divided Court.

JUSTICE POWELL took no part in the decision of this case.

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Supreme Court of the United States  
Washington, D. C. 20543

April 17, 1985

CHAMBERS OF  
THE CHIEF JUSTICE

Re: No. 84-894 - Illinois v. Fogel

MEMORANDUM TO THE CONFERENCE:

This case was held for Oklahoma v. Castleberry (No. 83-2126), which was affirmed by a 4-4 vote on April 1, 1985. The petition will be discussed at the April 19 Conference.

In this case, the Chicago police obtained a warrant to search respondent's person and house. The affidavit for the warrant recited that a reliable informant had told police that he had helped respondent carry two large bags of marijuana from the trunk of respondent's car into his house.

The next day, Chicago police officers arrived at respondent's house with the warrant. Respondent was not at home. Another man was in the house, but he refused to let the police enter. The police entered forcibly and searched the home, finding nothing. As they were finishing the search, respondent and his wife returned home in respondent's car. The police confronted respondent as he entered the house, searched him, and found plastic bags filled with what appeared to be marijuana and cocaine in the briefcase he was carrying.

Based on this discovery, the police arrested respondent. They took his keys and went to his car. They opened the trunk and found two large plastic bags filled with what appeared to be marijuana.

Respondent was charged with possession of cocaine and possession of marijuana with intent to deliver. The state trial court suppressed the evidence recovered from the trunk of the car. The trial court found that there were no exigent circumstances supporting a warrantless search.

The Illinois Appellate Court affirmed. It noted that the search warrant extended only to respondent's person and his house. The court then found, "Nothing in their search of the house or in the defendant's arrest gave the police additional grounds to suspect that contraband was in the car." It is clear from the record, however, that the police had probable cause to believe that petitioner's car contained contraband.

The petition for certiorari frames the issue raised as whether the vehicle exception to the warrant requirement applies to parked cars. Assuming that this was the basis of the Illinois court's opinion, a summary reversal would be in order, since we