

New Jersey Supreme Court Recognizes U.S. Supreme Court's "Plain Feel" Doctrine to Arrestee with "Bulge" in Pocket

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In a unanimous decision on June 28, 2018, captioned *State v. Evans* (A-85/86-16), the New Jersey Supreme Court recognized an exception to the general requirement that law enforcement officers must obtain a warrant to conduct a search of an individual. Although the Appellate Division of New Jersey has covered the subject, *see State v. Toth*, 321 N.J. Super. 609 (App. Div. 1999), the New Jersey Supreme Court never actually ratified the U.S. Supreme Court's decision in *Minnesota v. Dickerson*, 508 U.S. 366 (1993). *See State v. Robinson*, 228 N.J. 529, 551 n.5 (2017) (declining to address the issue in the context of the facts presented). Following the decision in *Evans*, if a law enforcement officer makes a "tactile" discovery of "contraband" the officer may seize the contraband if its illegal or illicit nature is "immediately apparent" to the officer.

Note: The *Evans* case also contained an additional, interesting component. New Jersey has a "Strip Search Act" that sets forth parameters under which an individual may be strip-searched. *Evans* argued that the Strip Search Act prohibited application of the "plain feel" doctrine to his case. The New Jersey Supreme Court rejected that argument and concluded that the plain feel doctrine is compatible with New Jersey's Strip Search Act.