

Search and Seizure Law In New Jersey – An Update: Motor Vehicle Searches

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Recently, I wrote a post entitled; [Search and Seizure Law in New Jersey: A Primer](#). This continues this discuss with the newest decision on exceptions to when warrants are needed.

In January 2003, two people, Minittee and Bland robbed a spa in Fort Lee, New Jersey. When the officers arrived at the scene, individuals in the area pointed out a red SUV blocked by traffic at a light and indicated that the occupants were armed and had just robbed the spa. Mr. Bland, holding a gun, jumped from the SUV and ran from the scene (considering he is now a defendant, it should be clear—he got caught). The SUV drove away, and the officer radioed to dispatch the path the SUV was taking and the direction in which Mr. Bland had run. Other officers responded, and one of them spotted the SUV and followed it. The SUV was stopped and the individuals inside claimed they were carjacked (one of which was Ms. Minittee). The driver's side door of the SUV was open, and an officer saw two rolls of duct tape in the vehicle. The officer knew that the robbery victims had been tied up with duct tape. Based on the observation of the duct tape and the tracking of the SUV from the immediate vicinity of the robbery, the officers took Minittee and the other passenger to police headquarters for questioning and arranged for the SUV to be towed. When the SUV reached police headquarters it was placed in a secure area and searched . . . without a warrant.

Both Minittee and Bland were convicted of robbery (among other things), but prior to the courts final decision of their cases, they moved to suppress (not be taken into consideration) the evidence found in the red SUV because it had been searched without a warrant. The trial court, satisfied that there was enough probable cause and exigency, found no basis to suppress the evidence.

However, the Appellate Division, relying on *State v. Pena-Flores*, 198 N.J. 6 (2009), reversed the convictions based on the improper search and the State appealed to the Supreme Court.

On June 14, 2012, the Supreme Court reversed the Appellate Division holding that under the circumstances of this case, the trial court correctly denied the defendants' motion to suppress the evidence because the warrantless search of the SUV that was involved in the robbery fit within the scope of the [automobile exception](#) to the search warrant requirement.

Specifically, the Court held that *Pena-Flores* did not create an exhaustive list of factors for courts to consider when deciding necessity and emergency existed to allow a search and, based on the facts of this case, which included an

- (1) armed robbery,
- (2) at least two perpetrators on the run who were possibly armed,
- (3) a search for them that spanned several municipalities,
- (4) an attempt to find a discarded weapon before a bystander was injured or it was taken and hidden for future criminal activity,
- (5) the poorly lit area where the SUV came to rest, which was not amenable to a thorough search, and
- (6) the fact that the officers had no assurance that the perpetrators on the run were not in the vicinity and able to fire at them, the case (*Minittee/Bland*) is distinguishable from *Pena-Flores*.

The Court further added that State v. Martin, 87 N.J. 561 (1981) (upholding a warrantless search of a car following a robbery under similar circumstances), guided its decision and, despite the car being towed to the police station, the officers' conduct was reasonable due to the difficulties the officers faced, which were exacerbated by the multiple sites that had to be examined for clues, the critical need to locate the handgun, and the fact that events were unfolding close to midnight in the dead of winter.