

SUPERIOR COURT OF RHODE ISLAND

State of Rhode Island v. Rubino

95-1329a (1996) · No. 95-1329a · Decided March 29, 1996

SUMMARY

The Rhode Island Supreme Court denied defendant's motion to suppress evidence seized from his police locker and rejected his claim that the indictment should be dismissed for lack of Miranda warnings. The court held that by surrendering his locker key and given the quasi-military nature of the police department, the defendant did not have a reasonable expectation of privacy. The court also found that the defendant was not in custody during questioning, so no Miranda warnings were required.

CASE DETAILS

COURT	Superior Court of Rhode Island
JURISDICTION	Rhode Island
DECIDED	March 29, 1996
DOCKET	95-1329a
DISPOSITION	other
PROCEDURAL POSTURE	Motion to suppress evidence and dismiss indictment.
PRECEDENTIAL VALUE	published

TOPICS

- fourth amendment
- search and seizure
- fifth amendment
- miranda rights
- suppression of evidence
- criminal procedure
- constitutional law

PRACTICE AREAS

- Criminal Law
- Constitutional Law

QUESTIONS PRESENTED

- Whether the warrantless search of Rubino's police locker violated his Fourth Amendment rights.
- Whether the failure to provide Miranda warnings before questioning requires dismissal of the indictment.

HOLDINGS

1. The search did not violate the Fourth Amendment because Rubino had a diminished expectation of privacy as a police officer and impliedly consented to the search by surrendering his locker key.
2. The failure to provide Miranda warnings did not require dismissal because Rubino was not in custody during the questioning.

KEY QUOTATIONS

“This Court, therefore, does not believe defendant Rubino's Fourth Amendment rights against an illegal search were violated in the search of the locker used by him at the NPPD station.”

“Therefore, defendant's Motion to Suppress is denied.”

FACTUAL BACKGROUND

Rubino, a 16-year veteran of the North Providence Police Department, was suspended pending an investigation. He was escorted to his locker and surrendered his keys, including the locker key. Later that day, police searched his locker without a warrant and seized a letter, poem, and photocopies of \$100 bills. Rubino was later questioned by the Acting Chief without Miranda warnings.

PROCEDURAL HISTORY

Defendant moved to suppress evidence seized from his police locker and to dismiss the indictment for failure to provide Miranda warnings.

DISPOSITION

other

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)

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