

SUPREME COURT OF THE UNITED STATES

Florida v. Riley

488 U.S. 445 (1989) · No. No. 87-764 · Decided April 3, 1989

SUMMARY

The Supreme Court held that police observation of marijuana plants in a partially covered greenhouse from a helicopter flying 400 feet above the property was not a search under the Fourth Amendment. The Court reversed the Florida Supreme Court, reasoning that the observation occurred from a lawful aerial vantage point and did not violate a reasonable expectation of privacy.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice White; Chief Justice Rehnquist; Justice Blackmun; Justice Brennan; Justice Marshall; Justice O'Connor; Justice Stevens; Justice Scalia; Justice Kennedy
JURISDICTION	Federal
DECIDED	April 3, 1989
DOCKET	No. 87-764
DISPOSITION	reversed
PROCEDURAL POSTURE	Florida sought review of the Florida Supreme Court's decision holding that warrantless helicopter surveillance of the interior of Riley's partially covered greenhouse constituted a search under the Fourth Amendment and Article I, section 12 of the Florida Constitution.
STANDARD OF REVIEW	De novo review of whether the aerial surveillance constituted a search under the Fourth Amendment; the Court reviewed the state court's legal conclusion on certiorari.
PRECEDENTIAL VALUE	Supreme Court precedent; controlling judgment with a plurality opinion and a narrower concurrence in the judgment
PARTIES	Florida v. Riley

TOPICS

- fourth amendment
- search and seizure
- warrant requirement
- suppression of evidence
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

suppression of evidence

QUESTIONS PRESENTED

1. Whether warrantless naked-eye observation from a helicopter flying 400 feet above a partially covered greenhouse in the curtilage of a home constitutes a search under the Fourth Amendment.
2. Whether the Florida Supreme Court's judgment rested on an adequate and independent state constitutional ground depriving the United States Supreme Court of jurisdiction.

HOLDINGS

1. Under the circumstances presented, naked-eye observation of the greenhouse from a helicopter flying lawfully at 400 feet did not constitute a search under the Fourth Amendment because Riley had no reasonable expectation that the partially exposed contents of the greenhouse would remain free from observation from that vantage point.
2. The United States Supreme Court had jurisdiction because the Florida Supreme Court's decision was not clearly and expressly based on an adequate and independent state-law ground.

KEY QUOTATIONS

"The Fourth Amendment simply does not require the police traveling in the public airways at this altitude to obtain a warrant in order to observe what is visible to the naked eye." (488 U.S. at 450)

"In these circumstances, there was no violation of the Fourth Amendment." (488 U.S. at 452)

FACTUAL BACKGROUND

Riley lived on five acres of rural property, where a greenhouse stood 10 to 20 feet behind his mobile home. The greenhouse was partially enclosed and partially covered, and a wire fence and no-trespassing sign protected the property from ground-level observation. After an anonymous report that marijuana was being grown there, a police officer circled twice in a helicopter at 400 feet and, with the naked eye, observed what appeared to be marijuana through openings in the roof and sides. A warrant based on that observation produced marijuana during the ensuing search.

PROCEDURAL HISTORY

After an anonymous tip, a sheriff's officer observed marijuana in Riley's greenhouse from a helicopter flying approximately 400 feet above the property. A warrant based on the observation led to discovery of marijuana. The trial court granted Riley's motion to suppress; the Florida Court of Appeals reversed and certified the issue to the Florida Supreme Court, which quashed the appellate decision and reinstated suppression. The United States Supreme Court granted certiorari and reversed.

DISPOSITION

reversed

CASES CITED

- California v. Ciraolo, 476 U.S. 207 (1986)
- Katz v. United States, 389 U.S. 347 (1967)
- Michigan v. Long, 463 U.S. 1032 (1983)
- Oliver v. United States, 466 U.S. 170 (1984)
- Rakas v. Illinois, 439 U.S. 128 (1978)
- Jones v. United States, 362 U.S. 257 (1960)
- Nardone v. United States, 308 U.S. 338 (1939)
- Camara v. Municipal Court, 387 U.S. 523 (1967)
- Marshall v. Barlow's, Inc., 436 U.S. 307 (1978)
- Schmerber v. California, 384 U.S. 757 (1966)
- Wolf v. Colorado, 338 U.S. 25 (1949)
- Mapp v. Ohio, 367 U.S. 643 (1961)
- Boyd v. United States, 116 U.S. 616 (1886)
- Olmstead v. United States, 277 U.S. 438 (1928)
- Dow Chemical Co. v. United States, 476 U.S. 227 (1986)
- State v. Davis, 51 Or. App. 827, 627 P.2d 492 (1981)
- California v. Greenwood, 486 U.S. 35 (1988)
- United States v. White, 401 U.S. 745 (1971)
- Bumper v. North Carolina, 391 U.S. 543 (1968)