

SUPREME COURT OF THE UNITED STATES

California v. Sabo et al.

481 U.S. 1058 (1987) · No. No. 86-1289 · Decided May 19, 1987

SUMMARY

The United States Supreme Court denied certiorari in a California case involving helicopter surveillance of marijuana plants within a backyard greenhouse. The Court's order noted that the California Court of Appeal had held the observation violated the Fourth Amendment, while Justice White, joined by the Chief Justice, dissented and would have granted review.

CASE DETAILS

COURT	Supreme Court of the United States
JURISDICTION	Federal
DECIDED	May 19, 1987
DOCKET	No. 86-1289
DISPOSITION	cert_denied
PROCEDURAL POSTURE	California petitioned for a writ of certiorari to review a decision of the California Court of Appeal, Fourth Appellate District, affirming suppression of marijuana seized pursuant to a warrant based on helicopter observation of a greenhouse. The Supreme Court denied certiorari.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	California v. Ronald Lee Sabo, Angela Marie Zizzo

TOPICS

- fourth amendment
- search and seizure
- warrant requirement
- writ of certiorari
- appellate procedure

PRACTICE AREAS

- constitutional law
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court should grant certiorari to review the California Court of Appeal's holding that helicopter observation of marijuana plants in a backyard greenhouse violated the Fourth Amendment.

2. Whether the California Court of Appeal properly distinguished *California v. Ciraolo* based on the helicopter's altitude and the concept of navigable airspace.

HOLDINGS

1. The petition for a writ of certiorari was denied.

KEY QUOTATIONS

“The decision below is a highly questionable interpretation of our decision in California v. Ciraolo. I would grant certiorari.” (481 U.S. at 1058)

FACTUAL BACKGROUND

During a routine helicopter patrol, a deputy sheriff observed what he believed were marijuana plants inside a greenhouse in respondents' backyard. The helicopter hovered at approximately 400 to 500 feet and circled the greenhouse to improve the deputy's view. Based on the observation, a search warrant issued and deputies seized the marijuana.

PROCEDURAL HISTORY

A California trial court held marijuana seized after aerial observation inadmissible under the Fourth Amendment. The California Court of Appeal affirmed, concluding that the helicopter surveillance violated respondents' reasonable expectation of privacy and distinguishing *California v. Ciraolo*. California sought Supreme Court review, which was denied.

DISPOSITION

cert_denied

CASES CITED

- *People v. Sabo*, 185 Cal. App. 3d 845, 230 Cal. Rptr. 170 (1986)
- *California v. Ciraolo*, 476 U.S. 207 (1986)