

SUPREME COURT OF NEW JERSEY

State v. Ricky Wright

221 N.J. 456 (2015) · No. A-64-13 (073137) · Decided May 19, 2015

SUMMARY

The Supreme Court of New Jersey held that the third-party intervention or private-search doctrine does not exempt law enforcement’s initial warrantless search of a private home from the warrant requirement. Absent exigent circumstances or another recognized exception, police must obtain a warrant to enter and search a residence even when a private actor has previously observed contraband and notified police. The court reversed the Appellate Division’s judgment and remanded for consideration of whether the unlawful initial search tainted the subsequent consent search.

CASE DETAILS

COURT	Supreme Court of New Jersey
WRITING FOR THE COURT	Chief Justice Rabner; Justice LaVecchia; Justice Albin; Justice Patterson; Justice Fernandez-Vina; Justice Solomon
JURISDICTION	New Jersey
DECIDED	May 19, 2015
DOCKET	A-64-13 (073137)
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Wright appealed the denial of his motion to suppress evidence obtained during warrantless police entries into an apartment and a subsequent consent search. The Appellate Division affirmed, and the Supreme Court of New Jersey granted certification limited to whether the third-party intervention or private-search doctrine permits police to search residential property without a warrant.
STANDARD OF REVIEW	Constitutional search-and-seizure issues are reviewed de novo; factual findings from a suppression hearing are afforded deference when supported by the record.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Jersey
PARTIES	Ricky Wright v. State of New Jersey

TOPICS

search and seizure

fourth amendment

warrant requirement

suppression of evidence

criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

search and seizure

evidence

QUESTIONS PRESENTED

1. Whether the third-party intervention or private-search doctrine permits police to enter and search a private home without a warrant after a private actor has searched the area and notified law enforcement.
2. Whether the initial unlawful police entry and search may have tainted the later consent search.

HOLDINGS

1. The third-party intervention or private-search doctrine does not exempt law enforcement's initial search of a private home from the warrant requirement. Absent exigent circumstances or another recognized exception, police must obtain a warrant before entering and searching a home, even when a private actor has already searched the area and notified law enforcement.
2. The State could not rely on the plain-view doctrine to justify seizure of the scale because the officer was not lawfully in the viewing area when he entered the apartment without a warrant.
3. The case had to be remanded for the trial court to determine whether the initial unlawful police search tainted the later consent search.
4. The Court did not disturb the private-search doctrine in its original form: when police reexamine property searched by a private actor and presented to law enforcement in a nonresidential context, no warrant is required so long as the police search does not exceed the private search.

KEY QUOTATIONS

“The police, therefore, must get a warrant before they may search a home, unless an exception to the warrant requirement applies.” (at 2-3)

“Absent exigency or some other exception to the warrant requirement, the police must get a warrant to enter a private home and conduct a search, even if a private actor has already searched the area and notified law enforcement.” (at 26-27)

“In other words, an invitation to a plumber, a dinner guest, or a landlord does not open the door to one's home to a warrantless search by a police officer.” (at 27-28)

“If private parties tell the police about unlawful activities inside a person's home, the police can use that information to establish probable cause and seek a search warrant.” (at 30-31)

FACTUAL BACKGROUND

A tenant reported a major water leak to her landlord, who entered the apartment with a plumber while no one was home. The plumber observed marijuana and suspected cocaine in a bedroom and notified the police. Without a warrant, an officer entered the apartment, viewed the drugs, and observed a scale that the private

parties had not reported. Police later conducted a full search after the tenant signed a consent form, finding a handgun, ammunition, drug-packaging materials, and other contraband.

PROCEDURAL HISTORY

The trial court denied Wright's suppression motion, relying on the third-party intervention doctrine and finding that a co-defendant voluntarily consented to the later full search. Wright pleaded guilty without waiving his right to appeal the suppression ruling and received an aggregate fifteen-year sentence with six years of parole ineligibility. The Appellate Division affirmed. The Supreme Court reversed and remanded for the trial court to determine whether the initial unlawful search tainted the later consent search.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for further proceedings consistent with the opinion, specifically to determine whether the initial unlawful police search tainted the later consent search.

CASES CITED

- United States v. Jacobsen, 466 U.S. 109 (1984)
- Burdeau v. McDowell, 256 U.S. 465 (1921)
- Walter v. United States, 447 U.S. 649 (1980)
- State v. Earls, 214 N.J. 564 (2013)
- State v. Lamb, 218 N.J. 300 (2014)
- State v. Bolte, 115 N.J. 579 (1989)
- State v. Saez, 139 N.J. 279 (1995)
- State v. Premone, 348 N.J. Super. 505 (App. Div. 2002)
- United States v. Allen, 106 F.3d 695 (6th Cir. 1997)
- United States v. Williams, 354 F.3d 497 (6th Cir. 2003)
- United States v. Young, 573 F.3d 711 (9th Cir. 2009)
- People v. Brewer, 690 P.2d 860 (Colo. 1984)
- State v. Johnson, 716 P.2d 1288 (Idaho 1986)
- State v. Barkmeyer, 949 A.2d 984 (R.I. 2008)
- State v. Eisfeldt, 185 P.3d 580 (Wash. 2008)
- United States v. Bomengo, 580 F.2d 173 (5th Cir. 1978)
- United States v. Paige, 136 F.3d 1012 (5th Cir. 1998)
- Chapman v. United States, 365 U.S. 610 (1961)
- Wong Sun v. United States, 371 U.S. 471 (1963)
- Kyllo v. United States, 533 U.S. 27 (2001)

- Illinois v. McArthur, 531 U.S. 326 (2001)
- State v. Vargas, 213 N.J. 301 (2013)
- State v. Brown, 216 N.J. 508 (2014)
- Florida v. Jardines, 133 S. Ct. 1409 (2013)

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