

# SUPREME COURT OF OHIO

## State v. Burroughs

2022-Ohio-2146 (Ohio 2022) · No. 2020-1304 · Decided June 28, 2022

### SUMMARY

The Supreme Court of Ohio held that the single-purpose-container exception to the Fourth Amendment warrant requirement did not authorize police to search a closed bookbag found in a home during an arrest. Because the bookbag was not a container whose contents were apparent from its distinctive characteristics and no exigent circumstances existed, the officers were required to obtain a warrant. The court reversed the appellate judgment, vacated the conviction, and remanded with instructions to suppress the evidence.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Ohio                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | DeWine, J.; O'Connor, C.J.; Kennedy, J.; Fischer, J.; Donnelly, J.; Stewart, J.; Brunner, J.                                                                                                                                                                                  |
| JURISDICTION          | Ohio                                                                                                                                                                                                                                                                          |
| DECIDED               | June 28, 2022                                                                                                                                                                                                                                                                 |
| DOCKET                | 2020-1304                                                                                                                                                                                                                                                                     |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Burroughs appealed the denial of her motion to suppress evidence from the Third District Court of Appeals, which affirmed the trial court's judgment on the ground that the warrantless search fell within the single-purpose-container exception to the warrant requirement. |
| STANDARD OF REVIEW    | The court independently reviewed the constitutionality of the warrantless search under the Fourth Amendment.                                                                                                                                                                  |
| PRECEDENTIAL VALUE    | Published and precedential Supreme Court of Ohio opinion                                                                                                                                                                                                                      |
| PARTIES               | Kennedy Burroughs v. State of Ohio                                                                                                                                                                                                                                            |

### TOPICS

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

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the warrantless search of a closed bookbag inside a home was reasonable under the Fourth Amendment.
2. Whether the single-purpose-container exception to the warrant requirement applied because part of a plastic baggie was visible in the bookbag's zipper.

## HOLDINGS

1. A warrantless search of a closed container ordinarily violates the Fourth Amendment unless a specific exception to the warrant requirement applies; probable cause alone does not justify opening the container absent exigent circumstances.
2. The single-purpose-container exception applies only when a container's distinctive configuration, transparency, or other characteristics make its illegal contents readily apparent, effectively placing those contents in plain view. A common bookbag is not a single-purpose drug container, and the visible portion of an empty baggie did not make its contents obvious.

## KEY QUOTATIONS

*“The exception applies only when the illegal nature of the contents of a package are readily apparent because of the distinctive characteristics of the package.” (¶ 1)*

*“When the container does not do so, a warrant is required. That’s true, no matter how confident an officer is about what he thinks is inside.” (¶ 22)*

*“When police search a bookbag in a home under circumstances that do not give rise to any exigency, they must follow the command of the Fourth Amendment: get a warrant.” (¶ 24)*

## FACTUAL BACKGROUND

Police went to Burroughs's home to execute an arrest warrant and, after observing her carry baggies toward the back of the house, entered the home. In an attached bathroom, an officer found a closed bookbag with part of an empty plastic baggie caught in its zipper. After Burroughs was arrested and the bookbag was secured, another officer opened it without a warrant and found marijuana.

## PROCEDURAL HISTORY

The Marion County Court of Common Pleas denied Burroughs's motion to suppress marijuana found inside a closed bookbag and entered a possession conviction. The Third District Court of Appeals rejected the trial court's plain-view rationale but affirmed on the basis of the single-purpose-container exception. The Supreme Court of Ohio accepted jurisdiction, reversed the appellate judgment, vacated the conviction, and remanded with instructions to suppress the evidence.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The court of common pleas was instructed to enter judgment suppressing the evidence found in the bookbag.

## CASES CITED

- Riley v. California, 573 U.S. 373, 382, 134 S.Ct. 2473, 189 L.Ed.2d 430 (2014)
- Johnson v. United States, 333 U.S. 10, 14, 68 S.Ct. 367, 92 L.Ed. 436 (1948)
- Arkansas v. Sanders, 442 U.S. 753, 755, 764 n.13, 766, 99 S.Ct. 2586, 61 L.Ed.2d 235 (1979)
- California v. Acevedo, 500 U.S. 565, 111 S.Ct. 1982, 114 L.Ed.2d 619 (1991)
- Robbins v. California, 453 U.S. 420, 427-429, 101 S.Ct. 2841, 69 L.Ed.2d 744 (1981)
- United States v. Ross, 456 U.S. 798, 824, 102 S.Ct. 2157, 72 L.Ed.2d 572 (1982)
- Horton v. California, 496 U.S. 128, 133, 136-137, 110 S.Ct. 2301, 110 L.Ed.2d 112 (1990)
- United States v. Place, 462 U.S. 696, 701-702, 103 S.Ct. 2637, 77 L.Ed.2d 110 (1983)
- Texas v. Brown, 460 U.S. 730, 747, 103 S.Ct. 1535, 75 L.Ed.2d 502 (1983) (Stevens, J., concurring in the judgment)
- United States v. Gust, 405 F.3d 797, 802 (9th Cir. 2005)
- Coolidge v. New Hampshire, 403 U.S. 443, 468, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971)
- State v. Burroughs, 2020-Ohio-4417, 158 N.E.3d 699, ¶¶ 19, 26 (Ohio Ct. App. 2020)