

STONE, WARDEN v. POWELL

428 U.S. 465 (1976)

Topic: 4th Amendment

Facts/Case History: Lloyd Powell was convicted of murder in June 1968 after trial in a California state court. At about midnight on February 17, 1968, he and three companions entered the Bonanza Liquor Store in San Bernardino, Cal., where Powell became involved in an altercation with Gerald Parsons, the store manager, over the theft of a bottle of wine. In the scuffling that followed Powell shot and killed Parsons' wife. Ten hours later an officer of the Henderson, Nev., Police Department arrested Powell for violation of the Henderson vagrancy ordinance, and in the search incident to the arrest discovered a .38-caliber revolver with six expended cartridges in the cylinder. The conviction was obtained in part on the basis of evidence seized pursuant to a search warrant which Powell on a suppression motion claimed was invalid. The trial court denied Powell's motion to suppress, and was upheld on appeal. Powell then filed a habeas corpus petition in Federal District Court contending that the testimony concerning the .38-caliber revolver should have been excluded as the fruit of an illegal search. He argued that his arrest had been unlawful because the Henderson vagrancy ordinance was unconstitutionally vague, and that the arresting officer lacked probable cause to believe that he was violating it. The District Court concluded that the arresting officer had probable cause and held that even if the vagrancy ordinance was unconstitutional, the deterrent purpose of the exclusionary rule does not require that it be applied to bar admission of the fruits of a search incident to an otherwise valid arrest. In the alternative, that court agreed with the California District Court of Appeal that the admission of the evidence concerning Powell's arrest, if error, was harmless beyond a reasonable doubt. In December 1974, the Court of Appeals for the Ninth Circuit reversed. The court concluded that the vagrancy ordinance was unconstitutionally vague, that Powell's arrest was therefore illegal, and that although exclusion of the evidence would serve no deterrent purpose with regard to police officers who were enforcing statutes in good faith, exclusion would serve the public interest by deterring legislators from enacting unconstitutional statutes. After an independent review of the evidence the court concluded that the admission of the evidence was not harmless error since it supported the testimony of Powell's accomplices.

The Supreme Court reversed, and held that where the state has provided an opportunity for full and fair litigation of a Fourth Amendment claim, a state prisoner may not be granted federal habeas corpus relief on the ground that evidence obtained through an unconstitutional search and seizure was introduced at his trial. In this context the contribution of the exclusionary rule, if any, to the effectuation of the Fourth Amendment is minimal as compared to the substantial societal costs of applying the rule.

Issue: Whether a federal court should consider, in ruling on a petition for habeas corpus relief filed by a state prisoner, a claim that evidence obtained by an unconstitutional search or seizure was introduced at his trial, when he has previously been afforded an opportunity for full and fair litigation of his claim in the state courts?

Arguments: Stone, representing state corrections officials, sought review of a judgment from the United States Court of Appeals for the Ninth Circuit in Powell's habeas corpus suit, contending that state prisoners should not have been entitled to federal habeas corpus relief, pursuant to the Fourth

Amendment, on the ground that evidence obtained in an unconstitutional search or seizure was introduced at trial.

Powell argues that state courts cannot be trusted to effectuate Fourth Amendment values through fair application of the rule, and the oversight jurisdiction of this Court on certiorari is an inadequate safeguard.

Holding: Federal Habeas Corpus relief should not have been granted. The constitutional protections accorded criminal defendants under the exclusionary rule of the Fourth Amendment were not absolute but had to be weighed against competing policies. The court noted that the contribution of the exclusionary rule to the effectuation of the Fourth Amendment was minimal, while the substantial societal costs of application of the rule persisted with special force. Accordingly, the court held that where the state had provided an opportunity for full and fair litigation of a claim under the Fourth Amendment, state prisoners should not have been granted federal habeas corpus relief on the ground that evidence obtained in an unconstitutional search and seizure was introduced at trial.

Reasoning: The costs of applying the exclusionary rule even at trial and on direct review are well known: the focus of the trial, and the attention of the participants therein, are diverted from the ultimate question of guilt or innocence that should be the central concern in a criminal proceeding. Moreover, the physical evidence sought to be excluded is typically reliable and often the most probative information bearing on the guilt or innocence of the defendant. Application of the rule thus deflects the truth-finding process and often frees the guilty. The disparity in particular cases between the error committed by the police officer and the windfall afforded a guilty defendant by application of the rule is contrary to the idea of proportionality that is essential to the concept of justice. Thus, although the rule is thought to deter unlawful police activity in part through the nurturing of respect for Fourth Amendment values, if applied indiscriminately it may well have the opposite effect of generating disrespect for the law and administration of justice. These long-recognized costs of the rule persist when a criminal conviction is sought to be overturned on collateral review on the ground that a search-and-seizure claim was erroneously rejected by two or more tiers of state courts.

Nevertheless, broad habeas corpus relief is afforded, recognizing the need in a free society for an additional safeguard against compelling an innocent man to suffer an unconstitutional loss of liberty. The Court has described habeas corpus as a remedy for "whatever society deems to be intolerable restraints," and recognized that those to whom the writ should be granted "are persons whom society has grievously wronged." But in the case of a typical Fourth Amendment claim, asserted on collateral attack, a convicted defendant is usually asking society to re-determine an issue that has no bearing on the basic justice of his incarceration.