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Police need a warrant to open locked containers.

The Bill of Rights. (From the public domain.)
Last month, Wyoming's Supreme Court confirmed that police need a search warrant to open locked containers, even when contraband (in this instance, some marijuana and marijuana paraphernalia) are found nearby. *Fenton v. Wyoming*, 2007 WY 51 (March 23, 2007).
In *Fenton*, the police were allowed into the defendant's trailer when they were inquiring about a stolen car. In plain view of the police was a small amount of marijuana and marijuana paraphernalia. Nearby the marijuana was a locked box, which the police helped themselves to open with keys they found in the trailer. *Fenton* concluded that sufficient probable cause existed to obtain a search warrant to open the lockbox involved in this case. Rightfully, *Fenton* refused to make the defendant suffer for the police failure to seek a search warrant. Of course, the defendant would never have been in this pickle had nobody invited the police into the trailer in the first place. Know your rights. Thanks to Flex Your Rights for reporting on this case on its website.
Jon Katz.

Posted by Jon Katz in Criminal Defense at 01:15