

Denver Law Review

Volume 67
Issue 4 *Tenth Circuit Surveys*

Article 37

February 2021

Search & (and) Seizure

Denver University Law Review

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Recommended Citation

Denver University Law Review, Search & (and) Seizure, 67 Denv. U. L. Rev. 765 (1990).

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SEARCH & SEIZURE

United States v. Stone, 866 F.2d 359

Author: Chief Judge Holloway

Defendant, Stone, appealed a conviction of possession with intent to distribute methaqualone and aiding and abetting. Stone challenged the district court's denial of his motion to suppress narcotics seized and statements made by him following a police search of his car which he argued was unreasonable under the fourth amendment.

The Tenth Circuit held that under the "automobile exception" to the search warrant requirement, the police had probable cause to search Stone's car and its contents after a police dog "keyed" on a particular part of the car containing narcotics. The court, therefore, affirmed the district court's decision and held that the search of the car and duffle bag were not unreasonable under the fourth amendment. Consequently, the narcotics and statements were not inadmissible.

