

Bailey v. United States

2013 U.S. LEXIS 1075 (U.S. 2013)

Officers observing the house where they were about to execute a search warrant saw Bailey, the occupant of the house, exit and drive away. They followed him for about a mile and stopped him and told him he would be detained while the conducted the search. The officers found drugs and guns in the house and arrested Bailey. Bailey denied that he lived in the house but upon a search incident to his arrest, the officers found a house key.

Bailey moved to suppress the evidence of the key arguing that his detention had been illegal.

The government relied on the 1981 Supreme Court Decision in **Michigan v. Summers**, where the police, armed with a search warrant, detained a man they met coming out the front door and down the front steps of that house. The court had held that the detention was reasonable based only on the existence of the search warrant for those premises.

In this case, the United States Supreme Court held that the detention was unreasonable and violated the 4th amendment. The **Michigan v. Summers**, holding only applied to the immediate vicinity of the premises covered by the search warrant. In this case the police's seizure of Bailey, a mile away from the house, was not within the immediate vicinity and was therefore unreasonable unless supported by separate reasonable suspicion (a Terry stop) or probable cause (an arrest).