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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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DAVIS *v.* UNITED STATESCERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE ELEVENTH CIRCUIT

No. 09–11328. Argued March 21, 2011—Decided June 16, 2011

While conducting a routine vehicle stop, police arrested petitioner Willie Davis, a passenger, for giving a false name. After handcuffing Davis and securing the scene, the police searched the vehicle and found Davis's revolver. Davis was then indicted on charges of being a felon in possession of a firearm. In a suppression motion, Davis acknowledged that the search of the vehicle complied with existing Eleventh Circuit precedent interpreting *New York v. Belton*, 453 U. S. 454, but Davis raised a Fourth Amendment challenge to preserve the issue on appeal. The District Court denied the motion, and Davis was convicted. While his appeal was pending, this Court announced, in *Arizona v. Gant*, 556 U. S. ___, ___, a new rule governing automobile searches incident to arrests of recent occupants. The Eleventh Circuit held, under *Gant*, that the vehicle search at issue violated Davis's Fourth Amendment rights, but the court declined to suppress the revolver and affirmed Davis's conviction.

Held: Searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule. Pp. 6–20.

(a) The exclusionary rule's sole purpose is to deter future Fourth Amendment violations, *e.g.*, *Herring v. United States*, 555 U. S. 135, 141, and its operation is limited to situations in which this purpose is "thought most efficaciously served," *United States v. Calandra*, 414 U. S. 338, 348. For exclusion to be appropriate, the deterrence benefits of suppression must outweigh the rule's heavy costs. Under a line of cases beginning with *United States v. Leon*, 468 U. S. 897, the result of this cost-benefit analysis turns on the "flagrancy of the police misconduct" at issue. *Id.*, at 909, 911. When the police exhibit "deliberate," "reckless," or "grossly negligent" disregard for Fourth

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Amendment rights, the benefits of exclusion tend to outweigh the costs. *Herring, supra*, at 144. But when the police act with an objectively reasonable good-faith belief that their conduct is lawful, or when their conduct involves only simple, isolated negligence, the deterrent value of suppression is diminished, and exclusion cannot “pay its way.” See *Leon, supra*, at 909, 919, 908, n. 6; *Herring, supra*, at 137. Pp. 6–9.

(b) Although the search in this case turned out to be unconstitutional under *Gant*, Davis concedes that the officers’ conduct was in strict compliance with then-binding Circuit law and was not culpable in any way. Under this Court’s exclusionary-rule precedents, the acknowledged absence of police culpability dooms Davis’s claim. Pp. 9–11.

(c) The Court is not persuaded by arguments that other considerations should prevent the good-faith exception from applying in this case. Pp. 11–19.

(1) The argument that the availability of the exclusionary rule to enforce new Fourth Amendment precedent is a retroactivity issue, not a good-faith issue, is unpersuasive. This argument erroneously conflates retroactivity with remedy. Because Davis’s conviction had not become final when *Gant* was announced, *Gant* applies retroactively in this case, and Davis may invoke its newly announced rule as a basis for seeking relief. See *Griffith v. Kentucky*, 479 U. S. 314, 326, 328. But retroactive application of a new rule does not determine the question of what remedy the defendant should obtain. See *Powell v. Nevada*, 511 U. S. 79, 83, 84. The remedy of exclusion does not automatically follow from a Fourth Amendment violation, see *Arizona v. Evans*, 514 U. S. 1, 13, and applies only where its “purpose is effectively advanced,” *Illinois v. Krull*, 480 U. S. 340, 347. The application of the good-faith exception here neither contravenes *Griffith* nor denies retroactive effect to *Gant*. Pp. 12–16.

(2) Nor is the Court persuaded by the argument that applying the good-faith exception to searches conducted in reliance on binding precedent will stunt the development of Fourth Amendment law by discouraging criminal defendants from attacking precedent. Facilitating the overruling of precedent has never been a relevant consideration in this Court’s exclusionary-rule cases. In any event, applying the good-faith exception in this context will not prevent this Court’s review of Fourth Amendment precedents. If precedent from a federal court of appeals or state court of last resort upholds a particular type of search or seizure, defendants in jurisdictions where the question remains open will still have an undiminished incentive to litigate the issue, and this Court can grant certiorari in one of those cases. Davis’s claim that *this* Court’s Fourth Amendment precedents

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will be effectively insulated from challenge is overstated. In many cases, defendants will test this Court's Fourth Amendment precedents by arguing that they are distinguishable. And at most, this argument might suggest that, in a future case, the Court could allow a petitioner who secures a decision overruling one of this Court's precedents to obtain suppression of evidence in that one case. Pp. 16–19.

598 F. 3d 1259, affirmed.

ALITO, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, THOMAS, and KAGAN, JJ., joined. SOTOMAYOR, J., filed an opinion concurring in the judgment. BREYER, J., filed a dissenting opinion, in which GINSBURG, J., joined.