

Monday, November 19, 2007

**Do not Pringle-ize Moore.**

Â Bill of Rights.Â (From the public domain.)Â In early 2006, the clouds parted, and the Virginia Supreme Court blessed criminal suspects with Moore v. Commonwealth, 272 Va. 717Â (2006). Moore provides that the issuance of a criminal summons does not permit a police search. This is a particularly significant holding, when considering that summonsesÂ most commonlyÂ commence misdemeanor prosecutions in Virginia. Â Unfortunately, rather than leaving well enough alone, the United States Supreme Court granted certiorari review in Moore . Hopefully the Supreme Court will leave Moore unharmed, unlike the damage done in Maryland v. Pringle, 540 U.S. 366 (2003), which reversed an excellent Fourth Amendment decision by Maryland's Court of Appeals, as if crushing the Court of Appeals' PringleÂ decision like a potato chip. Stay tuned.Â Jon Katz.Â Â ADDENDUM: Thanks to SCOTUS BlogÂ for posting on this case.

Posted by Jon Katz in Criminal Defense at 00:00