

Safes, Searches, and Stolen Sedans: Navigating the Automobile Exception in *United States v. Ostrum*

Description

The United States Court of Appeals for the Ninth Circuit heard a case arising from a law enforcement investigation into the defendant's involvement in a drug-dealing scheme and his unauthorized possession of firearms.

Ostrum first captured the attention of law enforcement during a previous investigation into another suspect. As a result of that initial investigation, officers intercepted text messages indicating repeated methamphetamine and marijuana transactions between the then-suspect, Ricky Blythe, and the defendant. These messages, combined with information from confidential informants, enabled officers to secure a search warrant for Ostrum's home. When officers executed the warrant and searched the defendant's residence, their findings yielded minimal evidence. However, during the search, Ostrum disclosed to officers that he had moved his personal belongings and vehicle to his father's house. Continuing their investigation, officers located the vehicle nearby. To their surprise, the vehicle, which Ostrum claimed was his, had been reported stolen. A subsequent search of the vehicle revealed incriminating evidence. Inside, officers discovered the defendant's belongings and two safes containing methamphetamine, marijuana, and a firearm. Due to his prior convictions, Ostrum was already prohibited from possessing firearms.

Ostrum was charged with multiple counts related to drug possession, distribution, and for being a felon in possession of a firearm. After his conviction, he moved to suppress the evidence obtained from the vehicle, arguing that it was inadmissible as the fruit of an illegal search in violation of his Fourth Amendment rights. The district court denied the motion to suppress, making two key findings. First, the court held that Ostrum lacked standing to challenge the search because the vehicle was stolen. Second, the court determined that the search was valid under the automobile exception to the Fourth Amendment's warrant requirement. Following his conviction on all counts, Ostrum appealed to the Seventh Circuit.

On appeal, the United States Court of Appeals for the Seventh Circuit examined two questions: whether Ostrum had standing to challenge the search of the stolen vehicle and whether the search violated his Fourth Amendment rights. The Seventh Circuit affirmed the district court's decision to deny the motion to suppress. The court found that Ostrum did not have standing to challenge the search and that probable cause justified the search under the automobile exception to the Fourth Amendment.

Regarding the issue of standing, the court ruled that Ostrum lacked the standing to object to the search because the vehicle was reported as stolen. The court reiterated that a defendant's knowledge of a vehicle's stolen status disqualifies them from claiming a reasonable expectation of privacy in the car or its contents. Consequently, Ostrum had no reasonable expectation of privacy in the stolen vehicle, rendering him unable to object to the search.

The defendant claimed he was unaware that the vehicle was stolen but failed to provide any supporting evidence. Weakening his position further, the vehicle bore license plates registered under the

defendant's name but linked to a different vehicle. The court emphasized that the defendant's unsubstantiated claim of a possessory interest did not shift the burden to the government to disprove it. Since Ostrum could not establish a legitimate expectation of privacy, he lacked standing to challenge the search.

The court also addressed Ostrum's argument that he had a privacy interest in the safes found inside the car. However, it noted that since the vehicle was stolen, any privacy claim in the safes was invalid. The court explained that while a person lawfully present in a vehicle may assert a privacy interest in its containers, this does not apply to someone wrongfully present in a stolen vehicle. As the court succinctly stated, "a stolen car is not a safe house that society is prepared to recognize as reasonable."

Finally, the court discussed the automobile exception to the Fourth Amendment, which allows officers to search a vehicle without a warrant if there is probable cause to believe it contains evidence of a crime. In this case, the evidence supporting the initial search warrant for Ostrum's home, combined with his statements about relocating his property, provided officers with ample probable cause to suspect the vehicle contained illegal contraband. Thus, the search of the car and safes was permissible under the automobile exception.

United States v. Ostrum expands our understanding of the Fourth Amendment, particularly with respect to legal standing and the automobile exception. The court's ruling underscores the importance of a reasonable expectation of privacy for an individual to contest a search. Ostrum's inability to demonstrate this expectation in a stolen vehicle highlighted that standing depends on lawful possession or a legitimate connection to the searched property. The application of the automobile exception illustrates the flexibility granted to law enforcement when probable cause is present, enabling searches without a warrant if a vehicle is believed to contain evidence of illegal activity.

United States v. Ostrum, No. 23-1364 (7th Cir. 2024).

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