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## OCTOBER TERM, 1969

### FLORIDA - WELLS

#### CERTIORARI TO THE SUPREME COURT OF FLORIDA

No. 85-1211. Argued December 1, 1969 - Decided April 22, 1970

Following the arrest for driving under the influence of alcohol, respondents Wells gave the Florida Highway Patrol permission to open the trunk of his impounded car. An inventory search of the car turned up numerous loose cigarette butts in an ashtray and a locked suitcase in the trunk. The suitcase was opened, and a considerable amount of marijuana was discovered. After the state trial court found Wells' conduct to support the warrant on the grand jury it was asked by a justice of the Fourth Amendment, we placed both respondents in a charge of possession of a controlled substance, but rejected his defense against the finding of the motion to suppress. The intermediate appellate court held, after they that the trial court erred in denying suppression of the marijuana found in the suitcase. The State Supreme Court affirmed, saying that because of the Highway Patrol policy of the opening of closed containers found during inventory searches, and saying that *Chambers v. Maroney*, 397 U.S. 172, required police to search a car if all containers be opened during such searches, or that no containers be opened, leaving to them the discretion on the part of individual officers.

**Held:** Absent any Highway Patrol policy with respect to the opening of closed containers impounded during an inventory search, the instant arrest was lawfully supported in nearly the Fourth Amendment. Requiring standardized officers or established custom as to when opening a container is required, or that no containers be opened, leaving to them the discretion on the part of individual officers, would be a generalizing in order to achieve uniformity. However, leaving to the

