

*In re Jaime P.* (S135263)

A minor currently on probation had agreed to allow a warrantless search of his person and property, including his car, at any time with or without probable cause. When a police officer who was unaware of this search condition and who was acting without reasonable cause stopped and searched a car driven by the minor, an illegal weapon was found. Is this evidence admissible against the minor in juvenile court proceedings?

Fairfield traffic officer Moody detained the minor, Jaime P., and three others, after Moody observed what he incorrectly thought were traffic violations that justified a stop. Upon questioning these persons, Moody noticed a box of ammunition in plain view on the car's floorboard. Because none of the car's occupants had a valid driver's license, the car was impounded. An inventory search of the car disclosed a loaded .44 caliber handgun beneath the rear passenger seat.

During the ensuing juvenile court proceedings, Jaime P. moved to suppress evidence of the gun, but the court denied the motion, relying on the consent-to-search probation condition. On appeal from the juvenile court's order continuing Jamie P. as a ward of the court, the Court of Appeal affirmed, relying on a California Supreme Court case, *Tyrell J.*, which allowed similar probation condition searches despite the searching officers' lack of knowledge of the condition. The court in *Tyrell J.* reasoned that juvenile probationers with consent-to-search conditions have no reasonable expectation of privacy, and allowing such searches would discourage future misconduct and promote the special needs of the juvenile probation system.

Jaime P. petitioned the California Supreme Court for a writ of habeas corpus (one procedure for overturning a criminal conviction), claiming that *Tyrell J.* should be overruled as inconsistent with a more recent California Supreme Court case, *People v. Sanders*, which invalidated similar searches of adult parolees with search consent conditions unknown to the officers. *Sanders* reasoned in part that to allow officers to conduct unrestricted searches of adult parolees without knowing whether or not a search condition existed would legitimize unlawful police conduct. The Supreme Court will have to decide whether the rule in *Sanders* should apply to juvenile probationers such as Jaime P.