

11/11/66 Post

Search Held Legal, Writ Unserved

NASHVILLE, Tenn., Oct. 18 (AP) — In what attorneys called a precedent-shattering decision, the State Supreme Court has held that an officer need not serve a search warrant to gain authority to search a house.

The Court ruled in a Nashville case that mere possession of a valid search warrant entitled a law officer to gain entrance to a house or other premises occupied or owned by a person suspected of a crime.

The ruling came on an appeal by the State in the case of Joseph M. Calvert of Nashville, who had been charged with stealing some rare coins in 1965.

Criminal Court Judge John L. Draper refused to admit State evidence seized in a search of Calvert's home while he was away. Policemen entered the house with the help of a neighbor.

The warrant was never served on Calvert. Judge Draper sustained a defense motion to dismiss the charge on the ground that the evidence against Calvert was obtained illegally.

James Rutherford of Hendersonville, attorney for Calvert, said he was "shocked and surprised" at the Supreme Court decision, noting that courts generally have held a search warrant has no effect until served. He said he might file a petition to rehear.