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High Court Ruling JUN 25 1976

When Your Home Is Not a Castle

Washington

The U.S. Supreme Court ruled 7 to 2 yesterday that a suspect seen by police in a public place may not avoid arrest by retreating into his home.

The opinion by Justice William H. Rehnquist was a followup to one handed down January 26 holding that an arrest without a warrant in a public place does not violate the Fourth Amendment.

That amendment provides that people have a "right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures."

Yesterday's case concerned the arrest of Dominiga Santana by the Philadelphia narcotics squad engaged in breaking up a heroin sale. The woman was seen on the porch of her home holding a paper bag but as officers approached she went into the vestibule, where they caught her.

When she tried to escape, envelopes containing what later was determined to be heroin fell to the floor and she was found to have been carrying some marked money for use in a prearranged sale.

Rehnquist's opinion reversed two lower courts which ruled that

the heroin and the marked money could not be introduced at trial.

The Justice Department argued that police could properly enter the house without a warrant in "hot pursuit" of a suspect, but the lower courts took "hot pursuit" to mean "a chase on and about public streets."

Rehnquist said "hot pursuit" need not be such "an extended hue and cry."

Justices Thurgood Marshall and William J. Brennan Jr. said in dissent that the court still has not settled the question of the circumstances under which a policeman may enter a suspect's home to make an arrest without a warrant.

"When an arrest is so timed that it is no more than an attempt to circumvent the warrant requirement, I would hold the subsequent arrest or search unlawful," Marshall said.

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