

MICHIGAN V. TYLER, 436 U.S. 499.

Michigan v. Tyler was decided in 1978. This was the first arson case to go to the Supreme Court. Only a few defense attorneys read the case briefs which made the fire investigator's job easier. Before this decision search warrant at a fire scene was unheard of.

FACTS: Loren Tyler and Robert Tompkins leased a furniture store, Tyler's Auction, in Oakland County, Michigan.
1-21-70: The fire occurred before midnight. The fire department extinguished the fire and found two jugs containing flammable liquid.

1-22-70: 2:00 a.m., the Fire Chief arrived, examined evidence, called for a police investigator.

1-22-70: 3:30 a.m., Police Investigator, Detective Webb, arrived. He photographed the jugs containing the flammable liquid and the interior of the building. Investigation was halted about 4:00 a.m. due to darkness and excessive amounts of smoke and steam.

1-22-70: 8:00 a.m., Fire Chief returned with Assistant Fire Chief. They left after a cursory examination.

1-22-70: 9:00 a.m., Assistant Chief returned with Detective Webb. Webb discovered burn patterns and fuel trails on carpet that he had not seen earlier. He left and returned with tools; he removed the carpet for evidence. Detective Webb now has possession of the two jugs, photographs, and carpet as evidence.

2-16-70: Sgt. Hoffman, Michigan State Arson Squad, entered premises for the first time and took: (1) Photographs, (2) Examined Circuit breaker, (3) Examined furnace, (4) had a TV repairman inspect the TV, (5) located a piece of fuse, and (6) determined what furniture was present at the time of the fire.

Trial: At the trial a former employee, Oscar Frisch, testified that prior to the fire, he helped remove valuable furniture and replaced it with old furniture. In addition, Tyler admitted the fire was going to occur.

Issue: Does the 4th Amendment require an arson investigator to obtain a search warrant prior to examining a fire scene? **Answer:** No, under some conditions

The United States Supreme Court ruled a warrant or consent is not required:

1. To fight a fire. - A burning building clearly presents an emergency and no warrant is necessary to enter a building to extinguish a fire. Public safety and to avoid destruction of property is justification for entry.

2. To remain on the premises for a reasonable amount of time to investigate the fire and preserve evidence from intentional or accidental destruction, seizing any evidence in plain view.

Plain view test?

A. **Prior Justification** for the intrusion: (The right to be their)

B. **Inadvertent discovery** of incriminating evidence.

C. **Immediate knowledge** by person he had evidence.

3. But, once a reasonable time has elapsed, and further entries are needed, the investigator must obtain

(1) Consent

(2) Administrative Search Warrant (*To determine Cause & Origin*) or

(3) Criminal Search Warrant (*Needed once you realize a crime has been committed*)

Fire fighter duties:

Safety, Extinguish fire, Determine Cause & Origin, Preserve Evidence

The supreme court held that reasonable privacy expectations may remain in fire-damaged premises and thus fire officials must adhere to the requirements of the Fourth Amendment to the United States Constitution.

Under these facts: The court found that the early morning re-entry by fire officials was merely a continuation of the first entry that had been stopped by smoke, darkness and water that were beyond control of the investigators. The court, after finding that all later entries were clearly detached from the initial entry, held such entries to be unconstitutional. The Court ruled the owners or possessors of the building had a reasonable expectation of privacy even though the building was empty and severely damaged by fire.

Evidence allowed: 1. Two jugs. 2. Carpet. 3. Photographs

These were obtained by Detective Webb on his two entries.

Evidence not allowed: 1. All items that Sgt. Hoffman obtained on 2-16-70.