



FLORIDA V. JARDINES

FACTS OF THE CASE

The Miami-Dade County Police Department received a Crime Stoppers tip that marijuana was being grown at the home of Joelis Jardines. One month later a detective went to the home at 7 a.m. He watched the home for 15 minutes. There were no vehicles in the driveway; the blinds were closed; and there was no observable activity.

After 15 minutes, a dog handler arrived with the drug detection dog. The handler placed the dog on a leash and accompanied the dog to the front door of the home. After the dog went back and forth several times, the dog gave a positive alert to the scent of narcotics. The detective went to the front door and indicated he smelled marijuana.

The detective also observed that the air conditioning unit had been running constantly for 15 minutes or so, without ever switching off. According to the detective, in a hydroponics lab for growing marijuana, high intensity light bulbs are used, which create heat. This causes the air conditioning unit to run continuously without cycling off.

The detective prepared an affidavit and applied for a search warrant, which was issued. A search was conducted, which confirmed that marijuana was being grown inside the home. The defendant was arrested. The defendant moved to suppress the evidence seized at his home. The trial court conducted an evidentiary hearing at which the detective and the dog handler testified.

The trial court suppressed the evidence, saying the dog sniff was a search intruding into the constitutionally protected area of the home.

The state appealed the suppression ruling, and the district court reversed concluding that no illegal search occurred and a warrant was not necessary for the drug dog sniff.

Question before the Court:

Is a dog sniff at the front door of a suspected grow house by a trained narcotics detection dog a search under the Fourth Amendment?