[J-56-2007]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

CAPPY, C.J., CASTILLE, SAYLOR, EAKIN, BAER, BALDWIN, FITZGERALD, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. 22 EAP 2005
	:	
Appellee	:	Appeal from the Judgment of the Superior
	:	Court entered on 8/12/04 at 907 EDA
	:	2003 affirming the Judgment of Sentence
v.	:	entered on 2/20/03 in the Court of
	:	Common Pleas, Philadelphia County,
	:	Criminal Division, at 0211-1121 2/2.
HENRY MCCREE,	:	
	:	ARGUED: October 17, 2005
Appellant	:	RE-SUBMITTED: April 13, 2007

OPINION ANNOUNCING THE JUDGMENT OF THE COURT

MR. JUSTICE EAKIN **DECIDED: May 31, 2007**

We granted allowance of appeal to clarify the standard for the plain view exception to the warrant requirement.

On September 24, 2002, undercover police officer Stacey Wallace was investigating illegal sales of prescription drugs at 700 West Girard Avenue in Philadelphia. At 8:55 a.m., she came in contact with a man identified as "Boyer." Officer Wallace asked Boyer if he had any pills for sale; Boyer indicated he did not, and that he needed to wait for a friend to get the pills. Boyer left the scene, returned 15 to 20 minutes later, and handed Officer Wallace eight Xanax[1] pills. Officer Wallace handed Boyer a pre-recorded $20 bill and asked Boyer if he could get her more pills. Boyer indicated he could, and Officer Wallace

[1] Xanax is a brand of alprazolam. Webster's New Universal Unabridged Dictionary 2195 (1996). Alprazolam is a potent prescription drug, used to treat anxiety. Id., at 60.

handed him a pre-recorded $10 bill. Boyer walked to a blue Pontiac, sat in the passenger's seat, and spoke to the person sitting in the driver's seat. Officer Wallace notified back-up officers that she believed a narcotics sale was in progress in the vehicle.

At 9:15 a.m., police officer Jeffrey Cujdik[2] and his partner were directed to stop a man sitting inside a blue Pontiac. Officer Cujdik approached the driver's side of the Pontiac, and his partner approached the passenger's side. Officer Cujdik observed appellant, who was sitting in the driver's seat, shove an amber container under a seat cushion on top of the driver's seat. Officer Cujdik believed the container was a pill bottle. Officer Cujdik asked appellant to step outside the vehicle, which appellant did. Officer Cujdik reached under the driver's seat cushion and recovered the bottle containing 52 blue pills, later determined to be Xanax.

Officer Cujdik took appellant to the back of the Pontiac. The driver's side front door was left open. Officer Cujdik walked to the door and saw two more pill bottles in the door pocket. Officer Cujdik removed them and found 12 OxyContin[3] pills in one bottle and 25 Percocet[4] pills in the other. All three pill bottles bore appellant's name.

Appellant filed a pre-trial motion to suppress the drugs. The trial court denied relief, and the matter proceeded to a bench trial; appellant was convicted of possession with

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[2] The opinions of the Superior Court and the trial court inadvertently refer to Officer Cujdik as "Cudjik."

[3] OxyContin is a potent prescription drug approved for the treatment of moderate to severe pain. See United States Food and Drug Administration, Center for Drug Evaluation and Research, OxyContin Information: FDA Strengthens Warnings for OxyContin, http://www.fda.gov/cder/drug/infopage/oxycontin/ (last visited Feb. 14, 2006).

[4] Percocet is also a potent prescription drug approved for the treatment of moderate to severe pain. See Endo Pharmaceuticals, http://www.endo.com/healthcare/products/percocet.html (last visited Feb. 14, 2006).

intent to deliver Xanax.[5] The court found appellant not guilty of conspiracy and possession of Xanax. Appellant was sentenced to nine to 23 months imprisonment, followed by two years of reporting probation.[6] Appellant appealed, arguing the trial court improperly admitted all three pill bottles into evidence, and that there was insufficient evidence to sustain his conviction.

In its Pa.R.A.P. 1925(a) opinion, the trial court explained the officers were justified in approaching the vehicle and had probable cause to arrest Boyer; thus, they were at a lawful vantage point when Officer Cujdik saw appellant secrete the Xanax pill bottle under his seat cushion. The plain view exception to the warrant requirement allows the police to seize objects that are viewed from a lawful vantage point where the incriminating nature of the object is immediately apparent. Trial Court Opinion, 7/2/03, at 6 (citing Commonwealth v. Petroll, 738 A.2d 993 (Pa. 1999); Commonwealth v. Ballard, 806 A.2d 889 (Pa. Super. 2002)). The court reasoned:

> When considering the totality of the circumstances, it is clear that Officer [Cujdik] had probable cause to believe that the objects he saw were incriminating in nature. The area was well known for pill sales. There were complaints about a pharmacy in the area. Officer [Cujdik] was aware of Officer Wallace's encounter with Boyer and the direct sale that took place between them. He was also aware of the statement by Boyer telling Officer Wallace that he could get more pills and would be right back just prior to entering [a]ppellant's] vehicle. All of these facts, along with Officer [Cujdik's] experience, make it clear that upon sighting the … amber bottle he would have found them immediately incriminating.

Id., at 6-7.

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[5] 35 Pa.C.S. § 780-113(a)(30). While it is unclear from the record below, appellant apparently was not charged for crimes related to the OxyContin or Percocet.

[6] Initially, the trial court sentenced appellant to house arrest, followed by probation. At appellant's request, the court modified the sentence to imprisonment because he did not have a telephone for his residence, a requirement of house arrest.

Affirming in a published decision, the Superior Court explained the plain view exception to the warrant requirement under the Fourth Amendment to the United States Constitution, as discussed in Horton v. California, 496 U.S. 128 (1990), sets forth the following standard for application of the exception:

> It is, of course, an essential predicate to any valid warrantless seizure of incriminating evidence that the officer did not violate the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed. There are, moreover, two additional conditions that must be satisfied to justify the warrantless seizure. First, not only must the item be in plain view; its incriminating character must also be "immediately apparent." …Second, not only must the officer be lawfully located in a place from which the object can be plainly seen, but he or she must also have a lawful right of access to the object itself.

Commonwealth v. McCree, 857 A.2d 188, 190 (Pa. Super. 2004) (quoting Horton, at 136-37)). This standard, therefore, contains three prongs: (1) the police must be at a lawful vantage-point; (2) the incriminating character of the object must be immediately apparent; and (3) the police must have a lawful right of access to the object. The court suggested that although this Court adopted the standard announced in Horton, see Commonwealth v. Graham, 721 A.2d 1075 (Pa. 1998); Commonwealth v. McCullum, 602 A.2d 313 (Pa. 1992), subsequent statements of the standard eliminated its third prong, which requires the police to have a lawful right of access to the object. See Petroll, supra; Commonwealth v. Ellis, 662 A.2d 1043 (Pa. 1995). Observing that such elimination occurred without express acknowledgement, the Superior Court felt constrained to apply the standard as stated in Petroll and the later case of Commonwealth v. Colon, 777 A.2d 1097 (Pa. Super. 2001); neither referenced the third prong. More specifically, the court stated that Petroll provides there can be no reasonable expectation of privacy for an object in plain view, and Colon suggests that, while the police might be prohibited from searching a vehicle once the occupants have been removed, they may nonetheless seize contraband that is in plain

view inside the vehicle. See McCree, at 191 (quoting Commonwealth v. Clark, 802 A.2d 658, 660 (Pa. Super. 2002)).

Turning to the facts, the Superior Court emphasized the trial court's finding that Officer Cujdik saw the Xanax pill bottle in plain view, and reasoned that appellant's efforts to hide it under his seat cushion excused the need to secure a search warrant. Id. The court found the incriminating nature of the Xanax bottle was immediately apparent in light of the surrounding circumstances; thus, it held the Xanax bottle fell within the plain view exception. Id. The court also found the police were at a lawful vantage-point when they saw the two bottles in the door pocket, and the incriminating nature of those bottles was likewise immediately apparent. Id., at 192.

We granted allowance of appeal to review the narrow issue of whether the Superior Court improperly disregarded Graham, supra, and McCullum, supra, when it opined our decision in Petroll, supra, allowed police to enter the Pontiac without a warrant.[7]

Both the Fourth Amendment to the United States Constitution[8] and Article I, § 8 of the Pennsylvania Constitution[9] protect the people from unreasonable searches and seizures. In the Interest of D.M., 781 A.2d 1161, 1163 (Pa. 2001). The Fourth Amendment and Article I, § 8 have long been interpreted to protect the people from unreasonable

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[7] The Superior Court also determined there was sufficient evidence to sustain appellant's conviction; the sufficiency of the evidence is not at issue here.

[8] See U.S. Const. amend. IV ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.").

[9] See Pa. Const. art. I, § 8 ("The people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.").

government intrusions into their privacy. United States v. Chadwick, 433 U.S. 1, 7 (1977); Commonwealth v. Shaw, 383 A.2d 496, 499 (Pa. 1978). "The reasonableness of a governmental intrusion varies with the degree of privacy legitimately expected and the nature of the governmental intrusion." Shaw, at 499 (collecting cases).

The similarities in language of the Fourth Amendment and Article I, § 8 do not demand identical interpretation of the two provisions. Commonwealth v. Waltson, 724 A.2d 289, 291 (Pa. 1998). Article I, § 8 can provide no less protection than what the Fourth Amendment requires, but it may establish greater protections than the Fourth Amendment. Commonwealth v. Matos, 672 A.2d 769, 771-72 (Pa. 1996). Article I, § 8 has been held to create an implicit right to privacy which extends to areas where one has a "reasonable expectation of privacy." Commonwealth v. Blystone, 549 A.2d 81, 87 (Pa. 1988). The notion of privacy in Article I, § 8 is greater than that of the Fourth Amendment. Waltson, at 292 (citing Commonwealth v. Edmunds, 586 A.2d 887, 899 (Pa. 1991) ("Article I, [§] 8 … may be employed to guard individual privacy rights against unreasonable searches and seizures more zealously than the federal government does under the [United States] Constitution ….") (emphasis in original)). Thus, Pennsylvania courts, in comparison to federal courts, have given greater weight to an individual's privacy interests when balancing the importance of privacy against the needs of law enforcement. Commonwealth v. White, 669 A.2d 896, 902 (Pa. 1995); see also Commonwealth v. Sell, 470 A.2d 457, 468 (Pa. 1983) ("Article I, [§] 8 …, as consistently interpreted by [Pennsylvania courts], mandates greater recognition of the need for protection from illegal government conduct offensive to the right of privacy.") (emphasis in original).

A warrantless search or seizure is presumptively unreasonable under the Fourth Amendment and Article I, § 8, subject to a few specifically established, well-delineated exceptions. Horton, at 134 n.4 (citing Katz v. United States, 389 U.S. 347, 357 (1967); United States v. Ross, 456 U.S. 798, 824-25 (1982)); see also Petroll, at 998. "The 'plain view' doctrine is often considered an exception to the general rule that warrantless

searches are presumptively unreasonable, but this characterization overlooks the important difference between searches and seizures." Horton, at 133 (footnotes omitted). "A search [under the Fourth Amendment] compromises the individual interest in privacy; a seizure deprives the individual of dominion over his or her person or property." Id. (citing United States v. Jacobsen, 466 U.S. 109, 113 (1984)). Horton addressed this distinction in relation to the plain view doctrine:

> If an article is already in plain view, neither its observation nor its seizure would involve any invasion of privacy. … A seizure of the article, however, would obviously invade the owner's possessory interest. … If "plain view" justifies an exception from an otherwise applicable warrant requirement, therefore, it must be an exception that is addressed to the concerns that are implicated by seizures rather than by searches.

Id., at 133-34 (citations omitted).

Horton established the standard for evaluating the constitutionality of seizures made pursuant to the plain view exception to the warrant requirement under the Fourth Amendment. See id., at 136-37; see also Minnesota v. Dickerson, 508 U.S 366, 375 (1993). That test includes a determination of whether the police have a lawful right of access to the object seen in plain view. Horton, at 137; Dickerson, at 375. Horton explained the determination regarding whether there is a lawful right of access:

> "This is simply a corollary of the familiar principle … that no amount of probable cause can justify a warrantless search or seizure absent 'exigent circumstances.' Incontrovertible testimony of the senses that an incriminating object is on premises belonging to a criminal suspect may establish the fullest possible measure of probable cause. But even where the object is contraband, this Court has repeatedly stated and enforced the basic rule that the police may not enter and make a warrantless seizure.

Horton, at 137 n.7 (quoting Coolidge v. New Hampshire, 403 U.S. 443, 468 (1971) (internal citations omitted). In Graham, we followed similar United States Supreme Court precedent:

> "'[P]lain view'" provides grounds for seizure of an item when an officer's access to an object has some prior justification under the Fourth Amendment. 'Plain view' is perhaps better understood, therefore, not as an independent 'exception' to the warrant clause, but simply as an extension of whatever the prior justification for an officer's 'access to an object' may be."

Graham, at 1079 (quoting Texas v. Brown, 460 U.S. 730, 738-39 (1983)). "Therefore, under the Fourth Amendment, an officer may not seize contraband in plain view unless a prior justification provided the officer a lawful 'right of access to the item.'" Id. (citing Brown, at 738).

The Fourth Amendment requires a federal constitutional threshold determination of whether the police had a lawful right of access to the contraband seen in plain view. Horton, at 137; see also Dickerson, at 375; Brown at 738; Commonwealth v. Jackson, 698 A.2d 571, 573 (Pa. 1997); Matos, at 771-72. McCullum and Graham's adoption of the Horton test, including a determination of whether the police have a lawful right of access to the object seen in plain view, was therefore proper. We therefore hold under both the Fourth Amendment and Article I, § 8, the plain view exception to the warrant requirement requires a determination of whether the police have a lawful right of access to the object seen in plain view.

While Ellis and Petroll did not specifically reference whether the police must have a lawful right of access to the object seen in plain view, their analysis was not necessarily inconsistent with McCullum and Graham, as there are critical factual distinctions between the cases.

In McCullum, the police asked McCullum's girlfriend if they could enter her apartment to look for McCullum; she consented, and the police found McCullum there. McCullum, at 320. McCullum agreed to accompany the police to the police station for questioning concerning a recent murder, when a detective noticed blood stains on McCullum's shoes and seized them. Id. We concluded the warrantless seizure of McCullum's shoes was proper under the plain view exception because the police were given consent to enter the apartment, and the incriminating character of the shoes was immediately apparent -- McCullum was seen near the murder scene and bloody shoe prints were found there. Id. Thus, prongs one and two were met. Regarding the lawful access prong, we determined allowing McCullum to wear the shoes to the police station could

contaminate the evidence. Id., at 320. Thus, we implicitly recognized exigent circumstances met the third prong, giving the police a right of access to the shoes. See generally Commonwealth v. Roland, 637 A.2d 269, 271 (Pa. 1994) (likelihood evidence will be destroyed if police take time to obtain warrant is factor to consider when determining if exigent circumstances allow warrantless search and seizure).

In Graham, a police officer conducted a lawful Terry stop[10] of Graham on a public street. Graham, at 1076-78. The officer patted Graham's back pockets and felt what he believed was a Lifesavers Holes candy container. Id., at 1076. The officer shined his flashlight into the pocket and noticed such a container which appeared to contain crack cocaine. Id., at 1076-77. We determined the officer's flashlight search extended beyond what Terry permits, as the officer admitted his pat-down search revealed no evidence of weapons. Id., at 1080. Once the officer's search revealed no evidence of weapons, there was no independent justification to extend the search, i.e., shine the flashlight into the pocket. Id. The first prong not being met, the seizure was improper.

In Ellis, the police responded to a reported burglary at a business. Ellis, at 1045. While en route, the officers stopped a vehicle fitting the description of the vehicle seen leaving the burglary scene. Id. The police ordered Ellis, who was driving, out of the vehicle and patted him down. Id. The police then searched the passenger compartment of the vehicle for weapons and noticed a screwdriver on the floorboard behind the driver's seat, which the police did not seize. Id. As the stop was lawful, the first prong was met. Another officer arrived, who had been at the scene and observed pry marks on the door of the burglarized business, meeting the second prong. Id., at 1045-46. After a witness stated he was 85% sure Ellis's vehicle was the one he saw leaving the burglary, the police seized the screwdriver. Id., at 1046. We determined the detention was lawful and never rose to an

[10] Police may briefly detain, and frisk for weapons, individuals when there is reasonable suspicion that criminal activity is afoot. Terry v. Ohio, 392 U.S. 1 (1968).

arrest, id., at 1048-49, and the police had probable cause to believe the screwdriver had been used in the burglary; thus, the seizure of it from the automobile was lawful, id., at 1050, the third prong being satisfied.

In Petroll, a police officer responded to a multi-vehicle accident. Petroll, at 997. Petroll's tractor-trailer had hit another vehicle, and created a multi-vehicle accident that killed three people. Id., at 996. The officer approached the tractor-trailer, which was facing the roadway's median and on an incline, to assure the emergency brake was set. Id., at 997. When the officer got within three to five feet of the truck, he observed a radar detector attached to the dashboard, which the officer knew violated a federal law prohibiting commercial drivers from using or possessing radar detection devices. Id. The officer entered the truck and set the emergency brake. Id. The radar detector was seized after the truck was impounded. Id., at 999. Again, the officer was lawfully in the truck, saw an illegal object, and seizure occurred after impounding.

In the latter two cases, seizure was not from a person but from a vehicle. For Fourth Amendment purposes, the police may conduct a warrantless search of a vehicle where probable cause exists. Carroll v. United States, 267 U.S. 132, 147-56 (1925). Even where a vehicle is essentially seized and immobilized, the Fourth Amendment does not preclude a warrantless search of it if probable cause exists. Chambers v. Maroney, 399 U.S. 42, 51 (1970). A warrantless search of a vehicle is reasonable under the Fourth Amendment because of the mobility of a vehicle, Carroll, at 153, and the reduced expectation of privacy an individual has in a vehicle's contents. The United States Supreme Court explained:

> One has a lesser expectation of privacy in a motor vehicle because its function is transportation and it seldom serves as one's residence or as the repository of personal effects …. It travels public thoroughfares where both its occupants and its contents are in plain view.

Chadwick, at 12 (quotation omitted).

The Commonwealth argues we should adopt the federal automobile exception under Article I, § 8. Constitutional protections are applicable to one's vehicle under Article I, § 8. Commonwealth v. Holzer, 389 A.2d 101, 106 (Pa. 1978). We have not adopted the full federal automobile exception under Article I, § 8, id., and decline to overrule that long-standing precedent today, especially because that issue is not specifically before us, but ancillary to the issue we are resolving.

Nevertheless, we have adopted a limited automobile exception under Article I, § 8. "While many in our society have a great fondness for their vehicles, it is too great a leap of logic to conclude that the automobile is entitled to the same sanctity as a person's body." Commonwealth v. Rogers, 849 A.2d 1185, 1191 (Pa. 2004); see also Holzer, at 106 (expectation of privacy in one's vehicle significantly less than in one's home or office); Commonwealth v. Mangini, 386 A.2d 482, 487 (Pa. 1978) (same). We have described two reasons why exigent circumstances allow a warrantless search or seizure of a vehicle under Article I, § 8: (1) a vehicle is mobile and its contents may not be found if the police could not immobilize it until a warrant is secure; and (2) one has a diminished expectation of privacy with respect to a vehicle. Holzer, at 106. Thus, even though privacy protections are implicated under Article I, § 8, the heightened privacy concerns involved in a seizure from an individual's person are not present where an object is seized from a vehicle.

We have allowed warrantless seizures "where police do not have advance knowledge that 'a particular vehicle carrying evidence of crime would be parked in a particular locale, … the exigencies of the mobility of the vehicle and of there having been inadequate time and opportunity to obtain a warrant rendered the search [without a warrant] proper.'") Commonwealth v. Rodriguez, 585 A.2d 988, 991 (Pa. 1991) (citing Baker, at 1383)). Conversely, when the police have ample advance information that a search of an automobile is likely to occur in conjunction with apprehension of a suspect, a

warrant has been held to be required before the automobile may be searched. Commonwealth v. Ionata, 544 A.2d 917, 920-21 (Pa. 1988).

In Ellis, we did not mention the lawful access prong of the plain view doctrine. While we did not discuss whether the police had a right to lawfully access the screwdriver, it appears that under the Fourth Amendment, the automobile exception to the warrant requirement granted the police the right to access the interior of the vehicle where they seized the screwdriver, as there was probable cause to believe its occupants committed the burglary; thus, we determined there was probable cause to seize the screwdriver. Ellis, at 1050. Under Article I, § 8, the limited automobile exception to the warrant requirement granted the police the right to access the interior of the vehicle, as the police did not have advance notice that the vehicle they stopped was involved in the burglary. Based on the quickly evolving investigation into the burglary and the significantly diminished expectation of privacy in the vehicle, a warrantless search of the vehicle was lawful and the police could seize the screwdriver, seen in plain view. As the police had a right to lawfully access the vehicle for a search, the additional information that a witness was 85% sure the vehicle was the one seen leaving the burglary scene created probable cause, independent of the existence of the screwdriver, to believe the vehicle's occupants committed the burglary and the screwdriver was used in such burglary.

In Petroll, we also did not mention the lawful access prong of the plain view doctrine. We did, however, state "some searches without warrants do not violate state or federal constitutional privacy rights." Id., at 999 (citing Colorado v. Bertine, 479 U.S. 367, 371-72 (1987)). While we did not discuss whether the police had a right to lawfully access the radar detector, it appears that under the Fourth Amendment the inventory search exception to the warrant requirement granted the police the right to access the radar detector when the tractor-trailer was impounded, South Dakota v. Opperman, 428 U.S. 364 (1976), and that under Article I, § 8, the police had a right to access the radar detector if its inventory

seizure was not conducted as part of a criminal investigation. White, at 903; see also Commonwealth v. Scott, 365 A.2d 140, 144-45 (Pa. 1976).

Turning to a review of the Superior Court's decision here, the appellate standard of review of suppression rulings is well-settled. We are bound by the factual findings of the suppression court which find support in the record, but we are not bound by the court's conclusions of law. Commonwealth v. Templin, 795 A.2d 959, 961 (Pa. 2002).

Here, the police lawfully seized all three pill bottles from the Pontiac under the plain view exception. Officer Cujdik lawfully approached the driver's side of the Pontiac, as it was parked on a public street, and was on the same public street when he observed the other two pill bottles in the Pontiac's door pocket. Thus, he was lawfully present when he saw appellant place the amber pill container under his seat cushion, and when he saw the pill bottles in the door pocket. The first prong is met.

When considering the totality of the circumstances, the object Officer Cujdik saw was immediately incriminating in nature. The area was well known for illegal prescription drug sales, and Officer Cujdik was aware of Officer Wallace's encounter with Boyer and the direct sale that took place between them. He was also aware of Boyer's statement to Officer Wallace, made just prior to when Boyer entered appellant's Pontiac, that he could get more pills and that he would be right back. All of these facts, along with Officer Cujdik's experience, make it clear that the three pill bottles were incriminating in nature, meeting the second prong.

Finally, even without Officer Cujdik's observation of the pill bottles, the remaining information above created probable cause to search the interior of the Pontiac for evidence of a drug sale. Since there was no advanced warning that appellant or his Pontiac would be the target of a police investigation, the limited automobile exception applies here. Thus, Officer Cujdik lawfully accessed the interior of Pontiac under this exception, and while conducting a search, seized all three pill bottles. In sum, access to the Pontiac was

authorized by the limited automobile exception, and seizure of the pill bottles was authorized by the plain view exception.[11]

Therefore, as stated, we hold under both the Fourth Amendment and Article I, § 8, the standard for the plain view exception to the warrant requirement requires a determination of whether the police have a lawful right of access to the object seen in plain view. We further hold the limited automobile exception under Article I, § 8 may, depending on the circumstances of each case, serve as the basis of the lawful right to access an object seen in plain view inside a vehicle.

Order affirmed. Jurisdiction relinquished.

Messrs. Justice Saylor and Fitzgerald join the opinion.

Mr. Justice Cappy files a concurring opinion in which Mr. Justice Baer and Madame Justice Baldwin join.

Mr. Justice Castille files a concurring opinion.

[11] Under the Fourth Amendment's automobile exception, the police could have searched the vehicle without a warrant and seized the pill bottles. Chambers, at 51.