

09-11328 DAVIS V. UNITED STATES

DECISION BELOW: 598 F.3d 1259

LOWER COURT CASE NUMBER: 08-16654

QUESTION PRESENTED:

In *United States v. Leon*, 468 U.S. 897 (1984), this Court created a good-faith exception to the exclusionary rule of the Fourth Amendment. The Court has expanded the good-faith exception over time, most recently in *Herring v. United States*, ___ U.S. ___, 129 S.Ct. 695 (2009). Petitioner asks the Court to resolve a deepening split in the lower courts over whether the good-faith exception applies to changing interpretations of law. The question presented is this:

"Whether the good-faith exception to the exclusionary rule applies to a search authorized by precedent at the time of the search that is subsequently ruled unconstitutional."

CERT. GRANTED 11/1/2010