

Attorneys**Partner**

- Robert W. Ray

Associate

- Ross M. Bagley

Pryor Cashman Represents Indigent Defendant in Case Involving Viability of Fourth Amendment Exclusionary Rule

In *United States v. Stabile*, a case pending in the U.S. District Court for the District of New Jersey, Pryor Cashman partner Robert Ray and associate Ross Bagley (first year, admission pending), on appointment under the federal Criminal Justice Act (CJA), are representing an indigent defendant and seeking to preserve the continued viability of the Fourth Amendment exclusionary rule – the principle that evidence obtained as the result of an unlawful search cannot be used against a defendant at trial.

The recent 5-4 United States Supreme Court decision in *United States v. Herring*, decided January 14, 2009 and written by Chief Justice Roberts, arguably undermined broad applicability of the exclusionary rule by holding that unlawful police conduct should not require the suppression of evidence if all that was involved was isolated negligence by law enforcement officers.

In *United States v. Stabile*, 2009 U.S. Dist. LEXIS 4263, decided one week after *Herring*, U.S. District Judge Stanley Chesler held that a series of errors and missteps made by law enforcement officers did not rise to the level of culpability necessary for the exclusionary rule to apply.

As the first District Court decision interpreting *Herring*, the case is on the cutting edge of Fourth Amendment jurisprudence and has received national attention. To read a discussion of the case in a recent front page news story in *The New York Times*, please [click here](#).