1 of 1 DOCUMENT

MARYLAND, Petitioner v. JOSEPH JERMAINE PRINGLE

No. 02-809

SUPREME COURT OF THE UNITED STATES

540 U.S. 366; 124 S. Ct. 795; 157 L. Ed. 2d 769; 2003 U.S. LEXIS 9198; 72 U.S.L.W. 4103; 2003 Cal. Daily Op. Service 10763; 17 Fla. L. Weekly Fed. S 83

November 3, 2003, Argued
December 15, 2003, Decided

PRIOR HISTORY: ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF MARYLAND.
Pringle v. State, 370 Md. 525, 805 A.2d 1016, 2002 Md. LEXIS 563 (2002)

DISPOSITION: Reversed and remanded.

CASE SUMMARY:

PROCEDURAL POSTURE: Defendant was convicted of drug possession offenses but asserted that a police officer had no probable cause to arrest defendant based on drugs found in a vehicle in which defendant was a passenger. Upon the grant of a writ of certiorari, the State of Maryland appealed the judgment of the Court of Appeals of Maryland which held that defendant's arrest lacked probable cause.

OVERVIEW: In addition to the driver and a back set passenger, defendant was a front seat passenger in a vehicle which was stopped for speeding. Upon a consensual search, a significant amount of cash was found in the glove compartment of the vehicle and drugs were discovered between the back-seat armrest and the back seat. Although defendant subsequently admitted that the drugs and cash were his, none of the vehicle occupants admitted to ownership of the drugs at the time of the search, and all three occupants were arrested. The United States Supreme Court held that the officer had probable cause to believe that defendant was in possession of the drugs. It was an entirely reasonable inference that any or all three of the occupants had knowledge of, and exercised dominion and control over, the drugs, and thus a reasonable officer could conclude that there was probable cause to believe defendant committed the crime of possession of drugs, either solely or jointly. It was also reasonable for the officer to infer a common enterprise among the three occupants, in view of the likelihood of drug dealing in which an innocent party was unlikely to be involved.

OUTCOME: The judgment holding that defendant's arrest lacked probable cause was reversed, and the case was remanded for further proceedings.

CORE TERMS: cocaine, arrest, probable cause, probable cause, armrest, passenger's, police officer, glove compartment, ownership, occupant, seat, felony, tavern, probable cause, back-seat, officer's presence, probable-cause, searched, glassine, seized, coupons, baggies, possession of cocaine, warrantless arrests, particularized, investigator, suspected, arrested, repealed, totality

LexisNexis(R) Headnotes

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Warrants
Criminal Law & Procedure > Search & Seizure > Search Warrants > Probable Cause > General Overview
[HN1] Under the Fourth Amendment, made applicable to the states by the Fourteenth Amendment, the people are to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, and no warrants shall issue, but upon probable cause. U.S. Const. amend IV.

Criminal Law & Procedure > Arrests > Warrantless Arrest
[HN2] Maryland law authorizes police officers to execute warrantless arrests, inter alia, for felonies committed in an officer's presence or where an officer has probable cause to believe that a felony has been committed or is being committed in the officer's presence. Md. Ann. Code art. 27, § 594B (1996) (repealed 2001).

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Warrantless Arrest
[HN3] A warrantless arrest of an individual in a public place for a felony, or a misdemeanor committed in the officer's presence, is consistent with the Fourth Amendment if the arrest is supported by probable cause.

Criminal Law & Procedure > Criminal Offenses > Controlled Substances > Possession > General Overview
[HN4] Maryland law defines "possession" as the exercise of actual or constructive dominion or control over a thing by one or more persons. Md. Ann. Code art. 27, § 277(s) (1996) (repealed 2002).

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Probable Cause
[HN5] The probable-cause standard is a practical, nontechnical conception that deals with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Probable Cause
[HN6] Probable cause is a fluid concept -- turning on the assessment of probabilities in particular factual contexts -- not readily, or even usefully, reduced to a neat set of legal rules.

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Probable Cause
[HN7] The probable-cause standard is incapable of precise definition or quantification into percentages because it deals with probabilities and depends on the totality of the circumstances.

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Probable Cause
[HN8] The substance of all the definitions of probable cause is a reasonable ground for belief of guilt, and the belief of guilt must be particularized with respect to the person to be searched or seized.

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Probable Cause
Criminal Law & Procedure > Search & Seizure > Search Warrants > Probable Cause > General Overview
[HN9] The term "probable cause," according to its usual acceptation, means less than evidence which would justify condemnation. It imports a seizure made under circumstances which warrant suspicion.

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Probable Cause
[HN10] The quanta of proof appropriate in ordinary judicial proceedings are inapplicable to the decision to issue a

warrant. Finely tuned standards such as proof beyond a reasonable doubt or by a preponderance of the evidence, useful in formal trials, have no place in the probable-cause decision.

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure > Probable Cause
Criminal Law & Procedure > Arrests > Probable Cause
[HN11] To determine whether an officer had probable cause to arrest an individual, a court examines the events leading up to the arrest, and then decides whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause.

DECISION: Warrantless arrest of automobile passenger during stop for speeding held not to contravene Fourth Amendment, where police officer, having seized $763 from glove compartment and cocaine from behind back-seat armrest, arrested all three occupants after each denied ownership of cash and cocaine.

SUMMARY: [*769]** During a 3:16 a.m. stop, by a county police officer in Maryland, of a relatively small car for speeding, the officer (1) observed a large amount of rolled-up money in the glove compartment when the driver-owner opened the compartment to retrieve the car's registration; and (2) performed, with the owner's consent, a search of the car that yielded $763 from the glove compartment and cocaine from behind the back-seat armrest. After none of the car's three occupants, when questioned by the officer, offered any information regarding ownership of the cocaine or the money, the officer arrested all three occupants and transported them to a police station. At the station, the accused, who had been the car's front-seat passenger, admitted that the cocaine belonged to him and stated that the other two occupants of the car had not known about the cocaine. The other occupants were released.

In a Maryland court, the accused was (1) convicted of possession with intent to distribute cocaine and possession of cocaine, and (2) sentenced to 10 years' incarceration without the possibility of parole. The Maryland Court of Special Appeals affirmed (141 Md. App. 292, 785 A2d 790). However, the Court of Appeals of Maryland reversed, holding that the officer had lacked probable cause to arrest the accused for possession of cocaine (370 Md. 525, 805 A.2d 1016).

On certiorari, the United States Supreme Court reversed and remanded. In an opinion by Rehnquist, Ch. J., expressing the unanimous view of the court, it was held that:

[*770]** (1) A reasonable officer could have concluded that there was probable cause to believe that the accused had committed the crime of possession of cocaine, which was then a felony under Maryland law, either solely or jointly.

(2) Therefore, the warrantless arrest of the accused did not contravene the Federal Constitution's Fourth Amendment.

LAWYERS' EDITION HEADNOTES:

ARREST §2

-- absence of warrant -- automobile driver -- probable cause -- Fourth Amendment

Headnote: [1A][1B][1C][1D]

A county police officer's warrantless arrest of a car's front-seat passenger during a stop of the car for speeding--where the officer (1) observed a large amount of rolled-up money in the glove compartment when the driver-owner opened the compartment to retrieve the car's registration; (2) performed, with the owner's consent, a search of the car that yielded

the money as well as cocaine; and (3) arrested all three occupants of the car--did not contravene the Federal Constitution's Fourth Amendment, which prohibited unreasonable searches and seizures as well as the issuance of warrants without probable cause, because a reasonable officer could have concluded that there was probable cause to believe that the accused had committed the crime of possession of cocaine, which was then a felony under state law, either solely or jointly, as:

(1) It was uncontested that the officer, upon recovering the cocaine, had probable cause to believe that the felony of possession of cocaine had been committed.

(2) It was entirely reasonable for the officer to infer that any or all three of the occupants had knowledge of, and exercised dominion and control over, the cocaine from the facts that (a) the passenger was one of three men riding in a relatively small car at 3:16 a.m, (b) there was $763 of rolled-up cash in the glove compartment directly in front of the passenger, (c) five plastic glassine baggies of cocaine were behind the back-seat armrest and accessible to all three men, and (d) upon questioning, the three men failed to offer any information with respect to the ownership of the cocaine or the money.

(3) It was reasonable for the officer to infer a common enterprise among the three men, for (a) the quantity of drugs and cash in the car indicated the likelihood of drug dealing, an enterprise to which a dealer would be unlikely to admit an innocent person with the potential to furnish evidence against the dealer; and (b) no singling out occurred in this case.

SEARCH AND SEIZURE §4.5

-- Fourth Amendment -- states

Headnote: [2]

The Federal Constitution's Fourth Amendment is made applicable to the states by the Constitution's Fourteenth Amendment.

[*771]**

ARREST §2

-- absence of warrant -- Fourth Amendment

Headnote: [3]

A warrantless arrest of an individual in a public place for a felony, or a misdemeanor committed in a police officer's presence, is consistent with the Federal Constitution's Fourth Amendment if the arrest is supported by probable cause.

ARREST §2

-- absence of warrant -- probable cause -- Fourth Amendment

Headnote: [4]

With respect to the requirement, under the Federal Constitution's Fourth Amendment, that a warrantless arrest be supported by probable cause, the long-prevailing probable-cause standard--which protects citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime, while giving fair leeway for enforcing the law in the community's protection--is incapable of precise definition or quantification into percentages, because the standard deals with probabilities and depends on the totality of the circumstances. To determine whether an officer had

probable cause to arrest an individual, the United States Supreme Court (1) examines the events leading to the arrest, and (2) then decides whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause.

ARREST §2

-- absence of warrant -- probable cause -- cash in automobile's glove compartment

Headnote: [5A][5B]

For purposes of determining whether a county police officer had probable cause, as required by the Federal Constitution's Fourth Amendment, for a warrantless arrest of a car's front-seat passenger during a stop of the car for speeding--where the officer (1) observed a large amount of rolled-up money in the glove compartment when the driver-owner opened the compartment to retrieve the car's registration; (2) performed, with the owner's consent, a search of the car that yielded $763 from the glove compartment and cocaine from behind the back-seat armrest; and (3) after none of the car's three occupants, when questioned by the officer, offered any information regarding ownership of the cocaine or the money, arrested all three occupants--the consideration by a state court (which dismissed the money as a factor in the probable-cause determination) of the money in isolation, rather than as a factor in the totality of the circumstances, was mistaken in light of United States Supreme Court precedents, where the Supreme Court thought that it was abundantly clear from the facts that the case at hand involved more than money alone.

SYLLABUS

[*772]** A police officer stopped a car for speeding at 3:16 a.m.; searched the car, seizing $763 from the glove compartment and cocaine from behind the back-seat armrest; and arrested the car's three occupants after they denied ownership of the drugs and money. Respondent Pringle, the front-seat passenger, was convicted of possession with intent to distribute cocaine and possession of cocaine, and was sentenced to 10 years' incarceration without the possibility of parole. The Maryland Court of Special Appeals affirmed, but the State Court of Appeals reversed, holding that, absent specific facts tending to show Pringle's knowledge and dominion or control over the drugs, the mere finding of cocaine in the back armrest when Pringle was a front-seat passenger in a car being driven by its owner was insufficient to establish probable cause for an arrest for possession.

Held:

Because the officer had probable cause to arrest Pringle, the arrest did not contravene the Fourth and Fourteenth Amendments. Maryland law authorizes police officers to execute warrantless arrests, *inter alia*, where the officer has probable cause to believe that a felony has been committed or is being committed in the officer's presence. Here, it is uncontested that the officer, upon recovering the suspected cocaine, had probable cause to believe a felony had been committed; the question is whether he had probable **[***773]** cause to believe Pringle committed that crime. The "substance of all the definitions of probable cause is a reasonable ground for belief of guilt," *Brinegar* v. *United States*, 338 U.S. 160, 175, 93 L. Ed. 1879, 69 S. Ct. 1302, and that belief must be particularized with respect to the person to be searched or seized, *Ybarra* v. *Illinois*, 444 U.S. 85, 91, 62 L. Ed. 2d 238, 100 S. Ct. 338. To determine whether an officer had probable cause to make an arrest, a court must examine the events leading up to the arrest, and then decide "whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to" probable cause. *Ornelas* v. *United States*, 517 U.S. 690, 696, 134 L. Ed. 2d 911, 116 S. Ct. 1657. As it is an entirely reasonable inference from the facts here that any or all of the car's occupants had knowledge of, and exercised dominion and control over, the cocaine, a reasonable officer could conclude that there was probable cause to believe Pringle committed the crime of possession of cocaine, either solely or jointly. Pringle's attempt to characterize this as a guilt-by-association case is unavailing. *Ybarra* v. *Illinois*, *supra*, and *United States* v. *Di Re*, 332 U.S. 581, 92 L. Ed. 210, 68 S. Ct. 222, distinguished.

370 Md. 525, 805 A. 2d 1016, reversed and remanded.

COUNSEL: Gary E. Bair argued the cause for petitioner.

Sri Srinivasan argued the cause for the United States, as amicus curiae, by special leave of the Court.

Nancy S. Forster argued the cause for respondent.

JUDGES: Rehnquist, C. J., delivered the opinion for a unanimous Court.

OPINION BY: REHNQUIST

OPINION

[798] [*367]** Chief Justice **Rehnquist** delivered the opinion of the Court.

[*LEdHR1A]** [1A] In the early morning hours a passenger car occupied by three men was stopped for speeding by a police officer. The **[*368]** officer, upon searching the car, seized $763 of rolled-up cash from the glove compartment and five glassine baggies of cocaine from between the back-seat armrest and the back seat. After all three men denied ownership of the cocaine and money, the officer arrested each of them. We hold that the officer had probable cause to arrest Pringle--one of the three men.

At 3:16 a.m. on August 7, 1999, a Baltimore County Police officer stopped a Nissan Maxima for speeding. There were three occupants in the car: Donte Partlow, the driver and owner, respondent Pringle, the front-seat passenger, and Otis Smith, the back-seat passenger. The officer asked Partlow for his license and registration. When Partlow opened the glove compartment to retrieve the vehicle registration, the officer observed a large amount of rolled-up money in the glove compartment. The officer returned to his patrol car with Partlow's license and registration to check the computer system for outstanding violations. The computer check did not reveal any violations. The officer returned to the stopped car, had Partlow get out, and issued him an oral warning.

After a second patrol car arrived, the officer asked Partlow if he had any weapons or narcotics in the vehicle. Partlow indicated that he did not. Partlow then consented to a search of the vehicle. The search yielded $763 from the glove compartment and five plastic glassine baggies containing cocaine from behind the back-seat armrest. When the officer began the search the armrest was in the upright position flat against the rear seat. The officer pulled down the armrest and found **[***774]** the drugs, which had been placed between the armrest and the back seat of the car.

The officer questioned all three men about the ownership of the drugs and money, and told them that if no one admitted to ownership of the drugs he was going to arrest them all. The men offered no information regarding the ownership **[*369]** of the drugs or money. All three were placed under arrest and transported to the police station.

Later that morning, Pringle waived his rights under *Miranda* v. *Arizona*, 384 U.S. 436, 16 L. Ed. 2d 694, 86 S. Ct. 1602 (1966), and gave an oral and written confession in which he acknowledged that the cocaine belonged to him, that he and his friends were going to a party, and that he intended to sell the cocaine or "[u]se it for sex." App. 26. Pringle maintained that the other occupants of the car did not know about the drugs, and they were released.

[799]** The trial court denied Pringle's motion to suppress his confession as the fruit of an illegal arrest, holding that the officer had probable cause to arrest Pringle. A jury convicted Pringle of possession with intent to distribute cocaine and possession of cocaine. He was sentenced to 10 years' incarceration without the possibility of parole. The Court of Special Appeals of Maryland affirmed. 141 Md. App. 292, 785 A.2d 790 (2001).

The Court of Appeals of Maryland, by divided vote, reversed, holding that, absent specific facts tending to show Pringle's knowledge and dominion or control over the drugs, "the mere finding of cocaine in the back armrest when

[Pringle] was a front seat passenger in a car being driven by its owner is insufficient to establish probable cause for an arrest for possession." 370 Md. 525, 545, 805 A.2d 1016, 1027 (2002). We granted certiorari 538 U.S. 921, 155 L. Ed. 2d 311, 123 S. Ct. 1571 (2003), and now reverse.

[*LEdHR2]** [2] **[***LEdHR3]** [3] [HN1] Under the Fourth Amendment, made applicable to the States by the Fourteenth Amendment, *Mapp* v. *Ohio*, 367 U.S. 643, 6 L. Ed. 2d 1081, 81 S. Ct. 1684, 86 Ohio Law Abs. 513 (1961), the people are "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, . . . and no Warrants shall issue, but upon probable cause . . . ." U.S. Const., Amdt. 4. [HN2] Maryland law authorizes police officers to execute warrantless arrests, *inter alia*, for felonies committed in an officer's presence or where an officer has probable cause to believe that a felony **[*370]** has been committed or is being committed in the officer's presence. Md. Ann. Code, Art. 27, § 594B (1996) (repealed 2001). [HN3] A warrantless arrest of an individual in a public place for a felony, or a misdemeanor committed in the officer's presence, is consistent with the Fourth Amendment if the arrest is supported by probable cause. *United States* v. *Watson*, 423 U.S. 411, 424, 46 L. Ed. 2d 598, 96 S. Ct. 820 (1976); see *Atwater* v. *Lago Vista*, 532 U.S. 318, 354, 149 L. Ed. 2d 549, 121 S. Ct. 1536 (2001) (stating that "[i]f an officer has probable cause to believe that an individual has committed even a very minor criminal offense in his presence, he may, without violating the Fourth Amendment, arrest the offender").

[*LEdHR1A]** [1B] It is uncontested in the present case that the officer, upon recovering the five plastic glassine baggies containing suspected cocaine, had **[***775]** probable cause to believe a felony had been committed. Md. Ann. Code, Art. 27, § 287 (1996) (repealed 2002) (prohibiting possession of controlled dangerous substances). The sole question is whether the officer had probable cause to believe that Pringle committed that crime. [1]

1 [HN4] Maryland law defines "possession" as "the exercise of actual or constructive dominion or control over a thing by one or more persons." Md. Ann. Code, Art. 27, § 277(s) (1996) (repealed 2002).

[*LEdHR4]** [4] The long-prevailing standard of probable cause protects "citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime," while giving "fair leeway for enforcing the law in the community's protection." *Brinegar* v. *United States*, 338 U.S. 160, 176, 93 L. Ed. 1879, 69 S. Ct. 1302 (1949). On many occasions, we have reiterated that [HN5] the probable-cause standard is a "'practical, nontechnical conception'" that deals with "'the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.'" *Illinois* v. *Gates*, 462 U.S. 213, 231, 76 L. Ed. 2d 527, 103 S. Ct. 2317 (1983) (quoting *Brinegar, supra*, at 175-176, 93 L. Ed. 1879, 69 S. Ct. 1302); see, *e.g.*, **[**800]** *Ornelas* v. *United States*, 517 U.S. 690, 695, 134 L. Ed. 2d 911, 116 S. Ct. 1657 (1996); *United States* v. *Sokolow*, 490 U.S. 1, 7-8, 104 L. Ed. 2d 1, 109 S. Ct. 1581 (1989). [HN6] "[P]robable cause is a fluid **[*371]** concept--turning on the assessment of probabilities in particular factual contexts--not readily, or even usefully, reduced to a neat set of legal rules." *Gates*, 462 U.S., at 232, 76 L. Ed. 2d 527, 103 S. Ct. 2317.

[HN7] The probable-cause standard is incapable of precise definition or quantification into percentages because it deals with probabilities and depends on the totality of the circumstances. See *ibid.; Brinegar*, 338 U.S., at 175, 93 L. Ed. 1879, 69 S. Ct. 1302. We have stated, however, that [HN8] "[t]he substance of all the definitions of probable cause is a reasonable ground for belief of guilt," *ibid.* (internal quotation marks and citations omitted), and that the belief of guilt must be particularized with respect to the person to be searched or seized, *Ybarra* v. *Illinois*, 444 U.S. 85, 91, 62 L. Ed. 2d 238, 100 S. Ct. 338 (1979). In *Illinois* v *Gates*, we noted:

> "As early as *Locke* v. *United States*, 11 U.S. 339, 7 Cranch 339, 348, [3 L. Ed. 364] (1813), Chief Justice Marshall observed, in a closely related context: [HN9] '[T]he term "probable cause," according to its usual acceptation, means less than evidence which would justify condemnation . . . . It imports a seizure made under circumstances which warrant suspicion.' More recently, we said that [HN10] 'the *quanta* . . . of proof' appropriate in ordinary judicial proceedings are inapplicable to the decision to issue a warrant. *Brinegar*, 338 U.S., at 173 [93 L. Ed. 1879, 69 S. Ct. 1302]. Finely tuned standards such as proof beyond a reasonable doubt or by a preponderance of the evidence, useful in formal trials, have no place in the [probable-cause] decision." 462 U.S., at

235, 76 L. Ed. 2d 527, 103 S. Ct. 2317.

[HN11] To determine whether an officer had probable cause to arrest an individual, we examine the events leading up to the arrest, and then decide "whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to" probable cause, *Ornelas*, **[***776]** *supra*, at 696, 134 L. Ed. 2d 911, 116 S. Ct. 1657.

[*LEdHR1A]** [1C] **[***LEdHR5A]** [5A] In this case, Pringle was one of three men riding in a Nissan Maxima at 3:16 a.m. There was $763 of rolled-up cash **[*372]** in the glove compartment directly in front of Pringle. [2] Five plastic glassine baggies of cocaine were behind the back-seat armrest and accessible to all three men. Upon questioning, the three men failed to offer any information with respect to the ownership of the cocaine or the money.

2 **[***LEdHR5A]** [5B] The Court of Appeals of Maryland dismissed the $763 seized from the glove compartment as a factor in the probable-cause determination, stating that "[m]oney, without more, is innocuous." 370 Md. 524, 546, 805 A.2d 1016, 1028 (2002). The court's consideration of the money in isolation, rather than as a factor in the totality of the circumstances, is mistaken in light of our precedents. See, *e.g.*, *Illinois* v. *Gates*, 462 U.S. 213, 230-231, 76 L. Ed. 2d 527, 103 S. Ct. 2317 (1983) (opining that the totality of the circumstances approach is consistent with our prior treatment of probable cause); *Brinegar* v. *United States*, 338 U.S. 160, 175-176, 93 L. Ed. 1879, 69 S. Ct. 1302 (1949) ("Probable cause exists where 'the facts and circumstances within their [the officers'] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that' an offense has been or is being committed"). We think it is abundantly clear from the facts that this case involves more than money alone.

[*LEdHR1A]** [1D] We think it an entirely reasonable inference from these facts that any or all three of the occupants had knowledge of, and exercised dominion and control over, the cocaine. Thus a reasonable officer could **[**801]** conclude that there was probable cause to believe Pringle committed the crime of possession of cocaine, either solely or jointly.

Pringle's attempt to characterize this case as a guilt-by-association case is unavailing. His reliance on *Ybarra* v. *Illinois*, *supra*, and *United States* v. *Di Re*, 332 U.S. 581, 92 L. Ed. 210, 68 S. Ct. 222 (1948), is misplaced. In *Ybarra*, police officers obtained a warrant to search a tavern and its bartender for evidence of possession of a controlled substance. Upon entering the tavern, the officers conducted patdown searches of the customers present in the tavern, including Ybarra. Inside a cigarette pack retrieved from Ybarra's pocket, an officer found six tinfoil packets containing heroin. We stated:

> "[A] person's mere propinquity to others independently suspected of criminal activity does not, without more, **[*373]** give rise to probable cause to search that person. *Sibron* v. *New York*, 392 U.S. 40, 62-63, [20 L. Ed. 2d 917, 88 S. Ct. 1889] (1968). Where the standard is probable cause, a search or seizure of a person must be supported by probable cause particularized with respect to that person. This requirement cannot be undercut or avoided by simply pointing to the fact that coincidentally there exists probable cause to search or seize another or to search the premises where the person may happen to be." 444 U.S., at 91, 62 L. Ed. 2d 238, 100 S. Ct. 338.

We held that the search warrant did not permit body searches of all of the tavern's patrons and that the police could not pat down the patrons for weapons, absent individualized suspicion. *Id.*, at 92, 62 L. Ed. 2d 238, 100 S. Ct. 338.

This case is quite different from *Ybarra* Pringle and his two companions were in a relatively small automobile, not a public tavern. In *Wyoming* v. *Houghton*, 526 U.S. 295, 143 L. Ed. 2d 408, 119 S. Ct. 1297 (1999), **[***777]** we noted that "a car passenger--unlike the unwitting tavern patron in *Ybarra*--will often be engaged in a common enterprise with the driver, and have the same interest in concealing the fruits or the evidence of their wrongdoing." *Id.*, at 304-305, 143 L. Ed. 2d 408, 119 S. Ct. 1297. Here we think it was reasonable for the officer to infer a common enterprise among the three men. The quantity of drugs and cash in the car indicated the likelihood of drug dealing, an enterprise to which a dealer would be unlikely to admit an innocent person with the potential to furnish evidence against him.

In *Di Re*, a federal investigator had been told by an informant, Reed, that he was to receive counterfeit gasoline ration coupons from a certain Buttitta at a particular place. The investigator went to the appointed place and saw Reed, the sole occupant of the rear seat of the car, holding gasoline ration coupons. There were two other occupants in the car: Buttitta in the driver's seat and Di Re in the front passenger's seat. Reed informed the investigator that Buttitta had given him counterfeit coupons. Thereupon, all three men were arrested and searched. After noting that the officers had no information implicating **[*374]** Di Re and no information pointing to Di Re's possession of coupons, unless presence in the car warranted that inference, we concluded that the officer lacked probable cause to believe that Di Re was involved in the crime. 332 U.S., at 592-594, 92 L. Ed. 210, 68 S. Ct. 222. We said "[a]ny inference that everyone on the scene of a crime is a party to it must disappear if the Government informer singles out the guilty person." *Id.*, at 594, 92 L. Ed. 210, 68 S. Ct. 222. No such singling out occurred in this case; none of the three men provided information with respect to the ownership of the cocaine or money.

[802]** We hold that the officer had probable cause to believe that Pringle had committed the crime of possession of a controlled substance. Pringle's arrest therefore did not contravene the Fourth and Fourteenth Amendments. Accordingly, the judgment of the Court of Appeals of Maryland is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

It is so ordered.

REFERENCES
5 Am Jur 2d, Arrest §§ 47, 48

USCS, Constitution, Amendment 4

L Ed Digest, Arrest § 2

L Ed Index, Arrest; Automobiles and Highway Traffic; Traffic Stop

Annotation References

Validity, under Federal Constitution, of warrantless search of motor vehicle--Supreme Court cases. 142 L Ed 2d 993.

Validity, under Federal Constitution's Fourth Amendment, of search conducted pursuant to consent--Supreme Court cases. 111 L Ed 2d 850.

What constitutes probable cause for arrest--Supreme Court cases. 28 L Ed 2d 978.

Comment Note.--What provisions of the Federal Constitution's Bill of Rights are applicable to the states. 18 L Ed 2d 1388, 23 L Ed 2d 985.

Permissibility under Fourth Amendment of detention of motorist by police, following lawful stop for traffic offense, to investigate matters not related to offense. 118 ALR Fed 567.

Validity of consent to search given by one in custody of officers. 9 ALR3d 858.