SUPREME COURT OF THE UNITED STATES

No. 07–542

ARIZONA, PETITIONER *v.* RODNEY JOSEPH GANT

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF ARIZONA

[April 21, 2009]

JUSTICE BREYER, dissenting.

I agree with JUSTICE ALITO that *New York* v. *Belton*, 453 U. S. 454 (1981), is best read as setting forth a bright-line rule that permits a warrantless search of the passenger compartment of an automobile incident to the lawful arrest of an occupant—regardless of the danger the arrested individual in fact poses. I also agree with JUSTICE STEVENS, however, that the rule can produce results divorced from its underlying Fourth Amendment rationale. Compare *Belton*, *supra*, with *Chimel* v. *California*, 395 U. S. 752, 764 (1969) (explaining that the rule allowing contemporaneous searches is justified by the need to prevent harm to a police officer or destruction of evidence of the crime). For that reason I would look for a better rule—were the question before us one of first impression.

The matter, however, is not one of first impression, and that fact makes a substantial difference. The *Belton* rule has been followed not only by this Court in *Thornton* v. *United States*, 541 U. S. 615 (2004), but also by numerous other courts. Principles of *stare decisis* must apply, and those who wish this Court to change a well-established legal precedent—where, as here, there has been considerable reliance on the legal rule in question—bear a heavy burden. Cf. *Leegin Creative Leather Products, Inc.* v. *PSKS, Inc.*, 551 U. S. 877, ___ (2007) (slip op., at 17–19) (BREYER, J., dissenting). I have not found that burden

met. Nor do I believe that the other considerations ordinarily relevant when determining whether to overrule a case are satisfied. I consequently join JUSTICE ALITO's dissenting opinion with the exception of Part II-E.