SUPREME COURT OF THE UNITED STATES

No. 07–1529

JESSE JAY MONTEJO, PETITIONER *v.* LOUISIANA

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF LOUISIANA

[May 26, 2009]

JUSTICE ALITO, with whom JUSTICE KENNEDY joins, concurring.

Earlier this Term, in *Arizona* v. *Gant*, 556 U. S. ___ (2009), the Court overruled *New York* v. *Belton*, 453 U. S. 454 (1981), even though that case had been on the books for 28 years, had not been undermined by subsequent decisions, had been recently reaffirmed and extended, had proven to be eminently workable (indeed, had been adopted for precisely that reason), and had engendered substantial law enforcement reliance. See *Gant*, *supra*, at ___ (slip op., at 4) (ALITO, J., dissenting). The Court took this step even though we were not asked to overrule *Belton* and this new rule is almost certain to lead to a host of problems. See *Gant, supra*, at ___ (slip op., at 10) (ALITO, J., dissenting); *Megginson* v. *United States*, *post*, p. ___; *Grooms* v. *United States*, *post*, p. ___.

JUSTICE SCALIA, who cast the deciding vote to overrule *Belton*, dismissed *stare decisis* concerns with the following observation: "[I]t seems to me ample reason that the precedent was badly reasoned and produces erroneous . . . results." *Gant*, *supra*, at ___ (slip op., at 3) (concurring opinion). This narrow view of *stare decisis* provides the only principle on which the decision in *Gant* can be justified.

In light of *Gant*, the discussion of *stare decisis* in today's

dissent* is surprising. The dissent in the case at hand criticizes the Court for "[a]cting on its own" in reconsidering *Michigan* v. *Jackson,* 475 U. S. 625 (1986). *Post*, at 4 (opinion of STEVENS, J.). But the same was true in *Gant*, and in this case, the Court gave the parties and interested *amici* the opportunity to submit supplemental briefs on the issue, a step not taken in *Gant*.

The dissent faults the Court for "cast[ing] aside the reliance interests of law enforcement," *post*, at 8–9, but in *Gant*, there were real and important law enforcement interests at stake. See 556 U. S., at ___ (slip op., at 5–6) (ALITO, J., dissenting). Even the Court conceded that the *Belton* rule had "been widely taught in police academies and that law enforcement officers ha[d] relied on the rule in conducting vehicle searches during the past 28 years." 556 U. S., at ___ (slip op., at 16). And whatever else might be said about *Belton*, it surely provided a bright-line rule.

A month ago, none of this counted for much, but today the dissent writes:

> "*Jackson*'s bright-line rule has provided law enforcement officers with clear guidance, allowed prosecutors to quickly and easily assess whether confessions will be admissible in court, and assisted judges in determining whether a defendant's Sixth Amendment rights have been violated by police interrogation." *Post*, at 8.

It is striking that precisely the same points were true in *Gant:*

> "[*Belton*'s] bright-line rule ha[d] provided law enforcement officers with clear guidance, allowed prose-

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*One of the dissenters in the present case, JUSTICE BREYER, also dissented in *Gant* and would have followed *Belton* on *stare decisis* grounds. See 556 U. S., at ___ (slip op., at 1). Thus, he would not overrule either *Belton* or *Michigan* v. *Jackson*, 475 U. S. 625 (1986).

> cutors to quickly and easily assess whether [evidence obtained in a vehicle search] w[ould] be admissible in court, and assisted judges in determining whether a defendant's [Fourth] Amendment rights ha[d] been violated by police interrogation." *Post*, at 8.

The dissent, finally, invokes *Jackson*'s antiquity, stating that "the 23-year existence of a simple bright-line rule" should weigh in favor of its retention. *Post*, at 9. But in *Gant*, the Court had no compunction about casting aside a 28-year-old bright-line rule. I can only assume that the dissent thinks that our constitutional precedents are like certain wines, which are most treasured when they are neither too young nor too old, and that *Jackson*, at 23, is in its prime, whereas *Belton*, at 28, had turned brownish and vinegary.

I agree with the dissent that *stare decisis* should promote "'the evenhanded . . . development of legal principles,'" *post*, at 6 (quoting *Payne* v. *Tennessee*, 501 U. S. 808, 827–828 (1991)). The treatment of *stare decisis* in *Gant* fully supports the decision in the present case.