

Case Update

There is some news to report on two cases. First, the United States Supreme Court agreed to decide whether evidence obtained during a search incident to arrest must be suppressed if the arrest was based on a warrant that had been recalled five months earlier. The case is *Herring v. United States*.

The second case is *Fisher v. City of San Jose*, which we discussed in the Spring 2007 edition. In *Fisher*, a panel of the Ninth Circuit ruled that San Jose police officers unlawfully arrested an armed and barricaded suspect when they surrounded his house. But on March 14, 2008, the Circuit decided to rehear the case en banc, which means the decision has been nullified. As we reported in the Spring 2007 edition, *Fisher* was an irrational—virtually unintelligible—decision which was based on a complete misunderstanding of the facts and the law. For a complete report on *Fisher*, [click here](#).