

Supreme Court set to study search procedures

WASHINGTON (AP) — Taking on a police search and seizure case, the Supreme Court said Monday it will decide whether officers can keep people from going into their homes alone while police get a search warrant.

Illinois prosecutors say police needed to keep a man from destroying marijuana, but the man says officers violated the Constitution's Fourth Amendment ban on unreasonable searches and seizures.

The justices will hear arguments in the case this fall, and a decision is expected next year.

"Police should not be able to detain you and keep you from re-entering your own home," attorney Deanne F. Jones, representing Charles McArthur of Sullivan, Ill., said in a telephone interview Monday.

However, assistant Illinois attorney general Colleen Griffin said, "There was probable cause to believe he had this contraband in his

house." Therefore, she added, police were justified in saying that no one could re-enter the home for the period of time necessary to secure the warrant.

The dispute began in April 1997 when two Sullivan police officers accompanied Tera McArthur to retrieve her belongings from a trailer home she shared with McArthur, her husband. When she came outside, she told police he had marijuana under the couch.

An officer knocked on the door, and McArthur came outside, denied he had drugs and told police they could not search without a warrant. During the two hours it took to get a warrant, police did not let McArthur re-enter his home except for a few times when an officer accompanied him and stood inside the door.

When an officer returned with a warrant, police said they conducted a search and found marijuana and drug paraphernalia. McArthur was charged with possessing less

than 2.5 grams of marijuana and possessing drug paraphernalia.

McArthur conceded that if he had been allowed to go inside his home alone he would have destroyed the marijuana. But he asked a state trial judge to bar use of the marijuana as evidence, contending the officer violated his Fourth Amendment rights. The trial judge ruled the drugs could not be used as evidence, and an Illinois appeals court agreed. The drug charge was

a misdemeanor.

"At the heart of this issue is the preservation of evidence," the appeals court said.

However, the court said the officers essentially evicted McArthur from his home, adding that no special circumstances justified the officer's entering the trailer with McArthur.

The appellate judges said McArthur's case was not similar to others in which police were allowed to keep someone outside while

seeking a warrant. In those cases, the person was under arrest or subject to arrest on arrival, or the person consented to stay outside, the court said.

Prosecutors' appeal to the Supreme Court said the government had an interest in keeping McArthur from destroying evidence, and that the appeals court ruling would make it virtually impossible for police to secure homes in such cases.

"A seizure is not necessarily unconstitutional

for the period of time necessary to secure the warrant," Griffin said Monday.

McArthur's lawyers said the officers unlawfully seized his home and conducted an illegal search.

"The police not only prohibited Mr. McArthur from re-entering his home ... but also admittedly entered Mr. McArthur's residence despite his telling them they could not come into his home without a warrant," his lawyers said in court papers.

Empowerment

(Continued from Page 1)

and-effect, will receive a great deal of attention.

"We've adopted three schools — Matt Kelly Elementary School, West Middle School and Western High School," Rutledge said. "We will highlight the positive activities that are taking place at the school that week. If you listen, we have spots running on the air now from some of the educators."

Rutledge also spoke of various plans to acknowledge high academic achievement.

To each class, he said, "we're bringing in 'Mr. Imagination,' who is the sculptor who has done all the fancy work in all the House of Blues across the nation. When he was constructing the House of Blues here, I asked him if he would come in and hold some workshops for some of our young students in the community and he said 'sure' and we've been able to bring him here for the 19th and the 20th. The honor roll and high achieving students selected by the teachers in each class will be participating in a special workshop with Mr. Imagination on the 19th."

"At Western High School we will be zeroing in on the same opportunities but a little more intense. We'll raise the bar, deal with college opportunities and make sure every student is thoroughly aware of the Nevada Millennium Scholarship and other opportunities that exist. So there's no reason for a student not to be able to go to college, not in this state, anymore."

The emphasis on education will especially benefit a student who happens to specialize within an academic discipline some might consider esoteric.

"We're having a music clinic, the Community Empowerment Saxophone Clinic, and giving away a \$1,200 soprano saxophone to (a) high school student who is a

(See Empowerment, Page 14)

Holiday

(Continued from Page 2)

against the Senate's flag proposal.

Opponents say the flag is a symbol of racism and slavery. Supporters say it honors Southern heritage.

Some lawmakers see little to celebrate in a King holiday with the flag fight so prevalent. "Even a King holiday tied with a Confederate holiday creates mixed emotions," said Rep. John Scott, D-Columbia. "There's no groundswell of celebration in the air."

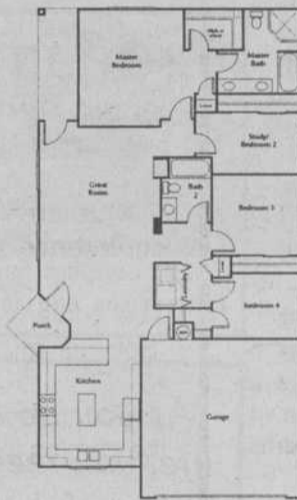
WHISPERING TIMBERS YOUR KEY TO INDEPENDENCE



starting from \$96,990

COME VISIT US TODAY! CALL (702) 647-1114

"The Luxury of Affordability"



COMMUNITY FEATURES

- PRIVATE, GATED ENTRANCE
- 1.2 ACRE COMMUNITY PARK
- JOGGING/WALKING TRAIL W/PERIODIC EXERCISE POINTS
- MATURE PINE TREES THROUGHOUT
- FAMILY RECREATION FACILITIES
- PAVILION AND BARBEQUES
- PRIVATE STREETS WITH GAS COACH LIGHTS
- HOMEOWNERS ASSOCIATION TO ENSURE QUALITY OF NEIGHBORHOOD

INCLUDED IN YOUR NEW HOME

- Washer/Dryer
- Refrigerator
- Dishwasher
- Range
- Dual-Pane Windows
- Oak Cabinetry
- Custom Lighting in Kitchen
- Vertical Blinds
- 9 or 10 Foot Ceilings
- French Doors (per plan)
- Patio (per plan)
- Porches (per plan)

VISIT WHISPERING TIMBERS TODAY AND YOU MAY WIN A NEW TV!

Bring this card in and fill out a free credit application when you visit Whispering Timbers, and you'll be entered into our drawing for a 25" color TV.

Name: _____

Address: _____

City/State/Zip: _____

Day Phone: _____

No purchase necessary. Offer expires May 31, 2000

On the northwest corner of Lake Mead and Martin Luther King Blvd.

CRAIG		N
ALEXANDER		
CHEYENNE		1-15
CAREY		
	WHISPERING TIMBERS	MARTIN LUTHER KING
LAKE MEAD		
WASHINGTON		

OPEN 7 DAYS A WEEK • 10 AM - 6 PM
702-647-1114