

THE ISSUE ENDURES

Georgia v. Randolph, 2005

...It is fair to say that a caller standing at the door of shared premises would have no confidence that one occupant's invitation was a sufficiently good reason to enter when a fellow tenant stood there saying, "stay out." ...There is no common understanding that one co-tenant generally has a right or authority to prevail over the express wishes of another, whether the issue is the color of the curtains or invitations to outsiders....

We therefore hold that a warrantless search of a shared dwelling for evidence over the express refusal of consent by a physically present resident cannot be justified as reasonable as to him on the basis of consent given to the police by another resident.

- ▶ **Why does the Court hold that police cannot search a home without a warrant when one resident consents to the search but the other does not?**
- ▶ **Do you agree with this ruling? Why or why not?**