NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

MINNESOTA *v.* DICKERSON

CERTIORARI TO THE SUPREME COURT OF MINNESOTA

No. 91–2019. Argued March 3, 1993—Decided June 7, 1993

Based upon respondent's seemingly evasive actions when approached by police officers and the fact that he had just left a building known for cocaine traffic, the officers decided to investigate further and ordered respondent to submit to a patdown search. The search revealed no weapons, but the officer conducting it testified that he felt a small lump in respondent's jacket pocket, believed it to be a lump of crack cocaine upon examining it with his fingers, and then reached into the pocket and retrieved a small bag of cocaine. The state trial court denied respondent's motion to suppress the cocaine, and he was found guilty of possession of a controlled substance. The Minnesota Court of Appeals reversed. In affirming, the State Supreme Court held that both the stop and the frisk of respondent were valid under *Terry* v. *Ohio,* 392 U. S. 1, but found the seizure of the cocaine to be unconstitutional. Refusing to enlarge the ``plain view'' exception to the Fourth Amendment's warrant requirement, the court appeared to adopt a categorical rule barring the seizure of any contraband detected by an officer through the sense of touch during a patdown search. The court further noted that, even if it recognized such a ``plain feel'' exception, the search in this case would not qualify because it went far beyond what is permissible under *Terry.*

Held:

1. The police may seize nonthreatening contraband detected through the sense of touch during a protective patdown search of the sort permitted by *Terry,* so long as the search stays within the bounds marked by *Terry.* Pp. 5–10.

(a) *Terry* permits a brief stop of a person whose suspicious conduct leads an officer to conclude in light of his experience that criminal activity may be afoot, and a patdown search of the person for weapons when the officer is justified in believing that the person may be armed and presently dangerous. This

protective search—permitted without a warrant and on the basis of reasonable suspicion less than probable cause—is not meant to discover evidence of crime, but must be strictly limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others. If the protective search goes beyond what is necessary to determine if the suspect is armed, it is no longer valid under *Terry* and its fruits will be suppressed. *Sibron* v. *New York,* 392 U. S. 40, 65–66. Pp. 5–6.

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(b) In *Michigan* v. *Long,* 463 U. S. 1032, 1050, the seizure of contraband other than weapons during a lawful *Terry* search was justified by reference to the Court's cases under the ``plain-view'' doctrine. That doctrine—which permits police to seize an object without a warrant if they are lawfully in a position to view it, if its incriminating character is immediately apparent, and if they have a lawful right of access to it—has an obvious application by analogy to cases in which an officer discovers contraband through the sense of touch during an otherwise lawful search. Thus, if an officer lawfully pats down a suspect's outer clothing and feels an object whose contour or mass makes its identity immediately apparent, there has been no invasion of the suspect's privacy beyond that already authorized by the officer's search for weapons. Cf., *e.g., Illinois* v. *Andreas,* 463 U. S. 765, 771. If the object is contraband, its warrantless seizure would be justified by the realization that resort to a neutral magistrate under such circumstances would be impracticable and would do little to promote the Fourth Amendment's objectives. Cf., *e.g., Arizona* v. *Hicks,* 480 U. S. 321, 326–327. Pp. 6–10.

2. Application of the foregoing principles to the facts of this case demonstrates that the officer who conducted the search was not acting within the lawful bounds marked by *Terry* at the time he gained probable cause to believe that the lump in respondent's jacket was contraband. Under the State Supreme Court's interpretation of the record, the officer never thought that the lump was a weapon, but did not immediately recognize it as cocaine. Rather, he determined that it was contraband only after he squeezed, slid, and otherwise manipulated the pocket's contents. While *Terry* entitled him to place his hands on respondent's jacket and to feel the lump in the pocket, his continued exploration of the pocket after he concluded that it contained no weapon was unrelated to the sole justification for the search under *Terry.* Because this further search was constitutionally invalid, the seizure of the cocaine that followed is likewise unconstitutional. Pp. 10–12.

481 N. W. 2d 840, affirmed.

WHITE, J., delivered the opinion for a unanimous Court with respect to Parts I and II, and the opinion of the Court with respect to Parts III and IV, in which STEVENS, O'CONNOR, SCALIA, KENNEDY, and SOUTER, JJ., joined. SCALIA, J., filed a concurring opinion. REHNQUIST, C. J., filed an opinion concurring in part and dissenting in part, in which BLACKMUN and THOMAS, JJ., joined.