

SUPREME COURT OF THE UNITED STATES

No. 91-2019

MINNESOTA, PETITIONER v. TIMOTHY DICKERSON
ON WRIT OF CERTIORARI TO THE SUPREME COURT OF MINNESOTA
[June 7, 1993]

CHIEF JUSTICE REHNQUIST, with whom JUSTICE BLACKMUN and JUSTICE THOMAS join, concurring in part and dissenting in part.

I join Parts I and II of the Court's opinion. Unlike the Court, however, I would vacate the judgment of the Supreme Court of Minnesota and remand the case to that court for further proceedings.

The Court, correctly in my view, states that “the dispositive question before this Court is whether the officer who conducted the search was acting within the lawful bounds marked by *Terry* [v. *Ohio*, 392 U. S. 1 (1968),] at the time he gained probable cause to believe that the lump in respondent's jacket was contraband.” *Ante*, at 11. The Court then goes on to point out that the state trial court did not make precise findings on this point, but accepts the appellate findings made by the Supreme Court of Minnesota. I believe that these findings, like those of the trial court, are imprecise and not directed expressly to the question of the officer's probable cause to believe that the lump was contraband. Because the Supreme Court of Minnesota employed a Fourth Amendment analysis which differs significantly from that now adopted by this Court, I would vacate its judgment and remand the case for further proceedings there in the light of this Court's opinion.