

Police officers responding to phone calls of complaining neighbors noticed several broken windows in a home, glass on the ground, and a blood-stained shirt on the front porch. Through a window, the officers saw a man, whose hands were bleeding, shouting and throwing things, but no one else appeared to be present in the home.

When the officers knocked on the door, the man refused to respond. The officers then asked if he needed medical assistance. The man told them to leave and not come back unless they had a warrant. The officers then entered the home, and the man pointed a shotgun at them. The officers withdrew but later arrested the man for felony assault on a police officer.

Alleging that the warrantless entry violated the Fourth Amendment, the man has moved to suppress the officers' testimony at trial.

Should the court grant the motion to suppress?

- A. No, because the man lacks standing to complain of an entry under the emergency aid exception to the Fourth Amendment. (1%)
- B. No, because the warrantless entry was reasonable under the emergency aid exception to the Fourth Amendment. (81%)
- C. Yes, because officers cannot use the emergency aid exception to justify a warrantless entry when only the suspect himself needs aid. (5%)
- D. Yes, because the emergency aid exception does not apply when a homeowner clearly and unambiguously invokes his right to a warrant. (11%)

Correct

81% Answered correctly

01 min, 29 secs Time Spent

2023 Version

## Explanation:

A court should suppress evidence (eg, officers' testimony) that is based on an unreasonable Fourth Amendment search—ie, a search conducted without a warrant or an **exception to the warrant requirement**. An **exigent circumstance** is an exception that justifies warrantless police conduct when they have **probable cause** to believe that one of the following exists:

Evanescence evidence – there is an imminent threat that relevant evidence will be destroyed

Hot pursuit – a suspect is fleeing after a felony occurred

**Emergency situation/aid** – there is an immediate threat of harm to the police and/or the public

An emergency situation exists when a police officer has an **objectively reasonable belief** that a **person requires emergency aid or protection from imminent injury**—even if the only person requiring aid is the suspect **(Choice C)**.\*

Here, police officers arrived at the house and noticed broken windows, glass on the ground, and a blood-stained shirt. They then saw a man inside with bleeding hands shouting and throwing things. Based on these facts, the officers could reasonably believe that the man required emergency aid or posed an immediate threat of harm to himself or others. As a result, their warrantless entry into the house was reasonable under the emergency-aid exception. Therefore, the court should deny the man's motion to suppress the officers' testimony.

\*Neither the officer's subjective motive for searching without a warrant nor the seriousness of the crime the officer was originally investigating is relevant in determining whether an emergency situation exists.

**(Choice A)** A person has standing to contest an allegedly unlawful Fourth Amendment search or seizure when he/she had a reasonable expectation of privacy in the place searched. Here, the man likely had a reasonable expectation of privacy in the house, so he has standing to complain of the officers' warrantless entry even though the emergency-aid exception justified the entry.

**(Choice D)** The emergency-aid exception *does* apply even when a homeowner clearly and unambiguously invokes his/her right to a warrant (as seen here).

## Educational objective:

An exigent circumstance permits police to conduct a warrantless search when they reasonably believe that it is necessary to (1) prevent imminent destruction of relevant evidence, (2) pursue a fleeing suspect after a felony occurs, or (3) protect the police and/or the public from immediate harm.

## References

U.S. Const. amend. IV (prohibiting unreasonable searches and seizures).

Michigan v. Fisher, 558 U.S. 45, 49 (2009) (holding that the emergency-aid exception allowed police to enter a home without a warrant when they had an objectively reasonable belief that a person would inflict self-harm).

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### Admissibility of evidence obtained by Fourth Amendment violation

