

Police officers had probable cause to believe that drug dealing was routinely taking place in a particular room at a local motel. The motel manager authorized the officers to enter the room and provided them with a passkey. Without obtaining a warrant, the officers knocked on the room's door, announced their presence, and told the occupants that they would like to speak with them. The officers then heard yelling and repeated flushing of the toilet. They then used the passkey and entered the room, where they saw the occupants dumping drugs into the toilet.

The occupants of the room were charged with drug dealing and have moved to suppress the drugs.

Should the court grant the motion to suppress?

- A. No, because exigent circumstances justified the officers' entry.
- B. No, because the motel manager consented to the officers' entry.
- C. Yes, because exigent circumstances cannot excuse the lack of a warrant.
- D. Yes, because the officers cannot benefit from exigent circumstances that they created.

## **Explanation:**

### **Exigent situations/circumstances**

(exception to warrant requirement)

**Evanescent evidence**      Imminent threat that evidence of crime will be lost or destroyed

**Emergency situation**      Immediate threat of physical harm to police and/or public

**Hot pursuit**                  Immediate pursuit of fleeing felony suspect

A court should grant a motion to suppress evidence obtained during an unreasonable Fourth Amendment search. A search is generally unreasonable if it is conducted without a warrant. But a **warrantless search** is reasonable when **exigent circumstances** create a compelling need for immediate police action (**Choice C**). Exigent circumstances exist when police **reasonably believe** that a warrantless entry and/or search is needed to:

**prevent imminent destruction of relevant evidence** (ie, evanescent evidence)  
protect police and/or the public from immediate physical harm (ie, emergency situation) *or*  
pursue a fleeing suspect after a felony occurs (ie, hot pursuit).

Here, police officers had probable cause to believe that a motel room was being used for drug dealing. After they knocked, announced their presence, and asked to speak with the occupants, the officers heard yelling and repeated flushing of the toilet. This created a reasonable belief that the occupants were flushing the drugs (imminent destruction of evidence), so exigent circumstances justified the officers' warrantless entry. Therefore, the court should deny the occupants' motion to suppress the drugs found in the room.

**(Choice B)** Motel managers lack the authority to consent to a warrantless police entry of a guest's room. This is because they do not have the right to use or occupy the room during the guest's stay (no actual authority) and courts have held that police cannot reasonably believe that managers do (no apparent authority).

**(Choice D)** Police cannot benefit from exigent circumstances that they created by engaging (or threatening to engage) in conduct that violates the Fourth Amendment—eg, by immediately kicking down a door to obtain entry. But since the officers acted lawfully when they knocked on the door and announced their presence, they did not create the exigent circumstance. Therefore, this is not a basis for granting the occupants' motion to suppress.

### **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) protect police and/or the public from immediate physical harm, or (3) pursue a fleeing suspect after a felony occurs.

**References**

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

Kentucky v. King, 563 U.S. 452, 460–62 (2011) (explaining the exigent circumstances exception to the warrant requirement).

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