

A valid warrant was issued for a woman's arrest. The police learned that a person with the woman's name and physical description lived at a particular address. When police officers went to that address, the house appeared to be unoccupied: the windows and doors were boarded up with plywood, and the lawn had not been mowed for a long time. A neighbor confirmed that the house belonged to the woman but said that the woman had not been there for several months.

The officers knocked repeatedly on the front door and shouted, "Police! Open up!" Receiving no response, they tore the plywood off the door, smashed through the door with a sledgehammer, and entered the house. They found no one inside, but they did find an illegal sawed-off shotgun. Upon her return to the house a few weeks later, the woman was charged with unlawful possession of the shotgun.

The woman has moved to suppress the use of the shotgun as evidence at her trial.

Should the court grant the motion?

- A. No, because the officers acted in good faith under the authority of a valid warrant.
- B. No, because the officers did not violate any legitimate expectation of privacy in the house since the woman had abandoned it.
- C. Yes, because the officers entered the house by means of excessive force.
- D. Yes, because the officers had no reason to believe that the woman was in the house.

Explanation:

An **arrest warrant** authorizes officers to take a suspect into custody for criminal prosecution and is generally required to arrest a suspect in his/her home. However, an arrest warrant does not give officers unrestricted authority to intrude upon a suspect's privacy interests in his/her home. Therefore, officers may only **forcibly enter a suspect's residence** to execute an arrest warrant if they:

knock and announce their presence

allow a **reasonable opportunity** for someone to answer *and*
have reason to **believe that the suspect is inside**.

Here, the officers went to the woman's home after they obtained a valid warrant for her arrest. They repeatedly knocked and announced their presence before smashing through the door (forcible entry). But since the home appeared vacant and a neighbor confirmed that the woman had not been there for several months, the officers had no reason to believe that she was inside. Therefore, their forcible entry was unlawful, and the shotgun discovered during that entry should be suppressed.

(Choice A) The good-faith exception to the exclusionary rule allows illegally seized evidence to be admitted if officers reasonably believed that they were acting lawfully. But this exception does not apply here since the valid warrant did not give the officers reason to believe that they could lawfully use force to enter the woman's apparently vacant home.

(Choice B) Since a person has no legitimate expectation of privacy in abandoned property, police may freely enter and search it. But police cannot reasonably assume that a poorly kept home is abandoned. Therefore, the boarded doors and windows and unmaintained lawn did not support an assumption that the woman's house was abandoned.

(Choice C) Although the officers entered the house by means of excessive force (since they had no reason to believe that the woman was inside), this does not support the suppression of evidence. Instead, the officers' excessive force may expose them to civil liability for damage caused to the house or other property.

Educational objective:

An arrest warrant allows officers to arrest a suspect in his/her home. But officers can only forcibly enter that home to make the arrest if they (1) knock and announce their presence, (2) allow a reasonable opportunity for someone to answer, and (3) have reason to believe that the suspect is inside.

References

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

Payton v. New York, 445 U.S. 573, 603 (1980) (explaining that an arrest warrant gives officers the authority to enter a suspect's dwelling when there is reason to believe the suspect is inside).

Forcible entry of a suspect's residence

