

Michigan v. Fisher

--- U.S. --- (2009)

Decided December 7, 2009

FACTS: On the day in question, Brownstown, Michigan police officers “responded to a complaint of a disturbance.” They were directed to a residence “where a man was ‘going crazy.’” When they arrived, they “found a household in considerable chaos: a pickup truck in the driveway with its front smashed, damaged fenceposts along the side of the property, and three broken house windows, the glass still on the ground outside.”

The officers also saw ‘blood on the hood of the pickup and on clothes inside of it, as well as on one of the doors to the house.’ (There was some dispute as to exactly when they saw the blood, but it was not disputed that they noticed it before they entered the house.) Looking through the window, they saw Fisher “inside the house, screaming and throwing things.” The back door was locked and the front door was blocked by a couch. The officers knocked, but Fisher refused to answer or open the door. They could see that he had cut his hand and asked if he needed medical care. “Fisher ignored these questions and demanded, with accompanying profanity, that the officer go to get a search warrant.” Officer Goolsby attempted to enter through the front door, but when he saw Fisher “pointing a long gun at him,” he retreated.

Fisher was eventually apprehended and charged under state law with assault with a dangerous weapon and possession of a firearm during the commission of a felony. The trial court “concluded that Officer Goolsby violated the Fourth Amendment when he entered Fisher’s house” and agreed to suppress the evidence of Fisher’s possession of the weapon. The case wended its way through the state courts, which upheld the suppression. Michigan appealed.

ISSUE: May officers make a warrantless entry into a residence when there is objective reason to believe that an occupant needs medical assistance or may be putting someone else in harm’s way?

HOLDING: Yes

DISCUSSION: The Court began its opinion, stating “[t]he ultimate touchstone of the Fourth Amendment ... is reasonableness.” Although “searches and seizures inside a home without a warrant are presumptively unreasonable, that presumption can be overcome.” “For example, ‘the exigencies of the situation [may] make the needs of law enforcement so compelling that the warrantless search is objectively reasonable.’”¹ Brigham City v. Stuart² “identified one such exigency,” the need to assist with injured persons inside a home. “This ‘emergency aid exception’ does not depend on the officers’

¹ Mincey v. Arizona, 437 U.S. 385 (1978).

² 547 U.S. 398 (2006).

subjective intent or the seriousness of any crime they are investigating when the emergency arises.’ It requires only ‘an objectively reasonable basis for believing,’ that a person within [the house] is in need of immediate aid.”

The court found that a “straightforward application of the emergency aid exception, as in Brigham City, dictates that the officer’s entry was reasonable.” When the officers arrived, they “encountered a tumultuous situation in the house - and ... found signs of a recent injury, perhaps from a car accident, outside.” It was reasonable to believe that Fisher’s actions in throwing projectiles might harm someone else inside the house, or that he might hurt himself in the “course of his rage.”

Specifically, and in contravention to the opinion of the Michigan state courts, The Supreme Court noted that “[o]fficers do not need ironclad proof of ‘a likely serious, life-threatening’ injury to invoke the emergency aid exception.” In Brigham City, the only injury noted was a cut lip. The Court also dismissed Fisher’s assertion that the officers could not have believed he needed medical help since they never summoned medical assistance, stating that the test was not the officer’s subjective belief, but whether they had an objective basis for believing that either he needed medical help, or that other persons were in danger.

The Court concluded:

It was error for the Michigan Court of Appeals to replace that objective inquiry into appearances with its hindsight determination that there was in fact no emergency. It does not meet the needs of law enforcement or the demands of public safety to require officers to walk away from a situation like the one they encountered here. Only when an apparent threat has become an actual harm can officers rule out innocuous explanations for ominous circumstances. But, ‘[t]he role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties.’³ It sufficed to invoke the emergency aid exception that it was reasonable to believe that Fisher had hurt himself (albeit nonfatally) and needed treatment that in his rage he was unable to provide, or that Fisher was about to hurt, or had already hurt, someone else. The Michigan Court of Appeals required more than what the Fourth Amendment demands.”

The Court reversed the decision to suppress the evidence and remanded the case to Michigan for further proceedings.

FULL TEXT OF OPINION: <http://www.supremecourtus.gov/opinions/09pdf/09-91.pdf>

³ Id.