The issue in *Lange v. California* [2] is whether a police officer may enter a person’s house without a warrant when the officer has probable cause to believe he or she has committed a misdemeanor.

Right before Arthur Gregory Lange turned into his driveway and after following him for a while, Officer Weikert turned on his lights to pull him over for playing music loudly and unnecessarily beeping his horn right. Lange didn’t pull over. He later claimed to not notice the officer’s lights. Officer Weikert followed Lange up his driveway. As Lange’s garage door began to close, Officer Weikert stuck his foot in front of it and went into the garage to speak to Lange.

Lange was charged with driving under the influence. He sought to suppress the evidence claiming Officer Weikert’s warrantless entry into his home violated his Fourth Amendment rights.

The California Court of Appeals held the warrantless entry didn’t violate Lange’s Fourth Amendment rights even though Officer Weikert only had probable cause to believe Lange had committed noise and flight-related misdemeanors.

In *Payton v. New York* [3] (1980) the Supreme Court held “a warrantless entry by the police into a residence to seize a person is presumptively unreasonable and unlawful in the absence of exigent circumstances.” Exigent circumstances include “hot pursuit” of a “fleeing suspect.”

According to the California Court of Appeals “hot pursuit” isn’t limited to “true emergency situations” and includes investigation of minor offenses.

Lange cited to the Supreme Court’s decision in *Welsh v. Wisconsin* [4] (1984), holding that “a warrantless night entry of a person’s home in order to arrest him for a nonjailable traffic offense” violated the Fourth Amendment. However, the California Court of Appeals distinguished *Welsh* from this case because *Welsh* did “not involve pursuit into a home after the initiation of a detention or arrest in a public place.”

Interestingly, California told [5] the Court that it plans to argue that an “officer’s probable cause to believe that a fleeing suspect has committed a misdemeanor does not categorically authorize the officer to pursue the suspect into a home without a warrant.” Instead, in the misdemeanor context California will urge the Supreme Court to adopt a test requiring lower courts to “evaluate each case of alleged exigency based ‘on its own facts and circumstances.’”
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