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LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH

By Don Hays

Month of January – 2024

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United States v. Tyrone Maxwell, 85 F.4th 1243, November 13, 2023.

THE CASE: The police used a sledgehammer to enter the defendant's apartment to look for a wounded victim. Once inside the apartment, the police searched where a wounded victim might hide. In so doing, they spotted contraband. Was the search legal?

FACTS: Two men requested permission to enter an apartment building. Neighbors let them in, but moments later they heard gunshots. The two men fled, and neighbors called 9-1-1. When police officers arrived, they saw bullet holes in Apartment 7's front door, shell casings on the stairs, and an empty gun holster. Considering whether someone may be inside Apartment 7 who was injured or needed assistance, the officers called for an ambulance and tried to make contact with anyone inside. Hearing no response, they attempted to open the door manually. When that was unsuccessful, they used a sledgehammer. That implement dented the doorknob, fractured the door, splintered the doorjamb, and overcame the deadbolt, allowing entry. From the officers' arrival to this point, ten minutes had passed.

The Officers opened the door and immediately smelled raw cannabis and saw loose cannabis. An Officer turned left down a hallway which led to a bedroom. He entered the room and saw a closet large enough to fit a person. When he opened the closet door he found more cannabis. Returning to the living room, he found another large closet. He opened that door, pushed aside some hanging clothes, and found a rifle. Police also saw a money counter sitting on a living room table. The search lasted no more than ninety seconds. After some time, Tyrone Maxwell arrived, and the police determined that it was his apartment. The officers sought and received a search warrant based on what they found in and outside the apartment. During the subsequent search, they found a total of two guns, more than ten pounds of marijuana, and more than \$75,000 in cash.

A grand jury indicted Maxwell on three crimes: possession of marijuana with intent to distribute, possession of firearms in furtherance of a drug trafficking crime, and possession of firearms as a felon. He moved to suppress the evidence seized during the searches before and after the warrant was issued. Maxwell argued the police did not face an emergency justifying a warrantless entry. At an evidentiary hearing, Maxwell argued that no exigent circumstance warranted entry. He also contended that the officers acted unreasonably by using the sledgehammer, the officers' view from the open door dispelled any exigency, and their search of the apartment was unreasonable. The district court ruled against Maxwell on each point. The court credited the responding officers' concern for potentially wounded occupants and recognized that although the bullet holes were near the deadbolt, they may have struck a person answering the door. Further, it rejected Maxwell's argument that using the sledgehammer was an excessive means of entry, as Maxwell cited no cases supporting a sledgehammer's presumptive unreasonableness. The court also recognized the possibility that a wounded occupant could have hidden inside, meaning officers did not have to depart immediately upon entering, as Maxwell argued. The court concluded that "the officers limited their search to areas where an injured person in need of assistance may have been hiding." Maxwell entered a conditional guilty plea on the drug-related counts, preserving his objection to the suppression ruling. This appeal followed.

ISSUE: Did the trial court err in denying Maxwell's motion to suppress?

ARGUMENT: Maxwell offered three arguments for why and how the officers acted unreasonably in this case. *First*, they had no reason to believe someone was injured inside his apartment and in need of aid. *Second*, it was unreasonable to use a sledgehammer to gain entry to his home. *Third*, any exigent circumstances evaporated when the officers first looked inside, or alternatively, once inside, the officers could not look beyond the immediate vicinity of the door.

SUB-ISSUE #1: Did the police have a reasonable basis to believe that an occupant of Maxwell's apartment was seriously injured, so that their warrantless entry and search was legal?

THE LAW. The Fourth Amendment requires all searches to be reasonable. The Fourth Amendment has "drawn a firm line at the entrance to the house," and "[a]bsent exigent circumstances," a warrantless entry is unreasonable. One such exigent circumstance justifying warrantless entry is the need "to render emergency assistance to an injured occupant." To enter a home on an exigency alone, police need an "objectively reasonable basis for believing," that "someone is in need of aid and there is a compelling need to act."

FINDINGS: According to Maxwell, the police had no reasonable basis to believe someone was home and injured. First, he contended that many of the facts known to the responding officers negated the inference that someone was home. There was no response when the officers attempted to make contact with any occupants of Apartment 7 or as they entered. A neighbor called 9-1-1, and nobody mentioned seeing an occupant of that unit. In response to this argument, the Court of Appeals noted that the emergency aid exception does not require injured occupants to call out for help. Indeed, numerous Courts have upheld entries where, like here, the police heard only silence inside. In rejecting Maxwell's argument, the Court noted that such an approach might require police to abandon those too wounded to ask for help. This the Court refused to do.

Alternatively, Maxwell argued that the apparent intent of the shooters made a wounded occupant unlikely. Specifically, Maxwell noted that the two bullet holes in Apartment 7's door were about four centimeters apart, one slightly below the deadbolt locking mechanism and the other to its left. From this pattern, Maxwell concluded that the shooters intended not to injure an occupant but to disable the deadbolt and open the door. Notwithstanding the apparent intent of the shooters, the Court of Appeals noted that here, the police knew that shots had been fired into Apartment 7, and they saw shell casings and a gun holster nearby. The bullet holes were in Maxwell's door, indicating to the police that any victim would be inside the apartment. All of this, according to the Court, warranted further inquiry by the Officers into whether there might have been a gunshot victim somewhere behind the door. It thus was not unreasonable for the police to enter Maxwell's apartment.

SUB-ISSUE #2: Was it unreasonable for the police to use a sledgehammer to enter Maxwell's apartment?

THE LAW. The officers' "manner of ... entry" must be reasonable. Police must comply with the knock-and-announce rule and not cause "[e]xcessive or unnecessary destruction of property" in due course.

FINDINGS: The Court of Appeals rejected Maxwell's argument and noted that the police did not act excessively or unnecessarily when using the sledgehammer to breach Apartment 7's door. According to the Court, police encounter many locked doors. If, as here, they have no key and manual force is futile, a sledgehammer or a battering ram may be their only option. Further, the court noted that it has ruled that the use of a battering ram was "gratuitous," but in that case the door was unlocked, and the police opened it slightly before ramming it. The Court noted that sometimes the police have a key. Sometimes, they can enter with manual force. And sometimes, as here, necessity commands a strong tool. Finally, the Court concluded that the officers also did not use the sledgehammer excessively or unnecessarily. Here, photographs of Apartment 7's door show the officers focused the sledgehammer's force on the part of the door most likely to be secure. Nothing indicated they tried to do anything more with the sledgehammer than open the door.

SUB-ISSUE #3: Was the search of the entire apartment unreasonable because either the exigency evaporated when the Officers opened the door, or that exigency should have confined them to the area in directly in front of the apartment door.

THE LAW. Once police are inside a home, the Fourth Amendment requires police to limit their search " 'to the circumstances that justified it.' " Where the circumstance justifying entry is a need to render emergency aid, police can look only in "those places where an injured person might [be] found." Of course, officers do not have to avert their eyes from any evidence in plain view when they are looking in those places.

FINDINGS: The police were searching for persons who may be injured or in need of assistance. They looked for no more than 90 seconds. They looked in two closets large enough to fit a person. Then they left. The Court held that given those events over that short time frame, the exigency did not evaporate when the officers opened the front door, and they appropriately tailored their search to that exigency.

SUB-ISSUE #4: Was the scope of the search unreasonable. According to Maxwell, the only place officers were likely to find gunshot victims or evidence of them was in the immediate vicinity of the front door; not throughout the rest of the apartment. Because the Officers discovered no evidence just inside the apartment door, their search should have ended there.

FINDINGS: In this case, the Court ruled that the exigency did not end until the police looked in the last area in which an injured person could have been found inside of the apartment. According to the Court, the police do not have to stop looking for wounded occupants just because they do not see blood or a body in one place. The officers here did not act unreasonably during their search of Maxwell's entire apartment.

CONCLUSION: The Court held that the police had an objectively reasonable basis for believing someone was inside Maxwell's home and in need of medical attention. They announced their presence before breaching the deadbolted door, and once inside they looked only in areas where an injured person in need of assistance may have been hiding. The search was therefore reasonable under the Fourth Amendment and the district court properly admitted the evidence the police obtained.

QUIZ QUESTIONS FOR THE MONTH OF JANUARY – 2024

United States v. Tyrone Maxwell, 85 F.4th 1243, November 13, 2023.

1. The Fourth Amendment requires all searches to be reasonable. Can a warrantless search based only upon a reasonable belief that an occupant of a residence is in need of assistance be “reasonable?”
 - a. Yes.
 - b. No.
2. To enter home without a warrant on exigency alone, the police need an objectively reasonable basis for believing that someone is in need of aid and there is a compelling need to act.
 - a. True.
 - b. False.
3. The Fourth Amendment required that the method the police used to enter the suspect apartment be reasonable. The police used a sledgehammer to force an entry into the suspect apartment. Maxwell argued that this method of entry into his apartment was excessive. Did the Court of Appeals agree with this argument?
 - a. Yes.
 - b. No.
4. The People argued that the police entry and search of Maxwell’s apartment was reasonable. Did the Court of Appeals disagree with this argument?
 - a. Yes.
 - b. No.

QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF JANUARY – 2024

United States v. Tyrone Maxwell, 85 F.4th 1243, November 13, 2023.

1. The Fourth Amendment requires all searches to be reasonable. Can a warrantless search based only upon a reasonable belief that an occupant of a residence is in need of assistance be “reasonable?”

a. Yes. Sure. This is the very basis of the “exigent circumstance rule.”
2. To enter home without a warrant on exigency alone, the police need an objectively reasonable basis for believing that someone is in need of aid and there is a compelling need to act.

a. True. That is what the Court ruled in this case.
3. The Fourth Amendment required that the method the police used to enter the suspect apartment be reasonable. The police used a sledgehammer to force an entry into the suspect apartment. Maxwell argued that this method of entry into his apartment was excessive. Did the Court of Appeals agree with this argument?

b. No. The Court held that “Sometimes, as here, necessity commands a strong tool.”
4. The People argued that the police entry and search of Maxwell’s apartment was reasonable. Did the Court of Appeals disagree with this argument?

b. No. The Court held that the police officers appropriately tailored their search after entering the apartment without a warrant after receiving a call that shots had been fired into apartment to that exigency, and thus the evidence that the police observed in plain view during their search was admissible in Maxwell's prosecution on drug and weapons charges, even though the police saw neither blood nor gunshot victims just inside his apartment. **WHY:** According to the Court, the officers were searching for persons who might have been injured or in need of assistance, they looked for no more than 90 seconds, they looked in two closets large enough to fit person, and then they left.