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## ***LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH***

**By Don Hays**

Month of December – 2025

# **LAW ENFORCEMENT OFFICER TRAINING CASE OF THE MONTH**

## **Month of December - 2025**

### **People v. Christopher R. Cummins, 2025 IL App (2d) 230516, July 8, 2025.**

**THE CASE:** The police made a warrantless entry into Cummins' home to conduct a welfare check. Was the entry illegal?

**FACTS:** At 2:31 a.m., on the morning in question, an Officer responded to a complaint of excessive noise coming from a two-story house. On arriving, the Officer parked his squad car and noted that extremely loud music was coming from the house, and lights were on inside. The Officer approached the steps to the front door of the house. Although that door was solid, to the right of the steps was an exterior room with windows, through which the Officer could view most of the first floor. He knocked on the front door and announced his office but got no response. He saw no one inside but heard a dog barking. However as he initially peered inside the house, he saw, in what appeared to be the dining room, a cabinet containing firearms in plain view. The Officer walked to the north side of the house where he saw two exterior doors. The north exterior door to the east was glass, and the door behind it was solid and slightly ajar. The Officer pounded on both exterior doors on the north side and announced his office, but, again, he got no response. There were no signs of movement in the house. After about half an hour of canvassing the house's doors to no avail, he contacted his supervisor, a police Sergeant. When the Sergeant arrived, the Officer had not spoken to anyone else, had not discussed with the supervisor whether to obtain a search warrant, and had not called the city to cut off the electricity to the house. The Officer and the Sergeant considered ways to contact someone inside the house. They spoke to the neighbor who had made the noise complaint. The neighbor said that there was a recurrent issue with noise coming from the house late at night and that Cummins had resided there since his father passed away. The neighbor "believed that [Cummins] was home upon seeing his vehicle [in] the driveway." The neighbor told the Officer that Cummins had a drug problem and a "drug conviction," the latter of which the Officer confirmed by a computer search. Further, the check revealed that the defendant's FOID card was revoked.

The Officers tried unsuccessfully to contact the defendant by phone. All told, the Office knocked on the doors of the house for more than an hour, but there was no movement inside the house. After the Officer had been on the scene for about an hour, additional officers arrived. The officers simultaneously pounded on all the exterior doors except the south door to make contact with anyone inside. The pounding yielded nothing. Therefore, it was decided that the officers would enter the building. The officers entered the house at 3:47 a.m., 1 hour and 16 minutes after the first Officer arrived on the scene. Before the entry was made, the Officers did not call the state's attorney's office or have anyone prepare an application for a search warrant. During this warrantless entry into the house, the Officers found Cummins asleep on a couch. They also found firearms and ammunition. Following the arrest the Cummins, the People charged him with various weapons offenses.

Prior to his trial, Cummins moved to suppress the evidence the Officers seized during their entry into his home. Following a hearing, the trial court granted the defendant's motion to suppress. Specifically, the court ruled: "'Officers \*\*\* made entry into the residence at 3:47 a.m. without a search warrant where they found the defendant. At the time, the officers made entry into the residence, approximately one and a quarter hours had passed from (the Officer's) initial arrival to investigate the noise complaint. Officers observed no activity inside the residence other than hearing the extremely loud music and the barking dog. The observation of the long guns located inside of the residence in a gun cabinet, the Court finds, is not under these circumstances an exigent circumstance that would justify a warrantless entry into the residence. The Court also finds, then, the totality of the information known to the officers at the time of their warrantless entry into the residence does not establish reasonable grounds for the officers to believe that there was an emergency at hand and an immediate need for their assistance for the protection of life or property.'" From this ruling, the People brought this appeal.

**THE LAW:** **A).** In reviewing a ruling on a motion to suppress, reviewing court gives great deference to the trial court's findings of fact, which it shall not disturb unless they are against the manifest weight of the evidence. **B).** The Fourth Amendment does not prohibit police officers from entering a home without a warrant if exigent or compelling circumstances justify the entry. **C).** The People bear the burden of demonstrating exigent circumstances that would justify a warrantless entry into a home. **D).** "Exigency" exists, for purposes of "exigent circumstances" exception to warrant requirement, when, for example, police enter into and search the premises with a reasonable belief that immediate action is necessary for the purpose of providing aid to persons or property in need thereof. **E).** Under "emergency exception" to warrant requirement, police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance

in the protection of life or property, and there must be some reasonable basis, approximating probable cause, to associate an officer with the emergency. **F).** Under the emergency exception to the warrant requirement, the reasonableness of a law enforcement officer's belief as to the existence of an emergency is determined by the entirety of the circumstances known to the officer at the time of the entry. **G).** Illinois follows a “limited lockstep approach” on Fourth Amendment jurisprudence for purposes of the state constitution's restrictions on searches and seizures. Under this “emergency exception” to the warrant requirement, “(1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance in the protection of life or property; and (2) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be entered and searched.” The reasonableness of an officer's belief as to the existence of an emergency is determined by the entirety of the circumstances known to the officer at the time of the entry.

**ISSUE #1:** Did the Officers have sufficient facts to justify the belief that an emergency situation existed that justified a warrantless entry into the defendant's house?

**ARGUMENTS:** **(A)** Before the appellate court, the People argued that the trial court erred in granting Cummins' motion to suppress. The People argued first that the officers had reasonable grounds to believe that the defendant was home, given that (1) the neighbor said the defendant lived there and he recognized his vehicle in the driveway, (2) the house lights were on, (3) extremely loud music was playing, and (4) the east door on the north side was ajar. The People argued second that the officers had reasonable grounds to believe that the defendant needed immediate assistance, as (1) nobody responded to the repeated banging on the doors, (2) phone calls to the defendant received no response, and (3) the defendant used drugs and had a “drug conviction.” **(B)** Conversely, Cummins argued that the police lacked reasonable grounds to believe that anyone was inside the house, given that, before entering, they had seen nobody inside and received no response to their pounding on the doors. He also argued that the police lacked reasonable grounds to believe that, if he were home, he needed immediate assistance. Specifically, he noted that there were no signs of a struggle and no report of anyone in distress.

**FINDINGS:** The trial court reasoned that, although the police believed that someone was in the house needing immediate assistance, it was equally likely that (1) no one was in the house or (2) someone was inside but was exercising the right not to answer the door(s). The court found several considerations that weighed strongly against a reasonable belief in an emergency. In denying the People's motion to reconsider, the trial court explained that three things were “possible” in this case: (1) someone was inside the home but chose not to respond, (2) no one was inside, and (3) someone needing immediate assistance was inside. Only the third possibility would justify the entry. The court concluded, however, that the officers' knowledge was not “sufficient to suggest that [this] was the likely possibility such that would justify” the warrantless entry.

Calling the trial court reasoning, “an error of law,” the appellate court noted that by requiring that an emergency be the likely possibility, the trial court assumed that “probable cause” means “more likely than not.” However, “[p]robable cause \*\*\* ‘does not demand any showing that such a belief be correct or more likely true than false.’ ” In this case, the appellate court concluded that the facts known to the Officers prior to their warrantless entry into the house was sufficient to support a reasonable person's objective belief that an emergency situation existed which justified a warrantless entry into Cummins' home.

**ISSUE #2:** Did the Officers' hour-plus delay render their warrantless entry into Cummins' home illegal?

**ARGUMENTS:** Cummins relied on the long delay between the arrival of the police and their entry into the house to cast doubt on whether the officers actually believed that there was an emergency. He reasoned that the police would not have spent so much time attempting to get a response from someone they actually believed needed immediate assistance.

**FINDINGS:** The appellate court noted that the defendant's factual inference as to the officers' state of mind—an inference that the trial court might have drawn yet did not explicitly rely on—was not without force. Nonetheless, the Court concluded that the defendant's reliance on the delay as negating reasonable grounds was contrary to the law. The Court noted that in Brigham City v. Stuart, 547 U.S. 398, the United States Supreme Court held that “[a]n action is ‘reasonable’ under the Fourth Amendment, regardless of the individual officer's state of mind, ‘as long as the circumstances, viewed objectively, justify [the] action.’ ” Therefore, even if the Officers themselves may not have actually believed an emergency existed, the objective facts, according to the appellate court, were sufficient to support the belief that the police were dealing with an emergency. Therefore, the Officers' delay in entering Cummin's home did not invalidate that entry.

**CONCLUSION:** Under the emergency exception to the warrant requirement, the officers' entry was valid if the facts known to them established reasonable grounds to believe both that (1) somebody was inside the house and (2) the person needed immediate assistance. The Court held that that threshold was met in this case. Therefore, the trial court's suppression order was reversed.

### **QUIZ QUESTIONS FOR THE MONTH OF DECEMBER – 2025**

#### **People v. Christopher R. Cummins, 2025 IL App (2d) 230516, July 8, 2025.**

1. A warrantless entry by the police into a suspect's home is always considered to violate the Fourth Amendment.
  - a. True.
  - b. False.
  
2. Exigent circumstance can sometimes justify a warrantless entry into a suspect's home.
  - a. True.
  - b. False.
  
3. In this case, the Officers waited for over an hour before they made a warrantless entry into the house. Did this delay render the warrantless entry illegal?
  - a. Yes.
  - b. No.
  
4. In this case, the People argued that the Officers had objectively reasonable grounds to believe that an emergency was at hand and there existed an immediate need for their assistance in the protection of life or property inside the house in question. Did the appellate court agree with this argument?
  - a. Yes.
  - b. No.

## **QUIZ ANSWERS AND DISCUSSION FOR THE MONTH OF DECEMBER – 2025**

### **People v. Christopher R. Cummins, 2025 IL App (2d) 230516, July 8, 2025.**

1. A warrantless entry by the police into a suspect's home is always considered to violate the Fourth Amendment.  
  
**b. False.** The fourth amendment does not prohibit police officers from entering a home without a warrant if exigent or compelling circumstances justify the entry. People v. Foskey, 136 Ill. 2d 66, (1990).
2. Exigent circumstance can sometimes justify a warrantless entry into a suspect's home.  
  
**a. True.** The fourth amendment does not prohibit police officers from entering a home without a warrant if exigent or compelling circumstances justify the entry. People v. Foskey, 136 Ill. 2d 66, (1990).
3. In this case, the Officers waited for over an hour before they made a warrantless entry into the house. Did this delay render the warrantless entry illegal?  
  
**b. No.** The appellate court concluded that the delay by the Officers did not render their entry illegal.
4. In this case, the People argued that the Officers had objectively reasonable grounds to believe that an emergency was at hand and there existed an immediate need for their assistance in the protection of life or property inside the house in question. Did the appellate court agree with this argument?  
  
**a. Yes.** The appellate court concluded that, under totality of circumstances, the Officers had objectively reasonable grounds to believe that an emergency was at hand and there was an immediate need for their assistance in the protection of life or property inside the house in question.