

**Lange v. California – decided on June 23, 2021
(U.S. Supreme Court)**

This is an important Fourth Amendment search and seizure case from the U.S. Supreme Court that was decided on June 23, 2021. The Court's ruling reinforces the law that when police officers are pursuing a fleeing suspect, they can enter a home without a warrant if the suspect has committed a felony, but not a misdemeanor.

Facts:

The driver, Arthur Lange, challenged his conviction of driving under the influence after the California highway patrol officer entered his garage without a warrant and performed a sobriety test. After observing Lange driving and honking his horn, Officer Weikert began following him and intended to stop him for violating local noise restrictions, a minor infraction that carries small fines, but did not immediately turn on the police vehicle's emergency lights. Lange was already in his driveway when the officer caught up with him and activated his emergency lights. Officer Weikert pulled into the driveway as Lange was driving his car into his garage. The garage door was just about to close when Officer Weikert stuck his foot under the door, preventing it from shutting. Officer Weikert smelled alcohol and ordered Lange to take a sobriety test. Lange was found to be more than three times over the legal limit and was charged with driving under the influence (DUI) and a noise infraction. The lower courts ruled against Lange, deeming the incident a "hot pursuit" that allowed a warrantless entry. Lange pleaded no contest to the DUI offense and was sentenced to 30 days in jail and three years of probation. The California Court of Appeals in 2019 upheld Lange's conviction. Lange then asked the Supreme Court to rule that police officers cannot evade the warrant requirement when chasing someone to their home when the underlying conduct constitutes a misdemeanor offense.

Holding:

Vacated the California Court of Appeals conviction and remanded the case back for further proceedings. In a 9-0 ruling, the U.S. Supreme Court concluded that Officer Weikert's entry into Lange's garage without a warrant violated his Fourth Amendment right to be free from unreasonable searches and seizures. When officers are pursuing someone suspected of a misdemeanor, a less serious crime, they cannot always enter a home without a warrant if a suspect enters. The Court stated that "the flight of a suspected misdemeanant does not always justify a warrantless entry into a home. An officer must consider all the circumstances in a pursuit case to determine whether there is a law enforcement emergency. On many occasions, the officer will have good reason to enter— to prevent imminent harms of violence, destruction of evidence, or escape from the home. But when the officer has time to get a warrant, he must do so—even though the misdemeanant fled."

Bottom Line:

Under Supreme Court precedent, officers can enter a home without a warrant when they are in pursuit of a suspected felon. However, the U.S. Supreme Court has not extended that law to those suspected of committing misdemeanors. Officers must show why they did not have time to get a warrant (emergency, destruction of evidence, escape, imminent harm of violence/medical aid needed, etc.) in order to make a warrantless entry for a fleeing suspect who committed a misdemeanor.

Link to the full case: [20-18 Lange v. California \(06/23/21\) \(supremecourt.gov\)](https://www.supremecourt.gov/opinions/20-18/lange-v-california-06-23-21)