



High Court Tells Eighth Circuit to Reconsider Challenge to Warrantless Entry

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Following a May ruling from the U.S. Supreme Court stunting the “community caretaking” authority of police, Justice Brett Kavanaugh stressed Tuesday that officers can still enter a home without a warrant under certain conditions.

The brief concurring opinion from the Donald Trump appointee came in the case of Kenneth Sanders, an Iowa man who pleaded guilty to unlawfully possessing a firearm after a domestic violence call.

When officers arrived on the scene, they heard a child crying after the visibly beaten mother opened the door to fetch Sanders. The officers used that child’s cry and the mother’s bruises as grounds for a warrantless entry before discovering a weapon stuffed in a couch.

Sanders, whose guilty plea preserved his right to appeal with respect to the warrantless entry, challenged his conviction. The Supreme Court sided with him on Tuesday thanks to last month’s ruling in *Caniglia v. Strom*, which found such entries amounts to a Fourth Amendment violation and must be voided.

The high court vacated the Eighth Circuit’s finding that the officers’ entry was reasonable and sent the case back to the St. Louis-based appeals court for a new analysis that does not take into consideration the “community caretaking” doctrine.

“To be clear, however, the fact that the Eighth Circuit used a now-erroneous label does not mean that the Eighth Circuit reached the wrong result. *Caniglia* did not disturb this court’s longstanding precedents that allow warrantless entries into a home in certain circumstances,” Kavanaugh wrote.

He added, “Of particular relevance here, the court has long said that police officers may enter a home without a warrant if they have an ‘objectively reasonable basis for believing that an occupant’ is ‘seriously injured or threatened with such injury.’”

Requests for comment sent to Des Moines-based public defender Nova Danielle Janssen, who represents Sanders, and the Department of Justice were not returned by press time.

The *Caniglia* case dates back to 2015, when Edward Caniglia joked to his wife of 22 years that he didn’t want to use a coffee mug after his brother-in-law because he “might catch a case of dishonesty.” Fed up with the argument an hour later, the 68-year-old Caniglia said he stormed off to the bedroom, grabbed an unloaded handgun, brought it to the kitchen, and slammed it on the table. “Why don’t you just shoot me,” he exclaimed, “and get me out of my misery?”

The dispute led to the confiscation of Caniglia's firearms and a challenge to that taking under the Fourth Amendment. While the First Circuit threw out his case, the higher court revived it last month, with Justice Clarence Thomas saying the concept of "community caretaking" to just a warrantless entry by police failed to pass constitutional muster.

"This recognition that police officers perform many civic tasks in modern society was just that — a recognition that these tasks exist, and not an open-ended license to perform them anywhere," Thomas wrote in the four-page majority opinion.

The American Civil Liberties Union, ACLU of Rhode Island, Cato Institute and American Conservative Union Foundation all joined to support Caniglia's effort, saying precedent by the high court limited the community caretaking exception to vehicles only.

"Extending the 'community caretaking' exception to warrantless searches of the home would allow police to bypass the Fourth Amendment's restrictions in a startling array of circumstances," the ACLU said in a [statement](#) when the case was heard at the Supreme Court.

"Everything from loud music to leaky pipes have been used to justify warrantless invasion of the home," the group added. "Allowing ill-defined notions of 'community caretaking' to override the Fourth Amendment is both unwise, unmanageable, and unnecessary, and it opens the door to abusive police conduct, including against those who most need society's protections."