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The Constitutionality of Warrantless Doorway Arrests

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THE CONSTITUTIONALITY OF WARRANTLESS DOORWAY ARRESTS

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Officer Jackson possesses probable cause to arrest Kendall for arson. One evening, he goes to Kendall's home in uniform without a warrant to arrest Kendall. In response to Jackson's knock on the door of his house, Kendall opens the front door. A screen door continues to separate Jackson and Kendall. Jackson indicates to Kendall that he is there to arrest him for arson and asks if he may come in. Kendall remains exactly where he is and says nothing in response to Jackson's request. Jackson asks again if he may come in, and again Kendall does not reply.

Grabbing the handle to the screen door and finding it unlocked, Jackson opens the screen door, reaches through the doorway, grabs Kendall by his necktie, and pulls him through the doorway and onto the front porch. Jackson handcuffs Kendall and conducts a search of Kendall, which turns up a plastic bag of cocaine in Kendall's inside coat pocket. The cocaine, discovered as part of a search incident to Kendall's arrest, is admissible as evidence against Kendall only if the arrest is valid. This Article examines the constitutionality of such warrantless doorway arrests.

I. SUPREME COURT CASES

In *United States v. Watson*,[1] the United States Supreme Court held that law enforcement officers may make warrantless public arrests for felonies. The Court noted that this was the rule in England at the time the Fourth Amendment was written by the first Congress in 1789. Since the Fourth Amendment did not specifically change this rule, the Court concluded that the drafters of the amendment did not intend for the amendment to change the rule.

In addition, the Court noted that the overwhelming practice in this country for nearly two hundred years was to make felony arrests without a warrant. Consequently, the Court concluded that the Fourth Amendment does not prohibit public warrantless felony arrests.

Four years after deciding *Watson*, the Court dealt with a case involving the warrantless entry of a home to make a felony arrest in *Payton v. New York*.[2] The Court noted that arrests made in the home are a special case because "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed."[3] While this sentiment arose largely in the context of searches, the Court saw no reason to make a distinction between searches and arrests since both "intrusions share this fundamental characteristic: the breach of

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1. 423 U.S. 411 (1976).
2. 445 U.S. 573 (1980).
3. *Id.* at 585 (quoting United States v. United States District Court, 407 U.S. 297, 313 (1972)).

the entrance to an individual's home."[4] Consequently, the Court concluded that "the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant."[5]

One other Supreme Court case relating to the validity of warrantless doorway arrests is *United States v. Santana.*[6] In that case, the police had probable cause to arrest Santana, but had no arrest or search warrant. When they arrived, Santana was standing in the open doorway of her house. When she saw the officers arrive, she retreated into her house. The Court concluded that Santana was in a public place when the police arrived and could have been arrested there without a warrant. When she elected to retreat into the house, the officers were justified in pursuing her without a warrant because they were in "hot pursuit."

At first glance, it might appear that *Santana* resolved the issue of the constitutionality of warrantless doorway arrests. However, the Court made it clear in that case that when the police first observed Santana, she was straddling the doorway with one foot inside the home and one foot outside. Consequently, if the police had been able to arrest her at that precise moment, they could have done so presumably without any portion of their bodies crossing the threshold of the home.[7] Thus, neither *Santana* nor any other Supreme Court case directly addresses the issue presented by the hypothetical case stated at the beginning of this Article.

II. LOWER COURT CASES

Research for cases dealing with the issue of the constitutionality of warrantless doorway arrests identified thirty-eight cases in twenty-two federal and state jurisdictions.[8] The jurisdictions were split, with twelve jurisdictions ruling in favor of defendants on this issue and ten jurisdictions ruling in favor of the government.[9] Interestingly, the United States Courts of Appeals, generally considered the most important courts in our judicial system after the Supreme Court, were evenly split. Three jurisdictions have ruled against,[10] and three in favor of the constitutionality of warrantless doorway arrests.[11]

A substantial number of these cases dealt with this constitutional issue in a rather perfunctory manner. In these cases, the court typically identified the issue, made a brief reference to a prior case dealing with the same issue, and then announced its ruling. For example, the Kentucky Supreme Court devoted con-

4. *Id.* at 589.
5. *Id.* at 590.
6. 427 U.S. 38 (1976).
7. In this paper, "threshold" shall be used to refer to the imaginary plane that runs through the doorway of a home, bordered by the frame of the front door.
8. *See* Table of Cases *infra.*
9. *See* Table *infra.*
10. U.S. v. Berkowitz, 927 F.2d 1376 (7th Cir. 1991); U.S. v. McCraw, 920 F.2d 224 (4th Cir. 1990); Duncan v. Storie, 869 F.2d 1100 (8th Cir. 1989).
11. McKinnon v. Carr, 103 F.3d 934 (10th Cir. 1996); U.S. v. Vaneaton, 49 F.3d 1423 (9th Cir. 1995); U.S. v. Carrion, 809 F.2d 1120 (5th Cir. 1987); U.S. v. Whitten, 706 F.2d 1000 (9th Cir. 1983); U.S. v. Mason, 661 F.2d 45 (5th Cir. 1981); U.S. v. Johnson, 626 F.2d 753 (9th Cir. 1980).

siderable attention to whether an arresting officer possessed probable cause to arrest the defendant. Concluding that he did, the court disposed of the warrantless doorway arrest issue in just three sentences: "Absent exigent circumstances, mere probable cause is insufficient to permit an arresting officer to enter the suspect's home without a warrant. [citing *Payton*]. However, at the time of her arrest, Appellant was standing in the doorway of her home, a public place where she had no reasonable expectation of privacy. Thus, she was subject to a valid warrantless arrest. [citing *Santana*]."[12]

Other courts in this group of cases managed to devote more space in their opinions to the issue of warrantless arrests, but still resolved it with virtually no analysis. Typically, these courts relied on *Santana* as the controlling case. However, their opinions did not address the issue of whether *Santana* was distinguishable on the basis that the defendant had one foot outside the home when the police wanted to arrest her, whereas in the cases before the courts, the defendant was completely behind the threshold of the home when arrested.

The Fifth Circuit Court of Appeals relied on *Santana* to uphold a warrantless search case in *United States v. Mason*.[13] The court rejected the defendant's argument that *Vale v. Louisiana*[14] was controlling. In *Vale*, the court held that the police could not use an arrest to create exigent circumstances to justify a warrantless search.[15] It disposed of the case by concluding that "Vale is inapposite; Santana controls. The agents did not seek to create exigent circumstances either for the warrantless arrest or the warrantless search. Mason was permissibly arrested at the front door."[16] Even though *Vale* was a warrantless search case, not a warrantless arrest case, the court limited its analysis to *Vale* and *Santana* and failed even to mention *Payton*, presumably because the defendant had not cited it.

Another large group of cases gave some attention to the warrantless doorway arrest issue by discussing *Payton*, *Santana*, and several lower court cases.[17] However, these courts decided the issue without any careful consideration of the policy issues behind the Court's holding in *Payton*. It is clear that *Payton*'s primary concern is with protection of the privacy of the home.[18] Nevertheless, the overwhelming majority of the cases failed to address how their rulings would impact this important privacy interest.

Some of these cases make reference to the arrestee's expectation of privacy in the home, but fail to discuss whether their rulings would encourage the police to respect that interest. For example, in *United States v. Ostin*,[19] the court concluded that although the defendant's arrest had occurred in the doorway of a motel room, the protections of the Fourth Amendment still applied because "a motel

12. Talbott v. Commonwealth, 968 S.W.2d 76, 81 (Ky. 1998).
13. 661 F.2d 45 (5th Cir. 1981).
14. 399 U.S. 30 (1970).
15. *Vale*, 399 U.S. at 33-35.
16. *Mason*, 661 F.2d at 47.
17. *See* U.S. v. Carrion, 809 F.2d 1120 (5th Cir. 1987); U.S. v. Herrold, 772 F. Supp. 1483 (M.D. Pa. 1991); Illinois v. Schreiber, 432 N.E.2d 1316 (Ill. Ct. App. 1982).
18. *Payton v. New York*, 445 U.S. 573 (1980).
19. 858 F. Supp. 1075 (E.D. Wash. 1994).

room is a place where the occupant has a strong and legitimate expectation of privacy."[20] The court discussed *Payton*, *Santana*, and several lower court cases that were not directly relevant to the doorway arrest issue.[21]

The *Ostin* court then concluded that the warrantless arrest was constitutional because the defendant opened the door of his home in response to the police officer's knock, thereby "expos[ing] himself to public view of anyone who happened to be in the area, thus no longer being in an area where he had any expectation of privacy."[22] The court discussed several cases that did not apply to the situation before it. For analytical purposes, the result was the same as if the court had simply relied on *Santana* as establishing that the doorway was a public place.[23]

III. Analytical Approaches of the Lower Court Cases

Analytically, the lower court cases take two basic approaches to the warrantless doorway arrest issue. The first approach permits warrantless arrests at the doorway of a person's home even if the person was summoned to the door by the police and even if the person was standing behind the threshold at the time of the arrest.[24]

One well-reasoned case which took this approach is *People v. Graves*.[25] In that case, the defendant had just received a call from a friend who indicated that he was coming over to the defendant's house.[26] When the police knocked on the front door, the defendant answered, expecting to see his friend.[27] Instead, after a short conversation with the two officers, the defendant was arrested.[28]

The court distinguished this case from *Santana* in two ways. In *Santana*, the defendant was in the doorway when the police approached her home; in *Graves*, the defendant came to the doorway in response to a knock by the police and was still standing behind the threshold when he was arrested. The court found that neither of these differences was significant.

> The fact that the defendant came to the doorway without knowing that police officers were there . . . should not negate the voluntariness of that action of the defendant. A major aspect of the *Santana* opinion is that a person who places himself in an open doorway to his home places himself in a public place and gives up the privacy that he would have had in the sanctuary of the home. The opinion makes no mention of any requirement that the person know who else might be in that public place. The *Santana* defendant had no knowledge of the officers' approach as she went to her doorway and made an ineffective retreat once she found they were seeking her. The opinions in *Patton* and *Schreiber*

20. *Id.* at 1078 (citing United States v. Winsor, 816 F.2d 1394, 1399 (9th Cir. 1987)).
21. *Id.* at 1077-81.
22. *Id.* at 1080.
23. *Id.* at 1077-81.
24. *See, infra*, note 25.
25. 482 N.E.2d 223 (Ill. App. Ct. 1985).
26. *Id.* at 223.
27. *Id.*
28. *Id.*

> [two earlier Illinois cases dealing with warrantless doorway arrests] make no mention of the defendant in either of those cases knowing that police were at the door when they went to the doorway.[29]

Thus, the court borrowed the idea from *Santana* that when a person places herself in a position where she can be seen by the public, she has relinquished the privacy that *Payton* tries to protect. Of course, the *Santana* court is far from clear as to whether it would have viewed the situation differently if the defendant had remained inside the home and had come to the door in response to a knock from the police. Nevertheless, courts permitting warrantless doorway arrests commonly take this view of *Santana*.

Most of the cases upholding warrantless doorway arrests involved a situation such as in *Graves*. In *Graves*, the defendant came to the front door not knowing that it was the police knocking on the door, or not having been coerced by the police into coming to the door, or deceived as to who would be at the door.[30] Most of these cases also speak of the defendant having come to the door voluntarily, thereby creating a presumption that the warrantless arrest would be invalid if the police had coerced the defendant.

This presumption was borne out in *United States v. Morgan*.[31] In that case, the police wanted to arrest Morgan at his mother's home on a firearms charge.[32] They were warned by an informant that Morgan was overheard saying that he would shoot any law enforcement officer who tried to arrest him.[33] Consequently, the police surrounded the house of Morgan's mother, trained several spotlights on the home, and used bullhorns to inform Morgan that he should come out of the house peacefully because the house was surrounded by police.[34] The court found unconstitutional the warrantless arrest that occurred just outside the home.[35] In response to the government's argument that the *Payton* rule was not violated because Morgan was not arrested inside his mother's home, the court indicated that:

> "it cannot be said that [Morgan] voluntarily exposed himself to a warrantless arrest" by appearing at the door.[36] On the contrary, Morgan appeared at the door only because of the coercive police behavior taking place outside of the house .... Viewed in these terms, the arrest of Morgan occurred while he was present inside a private home. Although there was no direct police entry into the Morgan home prior to Morgan's arrest, the constructive entry accomplished the same thing, namely, the arrest of Morgan. Thus, the warrantless arrest of Morgan, as he stood within the door of a private home, after emerging in

29. *Id.* at 225.
30. *Id.* at 223.
31. 743 F.2d 1158 (6th Cir. 1984).
32. *Id.* at 1160.
33. *Id.*
34. *Id.* at 1161.
35. *Id.*
36. *Id.* (quoting United States v. Johnson, 626 F.2d 753 (9th Cir. 1980)).

> response to coercive police conduct, violated Morgan's fourth amendment rights. A contrary rule would undermine the constitutional precepts emphasized in Payton.[37]

Similarly, it has been found that the same result will occur if the police use deception to secure the defendant's presence at the front door. In *United States v. Johnson*,[38] the police knocked on Johnson's front door and used fictitious names to identify themselves.[39] The court found that the warrantless arrest that occurred when Johnson appeared in the doorway was a violation of the *Payton* rule because

> it cannot be said that Johnson voluntarily exposed himself to warrantless arrest by opening his door to agents who misrepresented their identities. In light of the strong language by the Court in *Payton* emphasizing the special protection the Constitution affords to individuals within their homes, we find that the warrantless arrest of Johnson, while he stood within his home, after having opened the door in response to false identification by the agents, constituted a violation of his Fourth Amendment rights.[40]

Thus, these cases collectively create an approach to the constitutionality of warrantless doorway arrests. This approach holds that such arrests are permissible even when the defendant came to the door in response to a police knock and even when the defendant was standing behind the threshold. The only exception to this approach would be where the defendant's appearance at the door was secured through the use of force or deception on the part of the police.

The second basic approach taken by lower court cases does not permit warrantless doorway arrests when the defendant is still standing behind the threshold unless the defendant acquiesces to the arrest. Perhaps the leading case taking this approach is *United States v. Berkowitz*.[41] In that case, IRS agents and the defendant gave conflicting testimony as to whether the agents had arrested the defendant before or after they entered his home.[42] The court indicated that if the IRS version was accurate, the warrantless arrest of Berkowitz would be constitutional because he had acquiesced in the arrest.[43] In its insistence that acquiescence by the defendant was necessary to make the warrantless arrest valid, the court indicated that:

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37. *Morgan*, 743 F.2d at 1166.
38. *Johnson*, 626 F.2d 753.
39. *Id.* at 755.
40. *Id.* at 757.
41. 927 F.2d 1376 (7th Cir. 1991).
42. *Id.* at 1380.
43. The court is not perfectly clear as to how Berkowitz acquiesced under the government's version of the facts. However, the court states the government's claim as being that "the IRS agents asserted their authority to arrest before entering Berkowitz's home, and . . . Berkowitz did not resist their authority." *Id.* at 1385. Although the court purports to create a stringent rule concerning warrantless doorway arrests by requiring acquiescence on the part of the defendant, its apparent willingness to infer acquiescence from a failure to resist police authority is somewhat distressing.

> [a]s the Court noted in *Payton*, there is no place where a person's expectation of privacy is greater than in his own home . . . . A person does not abandon this privacy interest in his home by opening his door from within to answer a knock. Answering a knock at the door is not an invitation to come in the house. We think society would recognize a person's right to choose to close his door on and exclude people he does not want within his home. This right to exclude is one of the most—if not the most—important components of a person's privacy expectation in his home.[44]

Another judge, dissenting in the court's holding in *State v. Santiago*,[45] put it this way:

> We answer our doorbells under a variety of circumstances, ranging from the situation where we expect a visit by family or friends, to the unexpected and unwanted attempted intrusion of the door-to-door solicitor. We open the door in a variety of ways and to a variety of degrees, ranging from the opening wide in order to welcome the visiting friend, to the wary and narrow opening in order to ward off politely but firmly the unwelcome stranger. When we open the door, we may stand just inside the threshold or may place ourselves squarely thereon. In all of these situations, however, we do not abandon our right to close the door and exclude the person at the door simply because we have opened it and are standing there briefly. By opening the door in response to a ring or knock, and standing there briefly so that our feet are on the threshold rather than just inside it, we do not abandon our heightened expectation of privacy in our homes and place ourselves in a public place.[46]

Thus, under this second approach to the issue of warrantless doorway arrests, if police go to a person's home to make an arrest without a warrant, they take a greater risk of being unable to complete the arrest than they do under the first approach. Under the first approach, the police may still arrest even the resistant arrestee without a warrant so long as that person does not flee inside the home. Under the second approach, however, resistance would be construed as a failure to acquiesce, and the arrest under such circumstances would be invalid.

IV. AN EVALUATION

It may seem to some readers that all this discussion about whether warrantless doorway arrests are constitutional is a lot of wasted energy. After all, both approaches discussed above agree that the police may arrest, without a warrant, persons standing just outside the doorway to their homes. Additionally, under both approaches, the police may not arrest, without a warrant, persons inside their homes at the time of the arrest (unless, of course, the police have been given consent to enter or exigent circumstances exist). Thus, the disagreement really revolves around less than five feet of geography.

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44. *Id.* at 1387.
45. 619 A.2d 1132 (Conn. 1993).
46. *Id.* at 1142-43.

In the law, it is always the resolution of "close cases" or cases "at the margins" that help to better focus one's vision of the real purposes behind the law. The issue under discussion here is no different. The key to sorting out the warrantless doorway arrest cases is unquestionably a clear vision of the purpose behind the *Payton* rule. It certainly is no mystery that this purpose is to protect the privacy of the home.

The real mystery is that so few of the cases dealing with the warrantless doorway arrest issue truly come to grips with *Payton*'s purpose. Many of the lower court cases never mention the importance of the privacy interest, and, as we have seen, many that do mention it do so in such an off-hand, superficial manner, that they might just as well have ignored it.

How should the courts deal with this issue? Since the clear interest at stake here is a desire to protect the privacy of the home, it is that desire that should be the starting point of the analysis. How does *Payton* protect that interest? *Payton*, of course, does not prohibit arrests in the home; it only requires that they be carried out with an arrest warrant. Presumably, the requirement that the police obtain an arrest warrant serves two purposes: 1) it ensures that the determination made by the police that they have probable cause to arrest will be double-checked by a neutral and detached magistrate *before* the privacy of the home has been invaded by the police; and 2) it provides the residents of the home greater confidence that, in fact, the officer has authority to enter the home.[47]

To ensure that both of these purposes are served, the cases should maximize the incentive for the police to arrest at a home with a warrant, without unreasonably hampering the police in their crime control efforts. When the rule is that the police may arrest even a resistant person in the doorway of his home without a warrant, so long as the person does not retreat into the home, and so long as the police do not use deception or force to get the person to answer his door, the police are not provided sufficient incentive to seek an arrest warrant first. The police know that: 1) they will probably not need to use force or deception to get the person they want to arrest to answer his door; and 2) once the person answers the door, he is not likely to run back into the home.

On the other hand, if the rule is that the police will not be able to effectuate the arrest without a warrant unless the person they want to arrest answers the door *and* acquiesces in the arrest, the police have a greater incentive to obtain an arrest warrant first. First, they know that someone other than the person they want to arrest may answer the door and refuse either to let them in or to tell them whether the putative arrestee is in the home (a risk that the police run even under the more lenient approach taken by some courts). Second, while few putative arrestees will retreat into the home when confronted by the arresting officer, a substantially greater number will refuse to go quietly.

Even this stricter approach taken by some courts fails to provide the police sufficient incentive to seek an arrest warrant. Consequently, the courts should add

47. Payton v. New York, 445 U.S. 573 (1980).

an additional requirement. The police should also be required to inform the person they want to arrest that the law does not require the person to go along and that the officer can be forced to obtain an arrest warrant first.

One response to this requirement might be that it *would* unreasonably hamper the police, because it is difficult to imagine many putative arrestees who would agree to go along with the police after being told that they do not have to go along. However, it is difficult to see why this would unduly hamper the police. In *all* the warrantless doorway arrest cases cited in this Article, the police had time to obtain a warrant before going to the defendant's home to arrest him. Under the *Payton* rule, if exigent circumstances exist, an arrest warrant is not needed. Exigent circumstances exist when the police do not have time to get a warrant. Thus, the requirement advocated in this Article should not hamper the police at all. Instead, the requirement has the effect of clarifying the *Payton* rule by making it clear that the police need an arrest warrant in order to confidently arrest a person at his home. Such an approach provides the police with a very strong incentive to obtain an arrest warrant in order to arrest a person at his home.

V. ADDITIONAL POLICE INCENTIVES

Before concluding this discussion, it is worth mentioning that there are at least two additional incentives for police departments to establish an internal rule that arrests at homes must always be carried out with an arrest warrant, absent exigent circumstances. The first reason relates to community relations. A police department would be wise to educate the public about the legal leeway the police have to make some arrests at the arrestee's home without a warrant. The police department should then explain that it recognizes the importance of the privacy that its citizens have in their homes. Based on those interests, the police department has established a rule that its officers must obtain an arrest warrant in *all* cases where the officer intends to make an arrest at a home, even though the law does not require the police to go this far. This has the benefit of demonstrating to the public that the department takes the privacy of citizens so seriously that it is willing to impose on itself a rule that the law does not require.

The second reason for a police department to require its officers to obtain an arrest warrant in all cases of non-exigent arrests made at a home is even more practical. In 1984, in the case of *United States v. Leon*,[48] the Supreme Court held that if the police properly execute a search warrant, and it is later determined that the magistrate lacked probable cause to issue the warrant, any evidence seized in the execution of the warrant can be used against the defendant at trial.[49] In effect, this case creates a good faith exception to the exclusionary rule when the police searched with a defective warrant.

This limited good faith exception to the exclusionary rule does not apply when the police search without a warrant. In other words, if the police conduct a war-

48. 468 U.S. 897 (1984).
49. *Id.* at 922-26.

rantless search based on exigent circumstances, there must be probable cause to think contraband or evidence of a crime will be found. If a judge at a suppression hearing later rules that the police lacked probable cause to search, the fruits of the search will be inadmissible at the defendant's trial.

Even though the Supreme Court has yet to apply the *Leon* rule to cases involving arrests rather than searches, the rationale used by the Court in *Leon* is equally applicable to arrest cases. Therefore, it seems quite likely that the limited good faith exception for searches conducted with a defective warrant would be extended to arrests made with a defective warrant as well. As a result, if an officer makes a warrantless arrest in the doorway of a home without violating the *Payton* rule, conducts a search incident to the arrest, and finds evidence of a crime, a judge may conclude that the officer lacked probable cause to make the arrest and thus suppress the evidence. If the arrest had been made with a warrant, the *Leon* rule would allow the evidence to be used at trial in spite of the absence of probable cause to arrest.

VI. CONCLUSION

The efforts of lower courts to resolve the issue of whether the police may make warrantless doorway arrests have resulted in inconsistent approaches. Some courts permit the police to make such arrests, so long as they do not use coercion or deception in bringing the arrested person to the doorway. Other courts disallow such warrantless arrests unless the arrestee acquiesces in the arrest.

This Article has argued that the latter approach is the better of the two. However, the latter approach does not go far enough in protecting the important interest in the privacy of the home. The courts should go further and require the police to inform persons who are about to be arrested in the doorway of their homes that they have the right to require the police to obtain a warrant to carry out the arrest. The effect of such a rule would be to virtually require the police to have a warrant to make doorway arrests. Even in the absence of such a judicially-imposed requirement, police departments would be well-advised, for public relations purposes, to impose the rule on themselves.

TABLE

POSITIONS ON WARRANTLESS DOORWAY ARREST ISSUE, BY JURISDICTION

Jurisdictions finding the arrest unconstitutional

Federal jurisdictions:

Fourth Circuit Court of Appeals
Seventh Circuit Court of Appeals
Eighth Circuit Court of Appeals
Middle District of Pennsylvania
Middle District of Tennessee

State jurisdictions:

New Hampshire Supreme Court
Tennessee Supreme Court
Nebraska Supreme Court
Arkansas Supreme Court
Washington Supreme Court
Nevada Supreme Court
Maryland Court of Special Appeals

Jurisdictions upholding the constitutionality of warrantless doorway arrests

Federal jurisdictions:

Fifth Circuit Court of Appeals
Ninth Circuit Court of Appeals
Tenth Circuit Court of Appeals
Eastern District of Washington

State jurisdictions:

Connecticut Supreme Court
Kentucky Supreme Court
Minnesota Supreme Court
Florida Supreme Court
Illinois Court of Appeals
Supreme Court of New York, Appellate Division

TABLE OF CASES INVOLVING WARRANTLESS DOORWAY ARRESTS

Payton v. New York, 445 U.S. 573 (1980)(holding seizure in home illegal)
U.S. v. Leon, 468 U.S. 897 (1984)(holding evidence admissible when warrant found invalid)
U.S. v. Herrold, 772 F. Supp. 1483 (M.D. Pa. 1991)(finding arrest illegal)
U.S. v. McCool, 526 F. Supp. 1206 (M.D. Tenn. 1981)(finding arrest legal)
U.S. v. Ostin, 858 F. Supp. 1075 (E.D. Wash. 1994)(finding arrest legal in hotel)
U.S. v. McCraw, 920 F.2d 224 (4th Cir. 1990)(finding arrest illegal in hotel room)
U.S. v. Mason, 661 F.2d 45 (5th Cir. 1981)(finding arrest legal)
U.S. v. Carrion, 809 F.2d 1120 (5th Cir. 1987)(finding search legal)
U.S. v. Morgan, 743 F.2d 1158 (6th Cir. 1984)(finding no exigent circumstances)
U.S. v. Berkowitz, 927 F.2d 1376 (7th Cir. 1991)(remanding for legality issue)
Duncan v. Storie, 869 F.2d 1100 (8th Cir. 1989)(denying summary judgement)
U.S. v. Johnson, 626 F.2d 753 (9th Cir. 1980)(finding arrest illegal through misidentification of police at door)
U.S. v. Vaneaton, 49 F.3d 1423 (9th Cir. 1995)(finding arrest legal in hotel)
U.S. v. Whitten, 706 F.2d 1000 (9th Cir. 1983)(finding entry into home legal but not into hotel room)
McKinnon v. Carr, 103 F.3d 934 (10th Cir. 1996)(holding arrest valid)
Scroggins v. State, 633 S.W.2d 33 (Ark. 1982)(finding hotel room arrest illegal)
State v. Santiago, 619 A.2d 1132 (Conn. 1993)(finding arrest legal)
Byrd v. State, 481 So. 2d 468 (Fla. 1985)(holding arrest legal)
People v. Morgan, 447 N.E.2d 1025 (Ill. App. Ct. 1983)(finding valid arrest)
People v. Patton, 460 N.E.2d 851 (Ill. App. Ct. 1984)(finding valid arrest)
People v. Shrieber, 432 N.E.2d 1316 (Ill. App. Ct. 1984)(finding valid arrest)
People v. Graves, 482 N.E.2d 223 (Ill. App. Ct. 1985)(holding valid arrest)
People v. Hall, 518 N.E.2d 275 (Ill. App. Ct. 1987)(finding valid arrest)
People v. Wolff, 538 N.E.2d 610 (Ill. App. Ct. 1989)(finding valid arrest)
Smith v. State, 531 A.2d 302 (Md. Ct. Spec. App. 1987)(finding arrest illegal)
State v. Patricelli, 324 N.W.2d 351 (Minn. 1982)(finding no warrant required)
State v. Howard, 373 N.W.2d 596 (Minn. 1985)(finding arrest legal)
State v. George, 317 N.W.2d 76 (Neb. 1982)(finding arrest illegal)
State v. Morse, 480 A.2d 183 (N.H. 1984)(finding arrest illegal in hotel room)
Edwards v. State, 808 P.2d 528 (Nev. 1991)(holding search illegal)
People v. Nonni, 530 N.Y.S.2d 205 (App. Div. 1988)(finding valid arrest)
People v. Anderson, 536 N.Y.S.2d 543 (App. Div. 1989)(finding valid arrest)
People v. Rosario, 579 N.Y.S.2d 12 (App. Div. 1992)(finding valid arrest)
People v. Francis, 619 N.Y.S.2d 71 (App. Div. 1994)(finding valid arrest)
People v. Min Chul Shin, 607 N.Y.S.2d 369 (App. Div. 1994) (holding valid arrest)
People v. Schiavo and B & S Salvage, 623 N.Y.S.2d 273 (App. Div. 1995) (finding valid arrest)
State v. Clark, 844 S.W.2d 597 (Tenn. 1992)(finding search illegal)
State v. Holeman, 693 P.2d 89 (Wash. 1985)(finding arrest illegal)