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COMMONWEALTH v. Dequan MARTIN

The Appeals Court of Massachusetts

Decided July 6, 2017

POINT(S) OF LAW:

A warrantless entry into a home when pursuing a suspect involved in a civil marijuana violation is unlawful.

FACTS:

On April 11, 2012, at approximately 8:50 P.M., two undercover Boston police officers came across a parked motor vehicle in the Dorchester section of Boston containing three individuals in the process of consuming marijuana. The officers began identifying the occupants and questioned them about their criminal history. The defendant, Dequan MARTIN, appeared extremely nervous. He claimed that he was going to vomit and exited the car. A woman, later identified as MARTIN's mother, walked over and inquired what was going on. Moments later MARTIN took off running with officers in chase.

MARTIN ran into the side door of a nearby home without using force or a key. He was chased into the home where he was tackled. A firearm was found in his possession. It was later determined that the residence entered was the defendant's residence.

Defendant's argument:

The defendant argued that the police entered his home unlawfully.

Rule of Law:

Warrantless entries into the home are prohibited by the Fourth Amendment to the United States Constitution and art. 14 of the Massachusetts Declaration of Rights absent either probable cause and exigent circumstances, or consent.¹

"A variety of circumstances may give rise to an exigency sufficient to justify a warrantless search, including law enforcement's need to . . . engage in 'hot pursuit' of a fleeing suspect."² "This exception effectuates the principle that 'a suspect may not defeat an arrest which has been set in motion in a public place . . . by the expedient of escaping to a private place.'"³

The Commonwealth bears the "heavy burden," in the absence of consent, of justifying a warrantless entry by establishing both probable cause and exigent circumstances.⁴

This exception is based on the limiting principle that the grounds for entering a dwelling in hot pursuit of one fleeing arrest were set in motion in a "public place."⁵ Put another way, the grounds for arrest must have been in place prior to the warrantless police entry. The exception is further limited to the capture of "an individual suspected of committing a **jailable misdemeanor or felony**."⁶

Application of law to this case:

Here, the officers' pursuit of the defendant commenced with probable cause to issue a citation for **civil marijuana possession**, which is not a jailable misdemeanor.

¹ Commonwealth v. Rogers, 444 Mass. 234, 236 (2005).

² Missouri v. McNeely, 133 S. Ct. 1552, 1558 (2013), citing United States v. Santana, 427 U.S. 38, 42-43 (1976).

³ Commonwealth v. Jewett, 471 Mass. 624, 631 (2015), quoting from Santana, supra at 43.

⁴ Jewett, supra at 628. See Commonwealth v. Tyree, 455 Mass. 676, 684 (2010).

⁵ United States v. Santana, 427 U.S. 38, 42-43 (1976).

⁶ Commonwealth v. Jewett, 471 Mass. 632-633 (2015).

Conclusion:

The entry was unlawful and therefore the evidence must be suppressed.

Attorney Hanrahan's Comment:

The prosecution also argued that since Martin ran into a near-by house the officers could pursue him based on the fact that he could have been committing a B&E offense (arrestable) in their presence and thus the pursuit inside the home was lawful. The Appeals Court ruled that the officers lacked probable that an arrestable offense occurred. Martin was parked in front of a residential neighborhood, a woman approached the scene and identified herself as Martin's mother, and he entered the home without force and without a key. This argument may have been more persuasive had the circumstances been different; for instance, if there was a vehicle pursuit that was initiated from a distance away and the defendant ran from a car and into the home (i.e. not parked in front of a home) and the mom had not walked up to the officers.

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