No. 24-624

IN THE

Supreme Court of the United States

WILLIAM TREVOR CASE,

Petitioner,

v.

MONTANA

Respondent.

ON WRIT OF CERTIORARI TO THE MONTANA SUPREME COURT

BRIEF OF THE MONTANA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF THE *AMICUS CURIAE*[1]

The Montana Association of Criminal Defense Lawyers (MTACDL) is an affiliate of the National Association of Criminal Defense Lawyers. The MTACDL was formed to ensure justice and due process for persons accused of crimes, to foster the integrity, independence, and expertise of the criminal defense profession, and to promote the proper and fair administration of criminal justice. MTACDL files amicus briefs in state and federal courts on the request of its membership and at the request of the courts seeking to provide assistance in cases that present issues of broad importance to criminal defendants, criminal defense lawyers, and the criminal justice system as a whole.

MTACDL is keenly interested in Fourth Amendment jurisprudence, particularly in the context and the scope of exceptions to the warrant requirement, and the prospect of authority for ostensibly non-criminal investigative searches serving as a tool for evading the warrant requirement for criminal investigations.

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[1] Pursuant to Supreme Court Rule 37.6, Amicus states that this brief was prepared in its entirety by *amicus curiae* and its counsel. No monetary contribution toward the preparation or submission of this brief was made by any person other than *amicus curiae* and its counsel.

SUMMARY OF THE ARGUMENT

Since *Payton* nearly fifty years ago, it has been plain: "police officers need either a warrant or probable cause plus exigent circumstances in order to make a lawful entry into a home." *Kirk v. Louisiana*, 536 U.S. 635, 638 (2002) (citing *Payton v. New York*, 445 U.S. 573, 590 (1980)). *Payton*'s rule comports with common sense. A warrant reflects a magistrate's detached and neutral judgment that a government official has established probable cause and may enter a home. *Johnson v. United States*, 333 U.S. 10, 13–14 (1948).

True, sometimes exigent circumstances require immediate action: "People could well die in emergencies if police tried to act with the calm deliberation associated with the judicial process." *Wayne v. United States*, 318 F.2d 205, 212 (D.C. Cir. 1963) (Burger, J.). Thus, when an emergency presents, "it [is] reasonable, within the meaning of the Fourth Amendment, to dispense with the warrant requirement." *Kentucky v. King*, 563 U.S. 452, 462 (2011). But it is never reasonable to dispense of the Fourth Amendment's demand any entry into the home must be supported by probable cause probable cause.

I. When it comes to the home, the Fourth Amendment does not make any compromises: If there is no probable cause, there is no entry.

II. The Montana Supreme Court, and its sister jurisdictions that permit warrantless entries into the home based on reasonable suspicion, are wrong. The reasonable suspicion standard arises from *Terry v. Ohio*; it is limited to street policing and analogous

contexts. 392 U.S. 1, 9 (1968). But "when it comes to the Fourth Amendment, the home is first among equals." *Florida v. Jardines*, 569 U.S. 1, 6 (2013). Reasonable suspicion has no place in the home.

III. The Fourth Amendment also shares a close relationship with the Second Amendment. *See District of Columbia v. Heller*, 554 U.S. 570, 579 (2008). Both Amendments reflect a person's natural right to be safe in—and to protect—their castle. *See Silverman v. United States*, 365 U.S. 505, 511 n.4 (1961); *see also Heller*, 554 U.S. at 628. In this case, and in many others, police enter homes without a warrant based on mere suspicion of an emergency because a gun is in the home. That is wrong under the Fourth Amendment. And it weakens the Second Amendment's protections too. The reasonable suspicion standard places the Fourth Amendment and Second Amendment at war.

ARGUMENT

I. The Fourth Amendment requires all home entries to be supported by probable cause.

1. The Fourth Amendment's "very core" is "the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion." *Collins v. Virginia*, 584 U.S. 586, 592 (2018) (citation omitted). Indeed, "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." *United States v. U.S. Dist. Ct.*, 407 U.S. 297, 313 (1972). The Fourth Amendment thus draws "a firm line at the entrance to the house." *Payton v. New York*, 445 U.S. 573, 590 (1980). Without consent or exigent circumstances—exceptions that

are "jealously and carefully drawn," *Georgia v. Randolph*, 547 U.S. 103, 109 (2006) (citation omitted)—government intrusions into the home require a particularized warrant "supported by probable cause," *Payton*, 445 U.S. at 584.

But "[n]othing in the Fourth Amendment" forbids an officer from carrying out their duty to "prevent[] violence," "restor[e] order," and "render[] first aid to casualties." *Brigham City v. Stuart*, 547 U.S. 398, 406 (2006). Indeed, "the ultimate touchstone of the Fourth Amendment is reasonableness." *Id.* at 403. Sometimes "it [is] reasonable, within the meaning of the Fourth Amendment, to dispense with the warrant requirement." *Kentucky v. King*, 563 U.S. 452, 462 (2011).

To ensure that the exigent circumstances exception remains an exception, it is "strictly circumscribed," *Georgia v. Randolph*, 547 U.S. 103, 113 n.3 (2006) (citation omitted), and must "be supported by a genuine exigency," *King*, 563 U.S. at 470. In *Brigham City*, for example, the Court held that the exigency of "emergency aid" requires officers to have "an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury." *Brigham City v. Stuart*, 547 U.S. 398, 400, 402 (2006). That is, the police must "reasonably believe that a person within is in need of immediate aid" and therefore must quickly act "to protect or preserve life or avoid serious injury." *Mincey*, 437 U.S. at 392. Or put simply, certain emergencies demand immediate action—if the Fourth Amendment were to handcuff an officer in these circumstances, that would be unreasonable.

2. The probable cause requirement is uncompromising. It persists even in the face of exigent circumstances. *See Kirk v. Louisiana*, 536 U.S. 635, 638 (2002). *Payton* is instructive. 445 U.S. at 590. At issue there was whether a state statute that authorized officers to "enter a private residence without a warrant … to make a routine felony arrest" violated the Fourth Amendment. *Id.* at 574. After surveying the Founding-era common law, the Court reiterated "the well-settled common-law rule that a warrantless arrest in a public place is valid if the arresting officer had probable cause to believe the suspect is a felon." *Id.* at 590 (citing *United States v. Watson*, 423 U.S. 411 (1976)). But because "the Fourth Amendment has drawn a firm line at the entrance to the house," a warrantless arrest in the home is unreasonable "[a]bsent exigent circumstances." *Id.* "*Payton* makes plain, police officers need either a warrant or probable cause plus exigent circumstances in order to make a lawful entry into a home." *Kirk*, 536 U.S. at 638.

Brigham City adheres *to Payton*'s plain rule. That case arose "out of a melee that occurred … [a]t about 3 a.m." *Brigham City v. Stuart*, 547 U.S. at 400. After observing "two juveniles drinking beer in the backyard," the officers "entered the backyard, and saw—through a screen door and windows—an altercation taking place in the kitchen of the home." *Id.* at 401. Before entering the home, the officers witnessed "four adults" struggle "to try to restrain the juvenile" involved in the altercation—indeed, at one point, the juvenile "broke free, swung a fist and struck one of the adults in the face." *Id.* Because of this strike, the adult began to "spit[] blood into a nearby

sink." *Id.* Ultimately, the officers entered the home after one adult pressed the juvenile "against a refrigeration with such force that the refrigerator began moving across the floor." *Id.* Once the occupants were "aware that the police were on the scene, the altercation ceased." *Id.*

The "officers' entry [there] was plainly reasonable under the circumstances." *Id.* at 406. "Nothing in the Fourth Amendment required" the officers "to wait until another blow rendered someone 'unconscious' or 'semi-conscious' or worse before entering." *Id.* The officers "had an objectively reasonable basis for believing both that the injured adult might need help and that the violence in the kitchen was just beginning." *Id.*

3. *Brigham City* recognizes that a warrantless entry is reasonable when there is a "need for official action and no time to secure a warrant." *Michigan v. Tyler*, 436 U.S. 499, 509 (1978); *see also Minnesota v. Olson*, 495 U.S. 91, 100 (1990). Said differently, a warrantless entry is reasonable when the facts establish probable cause.

Indeed, when emergencies arise, there is not enough time for the magistrate's deliberate and impartial fact checking. "People could well die in emergencies if police tried to act with the calm deliberation associated with the judicial process." *Wayne v. United States*, 318 F.2d 205, 212 (D.C. Cir. 1963) (Burger, J.).

But there is always time to develop probable cause. That is because the warrant does not establish probable cause—it verifies it. The warrant

requirement does not deny "law enforcement the support of the usual inferences which reasonable men draw from evidence." *Johnson v. United States*, 333 U.S. 10, 13–14 (1948). Rather, the Fourth Amendment's protection demands that "those inferences be drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime." *Id.* at 14. Thus, the warrant reflects the Constitution's requirement "that the deliberate, impartial judgment of a judicial officer be interposed between the citizen and the police." *Katz v. United States*, 389 U.S. 347, 357 (1967). Or put differently, the warrant requirement ensures that a future entry is, indeed, supported by probable cause. *Cf. Wyoming v. Houghton*, 526 U.S. 295, 300 (1999) (equating the Framers understanding as "reasonable" with a finding of "probable cause"). The warrant is not, itself, probable cause.

So the "core question" when evaluating whether a "warrantless entry" is based on "exigent circumstances" is "whether the facts, as they appeared at the moment of entry, would lead a reasonable, experienced officer, to believe that there was an urgent need to render aid." *Chamberlain v. City of White Plains*, 960 F.3d 100, 106 (2d Cir. 2020) (internal citations and quotations omitted). And the entry is "reasonable" where "law enforcement has probable cause to believe that a person is 'seriously injured or threatened with such injury.'" *Id.* at 105 (quoting *Brigham City*, 547 U.S. at 403)). "The mere possibility of danger is insufficient." *Id.* (internal quotation marks and citation omitted).

II. Reasonable suspicion applies in the context of street policing, not home entries.

1. Time and again, this Court has rejected arguments that permit government intrusions into the home based on anything less than probable cause. Start with *Tyler*. 436 U.S. 499 (1978). There, the Court rejected Michigan's argument "that an entry to investigate the cause of a recent fire is outside" of the Fourth Amendment's protection. *Id.* at 505. Probable cause is necessary even if "the official conducting the search wears the uniform of a firefighter rather than a policeman, or because his purpose is to ascertain the cause of a fire rather than to look for a crime," the Court held. *Id.* at 406.

Next consider *Mincey*. 437 U.S. 385 (1978). While recognizing "that a possible homicide presents an emergency situation demanding immediate action," the Court rebuked Arizona's attempt to create a "generic exception" permitting a warrantless entry whenever a home doubled as a "homicide scene." *Id.* at 391, 392. That "very argument" was already "rejected when it was advanced to support the warrantless search of a dwelling where a search occurred as 'incident' to the arrest of its occupant." *Id.* at 391 (citing *Chimel v. California*, 395 U.S. 752, 766 n.12 (1969)).

Collins is a more recent example. 584 U.S. 586 (2018). In that case, Virginia sought to expand "the scope of the automobile exception" such that an officer would have "the right to enter a home or its curtilage to access a vehicle without a warrant." *Id.* at 595. Yet again, no luck: "Expanding the scope of the

automobile exception in this way would both undervalue the core Fourth Amendment protection afforded to the home and its curtilage and untether the automobile exception from the justifications underlying it." *Id.* *Collins* further grounds its reasoning in additional decisions in which the Court "declined to expand the scope of other exceptions to the warrant requirement to permit warrantless entry into the home." *Id.* (citing *Horton v. California*, 496 U.S. 128, 136–37 (1990) (declining to extend the plain view doctrine), *G.M. Leasing Corp. v. United States*, 429 U.S. 338, 354 (1977) (same), *Soldal v. Cook County*, 506 U.S. 56, 66 (1992) (same)).

2. Montana's attempt to weaken the Fourth Amendment's protections goes even further than the myriad other attempts that have failed. In its BIO, Montana appears to concede that a warrantless entry into the home requires probable cause because, in its view, every circuit, effectively, applies a probable cause standard. *See* Brief in Opposition at 16–20; *but see Hill v. Walsh*, 884 F.3d 16, 23 (1st Cir. 2018) ("[W]e hold that the government need not show probable cause."). Yet still, Montana maintains that the decision below—which concededly did not apply a probable cause standard—correctly held that officers acting in a "caretaker's capacity" with "reasonable" grounds for suspicion may make a warrantless home entry "that would otherwise be forbidden for lack of criminal activity and probable cause." Pet. App. 15a. Montana is wrong twice over.

a. There is a world of difference between probable cause—which requires a reasonable belief—and reasonable suspicion—which merely requires a reasonable possibility. *Ornelas* is instructive:

Reasonable suspicion is "a particularized and objective basis for suspecting the person stopped of criminal activity." 517 U.S. 690, 696 (1996) (citing *United States v. Cortez*, 449 U.S. 411, 417–18 (1981)). This is a "less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence." *Illinois v. Wardlow*, 528 U.S. 119, 123 (2000). But probable cause, *Ornelas* continues, exists "where the known facts and circumstances are sufficient to warrant a man of reasonable prudence in the belief that contraband or evidence of the crime will be found." 517 U.S. at 696.

"Of course, the specific content and incidents of [the Fourth Amendment] right must be shaped by the context in which it is asserted." *Terry v. Ohio*, 392 U.S. 1, 9 (1968). The doctrinal contexts and applications between probable cause and reasonable suspicion are even wider. Probable cause, as explained, is grounded in the Fourth Amendment's staunch protections of the home. But reasonable suspicion arises from street policing—a context that involves far different historical and material circumstances than one's home.

True, the exigent circumstances exception and *Terry* share the understanding that "swift action" "as a practical matter" cannot be "subjected to the warrant procedure." *Terry*, 392 U.S. at 20. So the conduct involved in these scenarios "must be tested by the Fourth Amendment's general proscription against unreasonable searches and seizures." *Id.* But that is where the similarities end.

Terry, and its reasonable suspicion progeny, recognize that police have a general right to "approach a person for the purposes of investigating possibly

criminal behavior even though there is no probable cause to make an arrest." *Id.* at 22. Likewise, the Fourth Amendment incorporates "the ancient common-law rule that a peace officer [is] permitted to arrest without a warrant for a misdemeanor or felony committed in his presence as well as for a felony not committed in his presence if there was reasonable ground for making the arrest." *United States v. Watson*, 423 U.S. 411, 418 (1976). And governmental interests are weighed only against the Fourth Amendment's protections of the "person." *Terry*, 392 U.S. at 24–25.

But the government has no general interest in entering a person's home: "when it comes to the Fourth Amendment, the home is first among equals." *Florida v. Jardines*, 569 U.S. 1, 6 (2013). Police do not enjoy a general right to enter homes based on mere suspicion of criminal behavior. *Payton*, 445 U.S. at 590. Nor is there a general right to arrest a person in their home without a warrant absent exigent circumstances. *Id.* "At the Amendment's very core stands the right of a man to retreat into his home and there be free from unreasonable government intrusion." *Jardines*, 569 U.S. at 6. "A sane, decent civilized society must provide some such oasis, some shelter from public scrutiny, some insulated enclosure, some enclave, some inviolate place which is a man's castle." *Silverman v. United States*, 365 U.S. 505, 511 n.4 (1961).

b. The decision below is wrong. At the crux of the Montana Supreme Court's reasoning is the erroneous conclusion that "[w]hen a warrantless entry is wholly divorced from a criminal investigation and is otherwise reasonable … the probable cause element is

superfluous and should not impede an officer's duty to ensure the wellbeing of a citizen in imminent peril." Pet.App.14a.

Tyler rejects this rule. Whether an entry is divorced from a criminal investigation is "irrelevant to the question whether the inspection is reasonable within the Fourth Amendment." *Tyler*, 436 U.S. at 505. And as explained, under the emergency aid exception, a warrantless home entry is reasonable only if there is probable cause of imminent danger. To characterize the probable cause inquiry as superfluous merely begs the relevant question: What is the government's burden to establish "reasonableness"?

And there's the rub. Under the Montana Supreme Court's decision, where there are "objective, specific, and articulable facts from which an experienced officer would suspect that a citizen is in need of help," the warrantless intrusion is "reasonable." Pet.App.16a. But this confirms that the Montana Supreme Court is applying a standard that applies only in the context of street policing—it cannot be extended to evaluating warrantless home entries.

III. A reasonable suspicion standard interferes with the Second Amendment's right to bear arms in the home.

1. The Second and Fourth Amendments are closely linked. *See District of Columbia v. Heller*, 554 U.S. 570, 579 (2008) (recognizing that the First, Second, and Fourth Amendments uniquely speak to a "right of the people"). As explained, the Fourth Amendment's fierce protection of the home reflects

the general principle that the home "is a man's castle." *Silverman*, 365 U.S. at 511 n.4; *see also Randolph*, 547 U.S. at 115. This principle likewise underlies "the inherent right of self-defense" that is "central to the Second Amendment." *Heller*, 554 U.S. at 628. Indeed, the "right to bear arms" in the "home, where the need for defense of self, family, and property is most acute" is at its height. *Id.* at 628–29. And this right, *Heller* made clear, "is deeply rooted in this Nation's history and tradition." *McDonald v. City of Chicago*, 561 U.S. 742, 768 (2010).

Even though the Second and Fourth Amendments share an underlying principle—the home is a safe haven, and people have a right to protect it as such—the presence of a gun in the home is often weaponized to justify a warrantless government entry.

This case illustrates that problem. When the police went to William Case's home to ensure his well-being, Mr. Case was not suspected of any criminal activity. *See* Pet.App.3a. Naturally, he did not want an officer in his home. Nor did the police have a right to enter his home. Yet still, the police intruded with "long barrel guns" because they anticipated a "dangerous situation[]." Pet.App.5a.

The result of the police's warrantless entry is nothing short of a tragedy that turns both the Second and Fourth Amendments on their heads. The police came to Mr. Case's home to protect him. After they arrived, the police shot Mr. Case because he was seen as dangerous. The basis of the perceived danger? The well-known fact that Mr. Case exercised his Second Amendment right to possess a gun in his home. These facts are not an outlier.

Matthew Corrigan, a "U.S. Army veteran and reservist with no known criminal record," was similarly subjected to a similar warrantless entry into his home predicated on the fear that he was suicidal and kept a gun in his home. *Corrigan v. District of Columbia*, 841 F.3d 1022, 1025, 1028 (D.C. Cir. 2016). In this case, the police entered Mr. Corrigan's home a little after 4:00 a.m., but before entering his home, an officer stated: "I don't have time to play this constitutional bull****. We're going to break down your door." *Id.* The police made good on that promise. The warrantless entry triggered Mr. Corrigan's PTSD and resulted in a stay in his hospitalization. *Id.* at 1027.

Kenneth Chamberlain, Sr.'s story is even more harrowing. *See Chamberlain*, 960 F.3d 100. Mr. Chamberlain was a "U.S. Marine veteran," who accidentally "activated an emergency medical-alert system." *Id.* The police forcibly entered his home "heavily armed," wearing "tactical gear," and without a warrant. *Id.* at 101. This confrontation triggered Mr. Chamberlain's PTSD and, after seeing the officers' guns, retrieved a "knife" and thrusted it "through the partial opening" in an otherwise closed door to protect himself. *Id.* at 103. After finally gaining entry into Mr. Chamberlain's home, the officers "tased" and "fired two shots at him with a handgun. One of those bullets passed through Chamberlain's lungs and ribs and severed his spine, killing him." *Id.* at 104.

2. Mr. Case's facts are problematic in another respect. Though he was never suspected of any wrongdoing, the warrantless entry into his home led Montana to convict him of assault. The basis of this conviction? Mr. Case's gun possession caused a

reasonable apprehension of serious bodily injury. Pet.App.6a.

To be sure, whenever a person wields a gun in another's direction, fear of bodily injury is reasonable. But at the same time, it is reasonable to possess a gun in one's home for fear of trespassers. Indeed, these facts present another Second Amendment issue: Warrantless home entries, in response to purported emergencies, may give rise to an indictment and conviction under 18 U.S.C. § 922(g)(1)—the felon in possession statute. *See, e.g.*, *United States v. Quarterman*, 877 F.3d 794 (8th Cir. 2017); *United States v. Najar*, 451 F.3d 710 (10th Cir. 2006); *cf. United States v. Snipe*, 515 F.3d 947 (9th Cir. 2008).[2]

Section 922(g)(1)'s categorical ban disarming all people with a felony conviction—no matter the underlying crime—is unconstitutional. *See Kanter v. Barr*, 919 F.3d 437, 458 (7th Cir. 2019) (Barrett, J., dissenting). Any regulation of a Second Amendment right must be "consistent with the principles that under pin our regulatory tradition. A court must ascertain whether the new law is 'relevantly similar' to laws that our tradition is understood to permit, 'applying faithfully the balance struck by the founding generation to modern circumstances." *United States v. Rahimi*, 602 U.S. 680, 692 (2024) (quoting *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 29 (2022)). Though "founding-era legislatures categorically disarmed groups whom they judged to be a threat to the public safety," there is no historical evidence that

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[2] The circuits are split on whether § 922(g)(1) is constitutional. *See United States v. Duarte*, 137 F.4th 743, 747–48 (9th Cir. 2025) (documenting the split).

"supports a legislative power to categorically disarm felons because of their status as felons." *Kanter*, 919 F.3d at 458 (Barrett, J., dissenting); *see also Range v. Att'y Gen. of the U.S.*, 69 F.4th 96, 105 (3d Cir. 2023) (en banc) (Hardiman, J.).

Permitting warrantless home entries based on reasonable suspicion of an exigent circumstance exacerbates the issues that arise from the § 922(g)(1) circuit split.

Start with the *Range* facts. Following a conviction of "making a false statement to obtain food stamps," Mr. Range was "sentenced to three years' probation" and "paid $2,458 in restitution, $288.29 in costs, and $100 fine." 69 F.4th at 98. Because of this conviction, Mr. Range was barred from possessing a firearm under § 922(g)(1). Even so, his wife "gifted him a deer-hunting rifle" because she did not know Mr. Range's prior conviction forbade gun possession. *Id.*

Now pretend that Mr. Range keeps the gun to protect his family. *But see id.* ("Range learned he was barred from buying a firearm … then sold" it.). Next imagine that Mr. Range lives next door to mischievous teens. One day, those teens call the police department, scream "get the cops here now my neighbors are fighting," provide an address, and hang up. The police quickly arrive at the home, knock on the door, and after Mrs. Range opens the door peer into their home. On the back wall, the police notice the rifle and, suspicious of a domestic dispute, "ask about the gun," "enter[] the apartment," and "seiz[e] the gun." *United States v. Quarterman*, 877 F.3d 794, 796 (8th Cir. 2017). "All of this, from knock to seeing the gun, occurred in about 35 seconds." *Id.* at 796–97.

Under the reasonable suspicion standard, the police's warrantless entry is just fine. And, if that were not enough, the forced entry would then evolve into a criminal indictment and conviction under § 922(g)(1). *See United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024). Two constitutional violations. One criminal indictment. One conviction.

This hypothetical could easily be someone's truth in Montana, where nearly two-thirds of adults keep a firearm in their home—the highest rate of firearm ownership in the country.[3] These Montanans also live in the Ninth Circuit where, under the current state of the law, even those who were convicted of non-violent felonies are forbidden from possessing a firearm. *See Duarte*, 137 F.4th at 748. Are they, or any of the tens of millions of gun-owning households in the United States, less deserving of having their own "oasis," safe from unwarranted outside intrusion? *Silverman*, 365 U.S. at 511 n.4.

* * *

The government has no business in a person's home based on reasonable suspicion. As explained, this lower standard derives from *Terry* and arises in the context of street policing. If officers were empowered to invade homes based on mere suspicion, innocuous or unsubstantiated situations will quickly be reframed as emergencies simply because a gun is in the home.

Mr. Case's encounter with the police proves that a reasonable suspicion standard will ruin lives. Mr.

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[3] *See* Heather McCracken et al., *Gun Ownership in America*, RAND, https://tinyurl.com/RANDGP (2020).

Case legally exercised his Second Amendment right in his home by owning a gun. Despite—or rather because of—this fact, the police barged into his home based on the uncorroborated story of his ex-girlfriend. What happened next would be ironic if it were not tragic: The police shot Mr. Case twice; but the entire purpose of their illegal entry was to prevent Mr. Case from shooting himself. Mr. Case was then charged with, and convicted of, assault—adding life-altering insults to his injuries.

The police are not infallible. Neighbors can be mistaken. *See Bailey v. Kennedy*, 349 F.3d 731, 740 (4th Cir. 2003). Exes may lie. *See Bruce v. Guernsey*, 777 F.3d 872, 877 (7th Cir. 2015). The probable cause standard accounts for these possibilities. In so doing, it prevents the police from unnecessarily putting themselves or others at risk. It also prevents any encroachment on a person's Second Amendment right to bear arms in the sanctity of their home—beyond preventing an otherwise unwarranted violations of their Fourth Amendment rights.

CONCLUSION

For the foregoing reasons, the judgment of the Montana Supreme Court should be reversed.

August 6, 2025

Respectfully submitted,

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