

(ORDER LIST: 558 U.S.)

MONDAY, DECEMBER 7, 2009

ORDERS IN PENDING CASES

09M43 DE JOHNSON, NORMA V. HOLDER, ATT'Y GEN.

The motion of petitioner for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner is granted. Justice Sotomayor took no part in the consideration or decision of this motion.

08-1341 UNITED STATES V. MARCUS, GLENN

The motion of the Solicitor General to dispense with printing the joint appendix is granted. Justice Sotomayor took no part in the consideration or decision of this motion.

09-5327 HOLLAND, ALBERT V. FLORIDA

The motion of petitioner for appointment of counsel is granted. Todd G. Scher, Esquire, of Miami Beach, Florida, is appointed to serve as counsel for the petitioner in this case.

09-5768 IN RE GERALD H. MILLER

09-6525 GENEVIER, PIERRE V. SUPERIOR COURT OF CA, ET AL.

09-6684 HOWARD, GREGORY T. V. USDC OH, ET AL.

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

09-6732 ROGERS, NORIS G. V. KBR TECHNICAL SERVICES INC.

09-6765 MCGORE, DARRYL V. BIRKETT WARDEN

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 28,

2009, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI GRANTED**

08-1371 CHRISTIAN LEGAL SOCIETY CHAPTER V. MARTINEZ, LEO P., ET AL.

The petition for a writ of certiorari is granted.

09-6338 DILLON, PERCY V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

**CERTIORARI DENIED**

08-10760 MOULING, WILLIE J. V. UNITED STATES

09-270 MARLEY, MICHAEL B. V. UNITED STATES

09-341 ) D'ARIA, ANTHONY V. GLASS, JOSEPH, ET AL.

09-410 ) EVANS, MARTY V. GLASS, JOSEPH, ET AL.

09-396 HUDSON, JALANA V. GEORGIA

09-397 HENLEY, ANDRE S. V. GEORGIA

09-401 FIEGER, GEOFFREY N. V. SUPREME COURT OF SC

09-403 JONES, DARRYL, ET AL. V. FRANKLIN, TN

09-404 YMCA OF CHICAGO, ET AL. V. U.S. BANK, ET AL.

09-405 UNITED STATES, EX REL. DARIAN V. ACCENT BUILDERS, INC., ET AL.

09-406 UNITED STATES, EX REL. DARIAN V. PASTERNAK, DAVID J., ET AL.

09-423 STACEY, RALPH L. V. TIERNEY, PATRICIA

09-452 FASTOV, ROBERT S. V. CHRISTIE'S INTERNATIONAL PLC

09-488 THOMAS KINKADE CO., ET AL. V. HAZLEWOOD, KAREN, ET AL.

09-512 SMITH, JONATHAN K. V. CIR

09-514 CLARKE, GREGORY L. V. UNITED STATES

09-526 PHENGSENGKHAM, SITTHIPHONE V. UNITED STATES

09-534 CATLETT, IRVIN H. V. UNITED STATES

09-552 LEDINGHAM, JOHN L. V. UNITED STATES  
09-5076 KINCAID-CHAUNCEY, MARY V. UNITED STATES  
09-5515 QUINN, DARLENE R. V. UNITED STATES  
09-5694 BOLDEN, ROBERT L. V. UNITED STATES  
09-5708 AL UZAYTI, MUSTAFA V. GATES, SEC. OF DEFENSE  
09-5734 LUSTER, DARRYL T. V. UNITED STATES  
09-6078 KIM, GWANJUN V. PROGRESSIVE EXPRESS INS. CO.  
09-6186 LEWIS, MICHAEL J. V. ALABAMA  
09-6243 VARGA, KEVIN S. V. THALER, DIR., TX DCJ  
09-6453 ROACH, WARREN T. V. ROCKINGHAM CTY. BD. OF ED.  
09-6774 GALACHE, PALMIRA V. KENAN, WARDEN  
09-6775 GATES, WILLIAM J. V. MICHIGAN  
09-6780 FROST, ROBERT V. TONEY, G.  
09-6782 BUNDRANT, CRAIG V. THALER, DIR., TX DCJ  
09-6784 ANDERSON, JOSEPH A. V. McNEIL, SEC., FL DOC, ET AL.  
09-6786 BROWN, ALEXANDER V. PHILADELPHIA, PA, ET AL.  
09-6789 OM, SOPHEAR V. CALIFORNIA  
09-6791 GARLAND, HENRY T. V. THALER, DIR., TX DCJ  
09-6796 HRUSOVSKY, ROBERT V. HARLOW, SUPT., MERCER, ET AL.  
09-6798 HAGINS, RAY V. McNEIL, SEC., FL DOC  
09-6805 PIERCE, SEBREN A. V. USDC CD CA  
09-6811 DUMAS, LINELL L. V. WONG, WARDEN  
09-6812 JOHNSON, MATTHEW V. GARCIA, ALFRED, ET AL.  
09-6829 PELLETIER, STEVEN V. GERRY, WARDEN  
09-6836 MILLEN, KEVIN V. MANAGEMENT CLEANING CONTROLS  
09-6842 SHELTON, JARVIS J. V. KING, SUPT., SOUTH MS  
09-6848 DE LA VEGA, CHRISTIAN V. CALIFORNIA  
09-6850 DELEON-PUENTES, EDGAR V. SHERRY, WARDEN

09-6851 DAY, JASON M. V. TRYBULSKI, STANLEY F.  
09-6852 PARADISE, BOBBY V. ROBERTS, WARDEN  
09-6855 O'DWYER, ASHTON R. V. LOUISIANA, ET AL.  
09-6861 KNOWLES, DeWAYNE A. V. PROVINCE, WARDEN  
09-6862 KUPERMAN, ALBERT R. V. WARDEN, GERRY  
09-6864 LEWIS, KENNETH M. V. BURTT, WARDEN  
09-6867 IBARRA PEREZ, MOISES V. OREGON  
09-6880 COOPER, ANTHONY J. V. FLORIDA  
09-6893 BARKER, WAYNE E. V. TEXAS  
09-6894 ARRELLANO, JORGE V. TEXAS  
09-6895 BELL, MARTY W. V. THALER, DIR., TX DCJ  
09-6896 WALKER, DAVID M. V. CARTER COUNTY, KY, ET AL.  
09-6897 YOUNG, WILLIE V. BODISON, WARDEN  
09-6926 KIRNON, JAMIE V. KLOPOTOSKI, SUPT., DALLAS  
09-6950 MIDI, ANNA V. HOLDER, ATT'Y GEN.  
09-6971 IGNACIO, TEVIS R. V. UNITED STATES, ET AL.  
09-6992 BALLENGER, STANLEY M. V. MAUNEY, WARDEN  
09-6994 MIDDLETON, CHAUNCEY V. TEXAS  
09-7021 MARSHNER, PHILIP V. MARYLAND  
09-7029 JOHNSON, MARTIN A. V. OREGON  
09-7109 SANTOS, JOSE V. DiGUGLIELMO, SUPT., GRATERFORD  
09-7120 LAMBERT, WILLIE V. MICHIGAN  
09-7129 CRUZ, GERMAN V. LAWLER, SUPT., HUNTINGDON  
09-7135 DYKE, KEVIN V. CLARKE, COMM'R, MA DOC  
09-7139 SCRIBER, WILLIAM D. V. KOPPEL, WARDEN, ET AL.  
09-7150 RECTOR, ALLEN D. V. GEORGIA  
09-7151 SWISHER, GEORGE V. WAKEFIELD, DAVID, ET AL.  
09-7152 SLADE, SCOTT V. PENNSYLVANIA

09-7194 HANSON, JOHN F. V. OKLAHOMA  
09-7196 FULLER, THOMAS G. V. KENTUCKY  
09-7205 BLEDSOE, FLOYD V. BRUCE, WARDEN, ET AL.  
09-7209 PATTEN, NORVAL V. FLEMING, CHIEF JUDGE, USDC SDGA  
09-7212 KIRKPATRICK, RYAN V. ILLINOIS  
09-7224 CLARK, WILLIE V. UNITED STATES  
09-7241 MACIAS, LAZARO V. McNEIL, SEC., FL DOC  
09-7242 CLARK, RONALD V. PENNSYLVANIA  
09-7255 WHITE, MARY E. V. RABNER, CHIEF JUSTICE, ETC.  
09-7329 SOLIS-MARTINEZ, GUSTAVO V. UNITED STATES  
09-7355 RICHARDSON, THYRON C. V. UNITED STATES  
09-7356 SHAREEF, DERRICK V. UNITED STATES  
09-7359 BARRERA, NORBERTO V. UNITED STATES  
09-7364 ROMERO, JOSE P. V. UNITED STATES  
09-7369 MATHIS, SHANNON L. V. UNITED STATES  
09-7371 BRYANT, ANDREW C. V. UNITED STATES  
09-7372 WELCH, LARRY C. V. UNITED STATES  
09-7375 CORDOVA, JESSE C. V. UNITED STATES  
09-7376 DEPUTY, DAVID L. V. UNITED STATES  
09-7378 VELASQUEZ-MARTINEZ, RODOLFO V. UNITED STATES  
09-7380 PRATT, TYRONE V. UNITED STATES  
09-7387 FOX, DIONYSIUS S. V. UNITED STATES  
09-7389 GAMBLE, MICHAEL R. V. UNITED STATES  
09-7393 OSEQUERA-MORALES, PEDRO V. UNITED STATES  
09-7396 DIALLO, MAMADOU V. UNITED STATES  
09-7401 ORTKIESE, JOSEPH H. V. UNITED STATES  
09-7403 BALDWIN, DALE V. UNITED STATES  
09-7404 ROBERTSON, ANTONIO V. UNITED STATES

09-7406 SALDANA, FRANCISCO V. UNITED STATES  
09-7407 SAVAGE, SYLVESTER V. UNITED STATES  
09-7409 HARTSTEIN, KAREN V. UNITED STATES  
09-7411 PAYAN-CARRILL, CESAR G. V. UNITED STATES  
09-7416 SANDERS, KELVIN V. UNITED STATES  
09-7417 RIVERA-CASTANEDA, CELESTINO V. UNITED STATES  
09-7420 WILSON, AARON T. V. UNITED STATES  
09-7421 CULVERHOUSE, JOHN O. V. UNITED STATES  
09-7422 GATHERUM, DEAN R. V. UNITED STATES  
09-7427 GRIDER, CECIL L. V. UNITED STATES  
09-7429 GACIA-VILLEGAS, JAVIER V. UNITED STATES  
09-7430 HILLIARD, FRANKIE L. V. UNITED STATES  
09-7431 HENDERSON-EL, MONCLAIR V. UNITED STATES  
09-7432 HOLMES, SAMUEL R. V. UNITED STATES  
09-7434 HERNANDEZ, ORESTES A. V. UNITED STATES  
09-7437 GRUBER, JEFFREY P. V. UNITED STATES  
09-7438 HIGGINS, OLIVER V. UNITED STATES  
09-7439 GRIGGS, DONALD V. UNITED STATES  
09-7440 NWEKE, ASIKA M. V. UNITED STATES  
09-7447 ROMERO, ROLANDO V. UNITED STATES PAROLE COMMISSION  
09-7449 PORTER, RICHARD V. UNITED STATES  
09-7459 FRAUENDORFER, RUSSELL J. V. UNITED STATES  
09-7463 GAINER, ALPHONSO V. UNITED STATES  
09-7464 HUNTER, RONALD V. UNITED STATES  
09-7465 CARAPIA-GARCIA, BULMARO V. UNITED STATES  
09-7473 MEDINA, OLBIN N. V. UNITED STATES  
09-7474 MICHAEL, TERRY B. V. UNITED STATES  
09-7475 ORUCHE, SORENSON O. V. UNITED STATES

09-7477 MAYBERRY, RONALD V. UNITED STATES  
09-7482 YARBROUGH, MARION V. UNITED STATES  
09-7491 VASQUEZ, ROBERTINO V. UNITED STATES

The petitions for writs of certiorari are denied.

08-1375 CASSENS TRANSPORT CO., ET AL. V. BROWN, PAUL, ET AL.

The motion of MI Self-Insurers Association for leave to file a brief as *amicus curiae* is granted. The motion of American Trucking Associations, Inc. for leave to file a brief as *amicus curiae* is granted. The motion of DRI - The Voice of the Defense Bar for leave to file a brief as *amicus curiae* is granted. The motion of National Council of Self-Insurers, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

09-536 BURKE, EDWARD V. UNITED STATES

The petition for a writ of certiorari is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

09-6768 STALEY, EDWARD V. HALL, WARDEN

09-6818 SMITH, ERIC D. V. DONAHUE, J. DAVID, ET AL.

09-6828 CALDWELL, ROBERT F. V. THALER, DIR., TX DCJ

09-6843 DASISA, MIHRETU V. EXPERT CARE NURSING SERVICE

09-6871 ADDLEMAN, LINCOLN L. V. WASHINGTON, ET AL.

09-6878 LAU, HON C. V. GIURBINA, WARDEN, ET AL.

09-6888 BEAVER, STEVEN E. V. McNEIL, SEC., FL DOC

09-6969 GOSSETT, BENJAMIN S. V. ADMIN. OF GEORGE W. BUSH, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

09-7362 SURIEL, DOMINGO V. UNITED STATES  
09-7397 CARRETO, JOSUE F. V. UNITED STATES

The petitions for writs of certiorari are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

**HABEAS CORPUS DENIED**

09-7290 IN RE ABDUL AL-GHIZZAWI  
09-7454 IN RE LEE N. MILLER  
09-7511 IN RE TERRENCE D. BROMELL

The petitions for writs of habeas corpus are denied.

09-7470 IN RE MARTIN A. ARMSTRONG

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus is dismissed. See Rule 39.8. Justice Sotomayor took no part in the consideration or decision of this motion and this petition.

**MANDAMUS DENIED**

09-6857 IN RE WEBSTER BIVENS

The petition for a writ of mandamus is denied.

09-6854 IN RE RALPH OYAGUE

The petition for a writ of mandamus is denied. Justice Sotomayor took no part in the consideration or decision of this petition.

**REHEARINGS DENIED**

08-1389 PRELESNIK, WARDEN V. AVERY, CHAMAR  
08-10085 McNEILL, WILLIAM R. V. GOFF, WARDEN  
08-10225 SHABAZZ, AL V. FIRST CORRECTIONAL MED. SERVICES  
08-10488 WATTS, DARRYL B. V. RUNNELS, WARDEN, ET AL.  
08-10511 RAIHALA, MICHAEL V. WHITBECK, WILLIAM C., ET AL.

08-10643 KENYON, HARLAND P. V. WY DOC, ET AL.  
08-10728 STEVENS, THEODORE V. NEVADA  
08-10743 OSWALD, THEODORE W. V. THURMER, WARDEN  
08-10841 SAMUEL, DARRELL V. UNITED STATES  
08-10962 ROJAS-BARRERA, ADOLFO V. WENGLER, WARDEN  
08-10977 LASKEY, LAURIE M. V. CHARLES INDUSTRIES  
08-11014 LASKEY, LAURIE M. V. UNITED ONLINE, INC.  
09-101 SMITH, PATRICIA, ET AL. V. THOMAS JEFFERSON UNIVERSITY  
09-171 HALLIWELL, MICHAEL, ET AL. V. SUPERIOR COURT OF CA, ET AL.  
09-172 HALLIWELL, MICHAEL, ET AL. V. SUPERIOR COURT OF CA, ET AL.  
09-199 HALLIWELL, MICHAEL, ET AL. V. SUPERIOR COURT OF CA, ET AL.  
09-210 FRAZIER, ROBERT E. V. SEBELIUS, SEC. OF H&HS  
09-295 BERT, COLVIN I. V. COMPTROLLER OF THE TREASURY  
09-324 WILEY, JUDY A. V. GEITHNER, SEC. OF TREASURY  
09-5097 HOSTETTER, ROBERT V. V. VIRGINIA  
09-5109 WOODS, CHARLOTTE V. V. SSA  
09-5228 MCCARTHY, PETER T. V. JENKINS, NICHOLAS, ET AL.  
09-5349 MERRIWEATHER, WILLIE S. V. REYNOLDS, WARDEN, ET AL.  
09-5458 ROBINSON, CHRISTOPHER V. UNITED STATES  
09-5605 GONZALEZ, CARLOS V. ASSET ACCEPTANCE, LLC, ET AL.  
09-5867 DAVIS, BRYAN V. VANDERVILLE, D. E., ET AL.  
09-5902 GRIFFIN, HENRY L. V. ORTIZ, JOSEPH G., ET AL.  
09-6013 HILL, EDWARD V. EMPLOYMENT SERVICES, ET AL.  
09-6168 WALSH, RORY M. V. UNITED STATES, ET AL.  
09-6211 TROXELLE, OWEN B. V. UNITED STATES  
09-6773 IN RE COLLEEN FULLERBLACK

The petitions for rehearing are denied.

08-10348 GIALTO, TERRY L. V. BUSH, GEORGE W., ET AL.

08-10996 LEGENO, JOAN V. DOUGLAS ELLIMAN, LLC

09-5610 RAHEIM, ABDEL V. NEW YORK CITY BD. OF ED.

The petitions for rehearing are denied. Justice Sotomayor took no part in the consideration or decision of these petitions.

Per Curiam

**SUPREME COURT OF THE UNITED STATES**MICHIGAN *v.* JEREMY FISHERON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF MICHIGAN

No. 09–91. Decided December 7, 2009

PER CURIAM.

Police officers responded to a complaint of a disturbance near Allen Road in Brownstown, Michigan.\* Officer Christopher Goolsby later testified that, as he and his partner approached the area, a couple directed them to a residence where a man was “going crazy.” Docket No. 276439, 2008 WL 786515, \*1 (Mich. App., Mar. 25, 2008) (*per curiam*) (alteration and internal quotation marks omitted). Upon their arrival, the officers found a household in considerable chaos: a pickup truck in the driveway with its front smashed, damaged fenceposts along the side of the property, and three broken house windows, the glass still on the ground outside. The officers also noticed blood on the hood of the pickup and on clothes inside of it, as well as on one of the doors to the house. (It is disputed whether they noticed this immediately upon reaching the house, but undisputed that they noticed it before the allegedly unconstitutional entry.) Through a window, the officers could see respondent, Jeremy Fisher, inside the house, screaming and throwing things. The back door was locked, and a couch had been placed to block the front door.

The officers knocked, but Fisher refused to answer. They saw that Fisher had a cut on his hand, and they asked him whether he needed medical attention. Fisher ignored these questions and demanded, with accompanying profanity, that the officers go to get a search warrant.

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\*We have taken the facts from the opinion of the Michigan Court of Appeals. Except where indicated, the parties do not dispute the facts.

Per Curiam

Officer Goolsby then pushed the front door partway open and ventured into the house. Through the window of the open door he saw Fisher pointing a long gun at him. Officer Goolsby withdrew.

Fisher was charged under Michigan law with assault with a dangerous weapon and possession of a firearm during the commission of a felony. The trial court concluded that Officer Goolsby violated the Fourth Amendment when he entered Fisher's house, and granted Fisher's motion to suppress the evidence obtained as a result—that is, Officer Goolsby's statement that Fisher pointed a rifle at him. The Michigan Court of Appeals initially remanded for an evidentiary hearing, see Docket No. 256027, 2005 WL 3481454 (Dec. 20, 2005) (*per curiam*), after which the trial court reinstated its order. The Court of Appeals then affirmed over a dissent by Judge Talbot. See 2008 WL 786515, at \*2; *id.*, at \*2–\*5. The Michigan Supreme Court granted leave to appeal, but, after hearing oral argument, it vacated its prior order and denied leave instead; three justices, however, would have taken the case and reversed on the ground that the Court of Appeals misapplied the Fourth Amendment. See 483 Mich. 1007, 765 N. W. 2d 19 (2009). Because the decision of the Michigan Court of Appeals is indeed contrary to our Fourth Amendment case law, particularly *Brigham City v. Stuart*, 547 U. S. 398 (2006), we grant the State's petition for certiorari and reverse.

“[T]he ultimate touchstone of the Fourth Amendment,” we have often said, “is ‘reasonableness.’” *Id.*, at 403. Therefore, although “searches and seizures inside a home without a warrant are presumptively unreasonable,” *Groh v. Ramirez*, 540 U. S. 551, 559 (2004) (internal quotation marks omitted), that presumption can be overcome. For example, “the exigencies of the situation [may] make the needs of law enforcement so compelling that the warrantless search is objectively reasonable.” *Mincey v. Ari-*

Per Curiam

*zona*, 437 U. S. 385, 393–394 (1978).

*Brigham City* identified one such exigency: “the need to assist persons who are seriously injured or threatened with such injury.” 547 U. S., at 403. Thus, law enforcement officers “may enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.” *Ibid.* This “emergency aid exception” does not depend on the officers’ subjective intent or the seriousness of any crime they are investigating when the emergency arises. *Id.*, at 404–405. It requires only “an objectively reasonable basis for believing,” *id.*, at 406, that “a person within [the house] is in need of immediate aid,” *Mincey, supra*, at 392.

*Brigham City* illustrates the application of this standard. There, police officers responded to a noise complaint in the early hours of the morning. “As they approached the house, they could hear from within an altercation occurring, some kind of fight.” 547 U. S., at 406 (internal quotation marks omitted). Following the tumult to the back of the house whence it came, the officers saw juveniles drinking beer in the backyard and a fight unfolding in the kitchen. They watched through the window as a juvenile broke free from the adults restraining him and punched another adult in the face, who recoiled to the sink, spitting blood. *Ibid.* Under these circumstances, we found it “plainly reasonable” for the officers to enter the house and quell the violence, for they 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.” *Ibid.*

A straightforward application of the emergency aid exception, as in *Brigham City*, dictates that the officer’s entry was reasonable. Just as in *Brigham City*, the police officers here were responding to a report of a disturbance. Just as in *Brigham City*, when they arrived on the scene they encountered a tumultuous situation in the house—

Per Curiam

and here they also found signs of a recent injury, perhaps from a car accident, outside. And just as in *Brigham City*, the officers could see violent behavior inside. Although Officer Goolsby and his partner did not see punches thrown, as did the officers in *Brigham City*, they did see Fisher screaming and throwing things. It would be objectively reasonable to believe that Fisher's projectiles might have a human target (perhaps a spouse or a child), or that Fisher would hurt himself in the course of his rage. In short, we find it as plain here as we did in *Brigham City* that the officer's entry was reasonable under the Fourth Amendment.

The Michigan Court of Appeals, however, thought the situation "did not rise to a level of emergency justifying the warrantless intrusion into a residence." 2008 WL 786515, at \*2. Although the Court of Appeals conceded that "there was evidence an injured person was on the premises," it found it significant that "the mere drops of blood did not signal a likely serious, life-threatening injury." *Ibid.* The court added that the cut Officer Goolsby observed on Fisher's hand "likely explained the trail of blood" and that Fisher "was very much on his feet and apparently able to see to his own needs." *Ibid.*

Even a casual review of *Brigham City* reveals the flaw in this reasoning. Officers do not need ironclad proof of "a likely serious, life-threatening" injury to invoke the emergency aid exception. The only injury police could confirm in *Brigham City* was the bloody lip they saw the juvenile inflict upon the adult. Fisher argues that the officers here could not have been motivated by a perceived need to provide medical assistance, since they never summoned emergency medical personnel. This would have no bearing, of course, upon their need to assure that Fisher was not endangering someone else in the house. Moreover, even if the failure to summon medical personnel conclusively established that Goolsby did not subjectively be-

Per Curiam

lieve, when he entered the house, that Fisher or someone else was seriously injured (which is doubtful), the test, as we have said, is not what Goolsby believed, but whether there was “an objectively reasonable basis for believing” that medical assistance was needed, or persons were in danger, *Brigham City, supra*, at 406; *Mincey, supra*, at 392.

It was error for the Michigan Court of Appeals to replace that objective inquiry into appearances with its hindsight determination that there was in fact no emergency. It does not meet the needs of law enforcement or the demands of public safety to require officers to walk away from a situation like the one they encountered here. Only when an apparent threat has become an actual harm can officers rule out innocuous explanations for ominous circumstances. But “[t]he role of a peace officer includes preventing violence and restoring order, not simply rendering first aid to casualties.” *Brigham City, supra*, at 406. It sufficed to invoke the emergency aid exception that it was reasonable to believe that Fisher had hurt himself (albeit nonfatally) and needed treatment that in his rage he was unable to provide, or that Fisher was about to hurt, or had already hurt, someone else. The Michigan Court of Appeals required more than what the Fourth Amendment demands.

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The petition for certiorari is granted. The judgment of the Michigan Court of Appeals is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

*It is so ordered.*

STEVENS, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

MICHIGAN *v.* JEREMY FISHER

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF MICHIGAN

No. 09–91. Decided December 7, 2009

JUSTICE STEVENS, with whom JUSTICE SOTOMAYOR joins, dissenting.

On October 31, 2003, Jeremy Fisher pointed a rifle at Officer Christopher Goolsby when Goolsby attempted to force his way into Fisher’s home without a warrant. Fisher was charged with assault with a dangerous weapon and possession of a dangerous weapon during the commission of a felony. The charges were dismissed after the trial judge granted a motion to suppress evidence of the assault because it was the product of Goolsby’s unlawful entry. In 2005 the Michigan Court of Appeals held that the trial court had erred because it had decided the suppression motion without conducting a full evidentiary hearing. On remand, the trial court conducted such a hearing and again granted the motion to suppress.

As a matter of Michigan law it is well settled that police officers may enter a home without a warrant “when they reasonably believe that a person within is in need of immediate aid.” *People v. Davis*, 442 Mich. 1, 25, 497 N. W. 2d 910, 921 (1993). We have stated the rule in the same way under federal law, *Mincey v. Arizona*, 437 U. S. 385, 392 (1978), and have explained that a warrantless entry is justified by the “need to protect or preserve life or avoid serious injury,” *ibid.* The State bears the burden of proof on that factual issue and relied entirely on the testimony of Officer Goolsby in its attempt to carry that burden. Since three years had passed, Goolsby was not sure about certain facts—such as whether Fisher had a cut on his hand—but he did remember that Fisher repeatedly swore

STEVENS, J., dissenting

at the officers and told them to get a warrant, and that Fisher was screaming and throwing things. Goolsby also testified that he saw “mere drops” of blood outside Fisher’s home, No. 276439, 2008 WL 786515, \*2 (Mich. App., Mar. 25, 2008) (*per curiam*) (summarizing Goolsby’s testimony), and that he did not ask whether anyone else was inside. Goolsby did not testify that he had any reason to believe that anyone else was in the house. Thus, the factual question was whether Goolsby had “an objectively reasonable basis for believing that [Fisher was] seriously injured or imminently threatened with such injury.” *Brigham City v. Stuart*, 547 U. S. 398, 400 (2006).

After hearing the testimony, the trial judge was “even more convinced” that the entry was unlawful. Tr. 29 (Dec. 19, 2006). He noted the issue was “whether or not there was a reasonable basis to [enter the house] or whether [Goolsby] was just acting on some possibilities,” *id.*, at 22, and evidently found the record supported the latter rather than the former. He found the police decision to leave the scene and not return for several hours—without resolving any potentially dangerous situation and without calling for medical assistance—inconsistent with a reasonable belief that Fisher was in need of immediate aid. In sum, the one judge who heard Officer Goolsby’s testimony was not persuaded that Goolsby had an objectively reasonable basis for believing that entering Fisher’s home was necessary to avoid *serious* injury.

The Michigan Court of Appeals affirmed, concluding that the State had not met its burden. Perhaps because one judge dissented, the Michigan Supreme Court initially granted an application for leave to appeal. After considering briefs and oral argument, however, the majority of that Court vacated its earlier order because it was “no longer persuaded that the questions presented should be reviewed by this Court.” 483 Mich. 1007, 765 N. W. 2d 19 (2009).

STEVENS, J., dissenting

Today, without having heard Officer Goolsby's testimony, this Court decides that the trial judge got it wrong. I am not persuaded that he did, but even if we make that assumption, it is hard to see how the Court is justified in micromanaging the day-to-day business of state tribunals making fact-intensive decisions of this kind. We ought not usurp the role of the factfinder when faced with a close question of the reasonableness of an officer's actions, particularly in a case tried in a state court. I therefore respectfully dissent.