No. 24-624

In the Supreme Court of the United States

WILLIAM TREVOR CASE,

Petitioner,

v.

STATE OF MONTANA,

Respondent.

On Writ of Certiorari to the Montana Supreme Court

BRIEF OF RESPONDENT

Tyler R. Green
CONSOVOY MCCARTHY PLLC
222 S. Main St., 5th Fl.
Salt Lake City, UT 84101

Cody Ray Milner
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209

Austin M. Knudsen
Attorney General
Christian B. Corrigan
Solicitor General
Counsel of Record
MONTANA DEPARTMENT OF JUSTICE
215 N. Sanders Street
Helena, MT 59601
(406) 444-2026
christian.corrigan@mt.gov

Counsel for Respondent

QUESTION PRESENTED

Whether law enforcement may enter a home without a search warrant based on less than probable cause that an emergency is occurring, or whether the emergency-aid exception requires probable cause.

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INTRODUCTION

The Fourth Amendment protects against "unreasonable" searches. U.S. Const. amend. IV. Some warrantless searches are not reasonable. Others are. For example, police officers without a warrant can reasonably respond to urgent pleas for help. Officers without a warrant can reasonably intervene when a suicidal man locks himself in a house, hangs up mid-call, and leaves friends and family fearing he may be moments from death. And officers can enter a home without a warrant when they have an objectively reasonable belief that an occupant needs emergency medical aid.

This Court's emergency-aid exigency doctrine follows directly from centuries of history and common-law tradition that the Framers enshrined in the Fourth Amendment's textual command of reasonableness. *Brigham City* v. *Stuart* built on that foundation when it unanimously held that a warrantless entry was constitutional because officers had an "objectively reasonable basis" to believe someone inside needed immediate aid. 547 U.S. 398, 403 (2006). *Michigan* v. *Fisher* reaffirmed that rule just three years later. 558 U.S. 45, 49 (2009). And in *Caniglia* v. *Strom*, the Court carefully preserved the emergency-aid exigency exception, even as it noted that "community caretaking functions" alone, without an exigency, do not satisfy the Fourth Amendment. 593 U.S. 194, 196-98 (2021); *see also id.* at 199-208 (opinions of Roberts, C.J.; Alito, J.; and Kavanaugh, J.).

Petitioner now asks this Court to upend that settled doctrine and reimagine the Fourth Amendment. He argues that probable cause must be transplanted from the Fourth Amendment's Warrant Clause and

become the baseline premise for each emergency-aid exigency. Petitioner's position would necessitate overruling *Brigham City*, *Fisher*, and other exigency precedents that require officers to have only an objectively reasonable belief that they needed to take emergency action. Beyond that, Petitioner's insistence on probable cause before police may enter a home—even for noncriminal purposes when they believe someone is moments from death—would invert the emergency-aid exigency, transforming it from a lifeline for the vulnerable into a trap for the dying.

The Montana Supreme Court correctly applied the Fourth Amendment in line with its text, this Court's precedents, and the "objectively reasonable basis" standard. Officers received a report of a suicidal man, saw corroborating facts, feared imminent harm to Petitioner, and responded reasonably. This Court should affirm the judgment below.

OPINIONS BELOW

The opinion of the Montana Supreme Court is reported at 417 Mont. 354 and reproduced at Pet.App.1a-32a. The underlying trial court order denying suppression is not reported but is reproduced at Pet.App.33a-35a.

JURISDICTION

The Montana Supreme Court entered its judgment on August 6, 2024. The petition for writ of certiorari was timely filed on December 4, 2024, and the Court granted the petition on June 2, 2025. This Court's jurisdiction rests on 28 U.S.C. §1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

The Fourth Amendment to the U.S. Constitution provides:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

STATEMENT OF THE CASE

Montana police officers entered the home of William Trevor Case to render emergency medical aid. The officers entered without a warrant but with an "objectively reasonable basis for believing that" Case was "seriously injured or imminently threatened with such injury." *Brigham City* v. *Stuart*, 547 U.S. 398, 400 (2006).

A. Factual background.

1. In September 2021, Case called J.H., his ex-girlfriend, while alone at his home in Anaconda, Montana. Pet.App.3a. Case was "erratic," and J.H. "assumed" "he'd been drinking." J.A.67. Case told J.H. that "he was going to kill himself." J.A.67. J.H. tried to calm Case down, but he "became more methodical" about attempting suicide, and told J.H. "he was going to get a note." J.A.68. J.H. then heard a "clicking" sound, which she identified as the noise made when "cock[ing] a gun." J.A.68.

J.H. then told Case that she'd "have to call the cops," but this only "antagonize[d]" him. J.A.69. Case threatened that if police came, he "would shoot them all too." J.A.69. Shortly after this comment, J.H. heard a "pop," and then "nothing" else, "just dead air." J.A.69. She "yelled [Case's] name a few times" but received no answer, even though the call was "still connected." J.A.69. At that point, J.H. believed that Case had "pulled the trigger." J.A.69. J.H. called 9-1-1, telling the dispatch operator that Case "was threatening suicide" and "said he had a loaded gun" before J.H. "heard a pop" and then "the phone just went silent." J.A.9.

2. At 9:06 p.m., Captain Heffernan, Sergeant Pasha, and Officer Linsted of the Anaconda-Deer Lodge County police department were dispatched to Case's residence for "a welfare check on a suicidal male." J.A.104. All three officers knew Case and had "dealt with [Case] before," J.A.9, and all three were "familiar with Case's history of alcohol abuse and mental health issues," Pet.App.4a.

The responding officers knew that before this welfare check, Case had been involved in four other dangerous incidents. First, Case had previously threatened to commit suicide, prompting law enforcement and coworkers to respond to his home and remove his firearms. J.A.301. Second, Case threatened to commit suicide while at a school where he worked, prompting a school "lockdown." J.A.301. Third, Case "got into a fight" after drinking heavily at a local bar and "bit a man's ear off." J.A.301. And fourth, Case attempted to commit suicide while at nearby Georgetown Lake, but his firearm malfunctioned. J.A.301. Officers who

responded to this fourth incident found Case "very uncooperative," "screaming" and "arguing" with them. J.A.301. Officer Linsted, then present, saw Case "reaching in [his car] very quickly," as if looking for a weapon or trying to initiate "suicide by cop." J.A.113. The officers conducting this welfare check therefore knew that Case could have access to weapons and could be both "belligerent with law enforcement and problematic." J.A.300.

Once at Case's residence, Captain Hefferman, Sergeant Pasha, and Officer Linsted tried to determine if Case was inside. They knocked on the front door, walked around the house while yelling Case's name, and knocked on a back basement door. J.A.300. Case did not respond. J.A.300. The officers spoke with a neighbor who confirmed that Case's vehicle was present. Linsted-Cam1, 16:27-57. And they spoke with J.H., who had by then arrived at Case's house. J.A.299.

Given the situation's seriousness, Captain Heffernan called Police Chief Sather for "extra help" and "backup." J.A.302. Around the same time, Sergeant Pasha returned to the front porch to shine his flashlight inside Case's home. *See* PashaCam-1, 20:22. Sergeant Pasha saw Case's "keys … on the table," an "empty paddle holster," and a pad of paper with "a paragraph note" that appeared to be "a suicide note." Pasha-Cam1, 21:02-50. Each observation corroborated the details from J.H.'s initial 9-1-1 call: Case was at home, writing "a note," and "cock[ing] a gun." J.A.68.

3. Sergeant Pasha and Officer Linsted conveyed this corroborating information to Captain Hefferman

and Chief Sather, and Chief Sather made the decision to enter Case's house and "render emergency aid." Pet.App.5a; J.A.302. Because Case had threatened to harm responding officers, they "proceed[ed] with caution." J.A.302. Captain Hefferman retrieved a ballistic shield, while Sergeant Pasha and Officer Linsted retrieved long-barrel guns equipped with flashlights and optics to better conduct a protective sweep of the house. Pet.App.5a. They also prepared to "stage medical," which was waiting "right down" the street. Linsted-Cam1, 26:30-40.

The officers entered Case's house through an unlocked front door about 18 minutes after seeing the keys, holster, and notepad that corroborated J.H.'s 9-1-1 call relaying Case's suicide threat. *Compare* Linsted-Cam1, 21:05 (identifying corroborating evidence nine minutes before first bodycam video ends), *with* Linsted-Cam2, 9:05 (entering home nine minutes after second bodycam video begins). The officers "yell[ed] the whole time," announcing themselves and calling for Case to come talk. Pet.App.5a. After clearing the first floor, Sergeant Pasha and Officer Linsted moved upstairs. Pet.App.5a. As Sergeant Pasha stepped into one of the upstairs bedrooms, Case—then hiding in the closet—threw open the closet curtain and leaned forward with an outstretched arm. Pasha-Cam2, 15:22-30. Sergeant Pasha turned and fired one shot, striking Case in the abdomen. Pet.App.6a. Sergeant Pasha later testified that he saw Case with an "aggressive like look on his face" and "gritted" teeth, holding a dark object that appeared to be a weapon. J.A.308. Sergeant Pasha's bodycam footage confirms that Case held a handgun pointed at Sergeant Pasha as Case emerged from the closet. *See* Pasha-Cam2,

15:26-27. That handgun was later recovered from a laundry hamper next to Case. Pet.App.6a. The police then rendered medical aid to Case and helped him to an ambulance for transport. J.A.127-30.

B. Proceedings in Montana state courts.

1. The Deer Lodge County Attorney charged Case with assaulting a peace officer. Pet.App.6a. Case filed a series of pretrial motions, including a motion to suppress all evidence as obtained from an illegal search of his house.

The trial court held a hearing on the suppression motion, at which all four officers testified. J.A.55. They said that they hadn't considered seeking a warrant "because it wasn't a criminal thing," and they were simply "going in to assist [Case]." J.A.85; *see also* J.A.121, 153, 224. When dealing with "a suicidal" they had never "sought warrants in the past," J.A.85, and they "entered houses to render emergency aid without a warrant" "[a]ll the time," J.A.98. Each responding officer had previously responded to—and prevented—attempted suicides. Captain Hefferman had saved "another guy that did shoot himself" "[r]ight in the head," but police "got there in time to help him." J.A.79. Officer Linsted had "been on multiple suicide calls." J.A.108. Sergeant Pasha had "multiple instances where [he had] gone to render somebody assistance who's attempted to commit suicide" and "save[d] their life," including one other instance where there was a "weapon involved." J.A.162-63. And Chief Sather had "[m]any times" taken "emergency action to keep somebody from dying" from a "suicide attempt." J.A.214.

The officers testified that they were "not out to shoot anybody," because their duty was "to help people" and if Case was hurt they were bound to "go in and help him." J.A.215. They "were there to solely try to help and render aid." J.A.182. At the same time, when "there's a weapon involved," it creates a "high degree of danger" for the responding officers. J.A.163. The presence of weapons necessarily creates a "heightened" response, J.A.163, because when officers "know there's weapons involved," the "first concern is officer safety." J.A.79-80. So while "[p]reservation of life" is "the most important thing," when a suicidal citizen is armed and may be dangerous, officers must take practical steps to ensure both "officer safety" and "safety of others" while also trying to "deescalat[e] the situation" and get "medical aid as fast as" possible. J.A.107.

The trial court denied Case's motion to suppress, finding that the officers made the warrantless entry into Case's house pursuant to "an exigent circumstance." J.A.239. Case proceeded to trial, where a jury found him guilty. J.A.241.

2. The Montana Supreme Court affirmed. Pet.App.23a. The court recognized that both federal and state law generally require warrants before peace officers can conduct "searches and seizures" in "homes." Pet.App.8a. Even so, the court acknowledged "exceptions to that general rule," including "welfare checks arising under the community caretaker doctrine," where a "'citizen may be in peril or need some type of assistance from an officer.'" Pet.App.8a-9a. This "unique" exception applied in situations that

specifically did "*not* implicate a criminal investigation." Pet.App.9a.

The court then analyzed how community caretaker functions interact with the Fourth Amendment under *Caniglia* v. *Strom*, 593 U.S. 194 (2021). "*Caniglia* established that the Fourth Amendment requires reasonable exigency to enter a home." Pet.App.11a. In the court's view, *Caniglia* implies that not every function of an officer's community-caretaking duties would justify a warrantless home entry, but *some* caretaker functions (like the caretaker function of providing emergency medical aid) might do so "in cases" where that function also served as "exigent circumstances rendering the entry 'reasonable.'" Pet.App.11a. On the ultimate question, *Caniglia* and this case differed; here the officers reasonably believed Case was home and injured, but "Caniglia had voluntarily left his home for a psychiatric evaluation by the time officers entered his home and seized his weapons." Pet.App.11a. *Caniglia* thus did not bar the officers' entry here because "there was no exigency in *Caniglia* to justify the officer's entry." Pet.App.11a.

The Montana Supreme Court then determined that the federal "exigent circumstances standard for warrantless entry" and the Montana community caretaker doctrine functionally "mirror" each other. Pet.App.13a. That Montana test provides that: (1) if there are "objective, specific and articulable facts from which an experienced officer would suspect that a citizen is in need of help or is in peril," a peace officer "has the right to stop and investigate"; (2) "if the citizen is in need of aid, then the officer may take appropriate action to render assistance or mitigate the

peril"; and (3) once the "peril has been mitigated" and the citizen "is no longer in need of assistance," any later search and seizure must comply with default Fourth Amendment rules. Pet.App.12a-13a.

As for how that Montana community-caretaker test applies, the court explicitly stated that the first two elements are governed by the same questions as the federal emergency-aid exception: (1) whether, under the "totality of the circumstances, law enforcement had an objectively reasonable basis for concluding that there was an immediate need to" render emergency medical aid, and (2) whether the "search's scope and manner were reasonable to meet that need." Pet.App.13a n.4 (quoting *United States* v. *Snipe*, 515 F.3d 947, 952 (9th Cir. 2008)). This test for wellness checks and medical aid "may not justify a warrantless entry in response to criminal activity alone." Pet.App.13a. So where "officers are engaged in a criminal investigation, there must be probable cause to justify a warrantless entry." Pet.App.15a. The court took great pains to expressly foreclose any suggestion that it might be "issuing law enforcement 'an open-ended license to enter a home upon a mere reasonable suspicion.'" Pet.App.15a.

At the same time, the court rejected Case's reading that *Caniglia* bars all warrantless entries except "when there are both exigent circumstances *and* probable cause for violation of a criminal statute." Pet.App.10a (emphasis added). *Caniglia* itself did not adopt that rule, and the Montana court had "only ever applied the probable cause standard to determine whether the facts 'are sufficient to warrant a reasonable person to believe that the suspect *has committed*

an offense.'" Pet.App.15a. Where peace officers render medical aid and do not conduct a criminal investigation, "the probable cause element is 'superfluous' and should not impede an officer's duty to ensure the well-being of a citizen in imminent peril." Pet.App.14a (quoting *Snipe*, 515 F.3d at 952).

Thus, to decide whether the officers were justified in entering Case's home, the court asked whether "the officers were acting on 'objective, specific, and articulable facts from which an experienced officer would suspect that a citizen is in need of help.'" Pet.App.16a. These facts satisfied that standard. Here, the officers responded to a "report of a potentially intoxicated, suicidal male in possession of a firearm." Pet.App.16a. That report came from a known and identifiable person with direct knowledge of the situation. Pet.App.16a. The officers also had independent knowledge of Case's prior "suicidal episodes" and "alcohol abuse." Pet.App.16a. Once at the house, the officers saw "empty beer cans, an empty holster, and a notepad"—all objective facts that "corroborated" specific details from J.H.'s 9-1-1 call and strengthened their reasonable belief "that Case was suicidal" and intended to take (or had tried to take) his own life. Pet.App.16a.

The court later emphasized that despite the "imminently perilous situation" of "responding to a threat of imminent suicide" where the individual was armed, it "would have been a dereliction of duty had the officers ignored [the] call or simply walked away." Pet.App.20a (cleaned up). Accordingly, "[a]n experienced officer would similarly assess present circumstances, reconcile them with prior knowledge of the

individual, and formulate a plan to render aid accordingly." Pet.App.16a. The court thus held that the officers' entry into and sweep of Case's home was a reasonable exigent entry to render emergency aid that did not offend the Fourth Amendment.

The court acknowledged that when Sergeant Pasha shot Case and officers later seized him, the officers' "presence in the home" "'morphed' from a welfare check to an arrest, for which probable cause would ordinarily be required." Pet.App.17a. No one contended that this subsequent seizure was justified solely by the emergency-aid exigency. But, as the jury had factually determined, while the officers conducted their emergency-aid entry, Case committed assault by "point[ing] a pistol, or what reasonably appeared to be a pistol," at Sergeant Pasha. Pet.App.17a. Since "Case had thus assaulted Pasha," the officers then had probable cause to seize and arrest Case, and the "welfare check morphed into an arrest." Pet.App.17a.

3. Justice McKinnon, joined by Justices Gustafson and Sandefur, dissented. They thought the majority "misapprehend[ed] *Caniglia*" and tried to treat "[t]he community caretaker doctrine" as "an exception to the warrant requirement." Pet.App.24a, 26a. The dissent acknowledged that the majority's opinion was "based" on this Court's "objectively reasonable basis" standard, but called that standard an "awkward test" and "a *new* exception to the warrant requirement." Pet.App.31a-32a. The dissent further opined that "probable cause ... is not limited to only the commission of a criminal offense," and instead also "applies to whether there is probable cause to believe a person is in imminent peril and in need of help." Pet.App.24a.

SUMMARY OF THE ARGUMENT

I. The officers' warrantless entry into Case's house comports with the Fourth Amendment, as applied to the States by the Fourteenth Amendment, because the officers had an objectively reasonable belief that they needed to enter to render emergency medical aid. *Brigham City* v. *Stuart*, 547 U.S. 398, 404 (2006). The Fourth Amendment's text, history, and common law traditions reflect that reasonableness—not a rigid warrant or probable cause requirement—has always been the constitutional standard. *California* v. *Acevedo*, 500 U.S. 565, 581-82 (1991) (Scalia, J., concurring). This Court has consistently held that warrantless home entries are lawful when justified by exigent circumstances, such as the need to render emergency aid, and has always applied an "objectively reasonable" belief standard—not the probable cause standard Case suggests. *Brigham City*, 547 U.S. at 400; *see also Lange* v. *California*, 594 U.S. 295, 308 n.3 (2021); *Caniglia*, 593 U.S. at 200 (Roberts, C.J., concurring); *Michigan* v. *Fisher*, 558 U.S. 45, 49 (2009); *Mincey* v. *Arizona*, 437 U.S. 385, 393-94 (1978); *Schmerber* v. *California*, 384 U.S. 757, 770 (1966). The Montana Supreme Court applied the correct standard and examined the totality of the circumstances to determine whether officers had an "objectively reasonable basis" to believe Case needed emergency medical assistance. Its conclusion was constitutionally sound and should be affirmed.

II. Case's proposed "probable cause" standard for emergency-aid exigent entries doesn't work. Probable cause is inextricably tied to criminal investigations and "belief of guilt," and so does not apply to

noncriminal, noninvestigatory, emergency-aid situations. *Maryland* v. *Pringle*, 540 U.S. 366, 371 (2003). Case further misapprehends Fourth Amendment principles by importing criminal precedents into this noncriminal context. But an intrusion for a welfare check—with diminished expectations of privacy and heightened governmental interests in saving life—does not require probable cause to be reasonable. *Wyman* v. *James*, 400 U.S. 309, 318, 323-24 (1971). And requiring probable cause for emergency-aid exigencies would effectively prevent officers from responding to welfare checks or life-threatening emergencies and would produce deadly real-world consequences in the very cases where people most need help. *See Caniglia*, 593 U.S. at 200-208 (opinions of Alito, J.; Kavanaugh, J.).

III. Even if the Court were to accept Case's reformulation of probable cause as a noncriminal, one-part inquiry into imminent peril, the judgment below should be affirmed. The officers did exactly what Case says the Fourth Amendment requires—they corroborated the emergency report with on-the-ground observations and acted based on a reasonable belief that Case needed urgent aid. Because the Montana Supreme Court applied that substantive test, the officers' entry passes constitutional muster.

ARGUMENT

I. Officers' warrantless entry into Case's home to render emergency medical aid did not violate the Fourth Amendment because it was objectively reasonable.

The Montana Supreme Court correctly determined that the warrantless entry into Case's home did not offend the Fourth Amendment, as applied to the States by the Fourteenth Amendment. The officers entered Case's home to "render emergency assistance to an injured occupant or to protect an occupant from imminent injury." *Brigham City* v. *Stuart*, 547 U.S. 398, 403 (2006). That exigency allowed their entry without probable cause and "obviat[ed] the requirement of a warrant." *Id.* Indeed, the Fourth Amendment has long permitted such entries when the police "have an objectively reasonable basis for believing" that a home's occupant needs emergency aid. *Id.* at 400; *see also Michigan* v. *Fisher*, 558 U.S. 45, 49 (2009); *Caniglia* v. *Strom*, 593 U.S. 194, 208 (2021) (Kavanaugh, J., concurring). This settled rule—that an objective-reasonableness standard governs exigent entries into homes—derives directly and correctly from the Fourth Amendment's text, history, and tradition.

A. The Fourth Amendment's text, history, and tradition confirm that the touchstone of searches and seizures is reasonableness—not probable cause.

1. The Fourth Amendment's plain text does not require either warrants or probable cause for all

searches. Rather, it commands only that searches must be "reasonable." U.S. Const. amend. IV.

That much follows from the Framers' decision to split the Fourth Amendment into two separate clauses. The first—the Reasonableness Clause—guarantees that the "right of the people to be secure in their persons, houses, papers, and effects, *against unreasonable searches and seizures*, shall not be violated." *Id.* (emphasis added). And the second—the Warrant Clause—states that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." *Id.* On its face, this bifurcation confirms "that the Amendment actually contains two different commands." Amar, *The Bill of Rights as a Constitution*, 100 Yale L.J. 1131, 1178 (1991); *see also* Fraenkel, *Concerning Searches & Seizures*, 34 Harv. L. Rev. 361, 366 (1921).

In other words, the Fourth Amendment "does not by its terms require a prior warrant for searches and seizures; it merely prohibits searches and seizures that are 'unreasonable.'" *California* v. *Acevedo*, 500 U.S. 565, 581 (1991) (Scalia, J., concurring). Put differently, "the text of the Fourth Amendment does not specify when a search warrant must be obtained." *Kentucky* v. *King*, 563 U.S. 452, 459 (2011). It contains no third clause demanding that "[a]bsent special circumstances, no search or seizure shall occur without a warrant." Amar, *Bill of Rights*, 1178. Thus "a warrant is not required to establish the reasonableness of *all* government searches." *Vernonia Sch. Dist. 47J* v. *Acton*, 515 U.S. 646, 653 (1995). And "when a warrant

is not required (and the Warrant Clause therefore not applicable), probable cause is not invariably required either." *Id.*

Accordingly, neither "a warrant" nor "probable cause" is "an irreducible requirement of a valid search." *New Jersey* v. *T.L.O.*, 469 U.S. 325, 340 (1985). Nor is a warrant or probable cause "an indispensable component of reasonableness in every circumstance." *Nat'l Treasury Emps. Union* v. *Von Raab*, 489 U.S. 656, 665 (1989). After all, the text of the Fourth Amendment makes clear that "[t]he 'probable cause' standard applies only to 'warrants,' not to all 'searches' and 'seizures.'" Amar, *Fourth Amendment First Principles*, 107 Harv. L. Rev. 757, 782 (1994); *see also* Amar, *Bill of Rights*, 1179.

2. History from the Founding establishes why the Framers bifurcated the Amendment's text into two separate clauses. The bifurcated commands reflect the Framers' attempt to enshrine two important goals: preserving the common-law jury's ability to review searches and seizures for "reasonableness," and imposing clear limits on the abusive practice of general warrants and writs of assistance that the English had used against the colonies.

a. At the Founding, "individuals subject to unconstitutional searches or seizures historically enforced their rights through tort suits or self-help." *Utah* v. *Strieff*, 579 U.S. 232, 237 (2016). The remedy for a "wrongful" search or seizure was a civil trespass "suit at common law" for "damages." *Slocum* v. *Mayberry*, 15 U.S. 1, 10 (1817); *see also* Amar, *Bill of Rights*, 1179; Arcila, *The Framers' Search Power*, 50 B.C. L.

Rev. 363, 371-79 (2009). That meant an officer conducting a search without a valid warrant "did so at his own risk," since he would be liable for trespass "unless the jury found that his action was 'reasonable.'" *Acevedo*, 500 U.S. at 581 (Scalia, J., concurring); *see Huckle* v. *Money,* 95 Eng.Rep. 768, 768-69 (1763) (Lord Camden affirming damages award against officers who conducted an "arbitrary" search and seizure).

But a valid warrant immunized officials from civil liability, even for unreasonable searches or seizures. "[T]he warrant was a means of insulating officials from personal lability assessed by colonial juries." *Acevedo*, 500 U.S. at 581 (Scalia, J., concurring); *see also* Amar, *First Principles*, 781-83; *see Simpson* v. *Smith*, 2 Del. Cas. 285, 290 (1817); *Sailly* v. *Smith*, 11 Johns. 500, 502-03 (N.Y. 1814) (official authorized to conducted warrantless searches, but would be "liable ... to remunerate in damages" if wrong, unless he obtained a "warrant [to] effectually protect him"). And although some English commentators denounced so-called "general" warrants, before American independence the English sometimes used such general warrants and writs of assistance for abusive house-to-house searches in the colonies. *See Riley* v. *California*, 573 U.S. 373, 403 (2014); Taylor, *Two Studies in Constitutional Interpretation* 42-43 (1969); Amar, *First Principles*, 776-77.

b. Against that background of abusive general writs, the Framers imposed stark limits. Rather than making a warrant a prerequisite for a valid search or seizure, the Framers "wanted to *limit* this imperial and ex parte device." Amar, *First Principles*, 782. Thus the Warrant Clause insists that warrants "shall

issue" only "upon probable cause," U.S. Const. amend. IV—"a substantial standard of proof," Amar, *First Principles*, 782. Before the founding, "the warrant [was] treated as an enemy, not a friend," and it was "the loose warrant, not the warrantless intrusion, that [was] explicitly labeled as 'unreasonable.'" *Id.* at 774-75.

Given those animating reasons for the two Clauses, "the basic 'original understanding'" of the Fourth Amendment is that "[t]he power to search, seize and arrest must be kept within reasonable bounds," and "[w]arrants" were "confine[d]" "in line with specified requirements" to limit oppressive general searches. Taylor, *supra*, 43. The Fourth Amendment thus "meant to preserve" the "norms" of reasonableness contained in "the common law." *Virginia* v. *Moore*, 553 U.S. 164, 168-69 (2008). And "[b]y restricting the issuance of warrants, the Framers endeavored to preserve the jury's role in regulating searches and seizures." *Acevedo*, 500 U.S. at 581-82 (Scalia, J., concurring); *see also* Arcila, *The Death of Suspicion*, 51 Wm. & Mary L. Rev. 1275, 1281-86 (2010); Livingston, *Police, Community Caretaking, & the Fourth Amendment*, 1998 U. Chi. Legal F. 261, 269.

3. Common-law traditions predating the Founding further support the conclusions that warrantless entry of homes occurred and were governed by reasonableness. Because the Fourth Amendment was an "affirmance of a great constitutional doctrine of the common law," this Court "look[s] to the statutes and common law of the founding era" to determine its protective scope. *Moore*, 553 U.S. at 168-69 (quoting 3 Story, *Commentaries on the Constitution of the United States*

§1895, at 748 (1833)). To be sure, the history of the common law cannot "definitively resolve[]" the Fourth Amendment's scope, but it can establish "some basic guideposts" of what constitutes a reasonable search. *Carpenter* v. *United States*, 585 U.S. 296, 304-05 (2018).

A proper understanding of those guideposts requires an accurate review of the common law "norms." Case reads the common law to establish two absolute principles: (1) Warrants were required in *all circumstances* except for affrays; and (2) even in affrays, officers must personally observe the crime and therefore have absolute certainty. Pet.Br.26-28.

Case errs on both points. The common law permitted warrantless entries for a wide variety of violent and nonviolent crimes. And the common law didn't impose a strict knowledge requirement before a warrantless entry occurred. Rather, the common law reflects a flexible reasonableness approach, allowing warrantless entries in some circumstances based only on mere suspicion. What's more, in the noncriminal, noninvestigatory context, the common-law doctrine of necessity permitted both officers and private citizens to break into homes to save life or property. Consider each common-law guidepost in turn.

a. In England, "the earliest statutes authorizing searches say nothing of warrants." Taylor, *supra*, 27. But by the seventeenth century, the King's Bench recognized an interest in the sanctity of the home and announced that "the house of every one is to him as his castle and fortress." *Semayne's Case*, 77 Eng.Rep. 194, 195 (1604). Yet common law authorities

recognized a wide variety of special crimes or circumstances that permitted officers of the law to "break [open] the party's house" without a warrant. *Wilson* v. *Arkansas*, 514 U.S. 927, 931 (1995).

One such circumstance, as Case acknowledges, was an "affray"—the "ancient common-law prohibition" on "fighting in public." *United States* v. *Rahimi*, 144 S.Ct. 1889, 1900-01 (2024). It was well settled that officers of the law "may justify breaking open the doors" of a house when there was an "affray," 2 Hawkins, *Pleas of the Crown* 138-39 (6th ed. 1787), and if an affrayer "flye into a house," constables could "break open the dores upon him," Sheppard, *The Offices of Constables*, ch. 8, §2, no. 6 (c. 1650).

The same principle applied even when fighting took place behind closed doors in a private place (and thus wasn't technically an affray). If fighting occurred "where the doors are shut, whereby there is likely to be manslaughter or bloodshed committed," an officer "may break open the doors to keep the peace and prevent the danger." 2 Hale, *Historia Placitorum Coronae* 95 (1736); *see also* Sheppard, *supra*, §2 no. 7.

Another broad category where warrantless entries occurred was the pursuit of any type of felon. Sir Matthew Hale wrote that if persons suspected of a "felony" fled to their home, "the constable may break upon the door, tho he have no warrant." Hale, *supra*, 91-92. Sergeant William Hawkins agreed that constables could "break open doors" to "pursue" a person "known to have committed" a "felony." Hawkins, *supra*, 138-39. It was, at least, "settled" that a constable "may break open doors" upon "knowledge or reasonable suspicion"

that "a felony has been committed." 1 Chitty, *Practical Treatise on the Criminal Law* 42-43 (1819).

The power to break open doors without a warrant also extended to the special situation of "hue and cry." The doctrine of "hue and cry" existed well before the Norman conquest, *see* II Laws of King Cnut, c. 29 (1016-1035), *in Laws of the Kings of England from Edmund to Henry I* 189 (1925); Wilgus, *Arrest Without A Warrant*, 22 Mich. L. Rev. 541, 545 (1924), and required all persons to raise alarm and pursue individuals suspected of either felonies or misdemeanors who had avoided capture and were on the loose. Hale, *supra*, 103; Cuddihy, *The Fourth Amendment: Origins and Original Meaning* 88 (2009). In much the same manner, officers could "break open doors, in order to apprehend offenders" without a warrant, if a person had been "lawfully arrested for any cause" and later "escapes" and "shelters" in a house. Hawkins, *supra*, 138-39; *see also Lange*, 594 U.S. at 335-36 (Roberts, C.J., concurring).

The power to break open doors also extended to "stop[ping] a more mundane form of harm" in scenarios not involving violent crimes. *Lange*, 594 U.S. at 312. English constables could break into houses and restore order for mere "disorderly drinking or noise" at "an unreasonable time of night." Hale, *supra*, 95. The common law likewise "described with approval warrantless home entry in pursuit of those" who had committed "disorderly drinking" and fled home. *Lange*, 594 U.S. at 335 (Roberts, C.J., concurring).

Still other examples exist, but those few by themselves confirm the point: Case is wrong. The common

law did not require warrants for everything but violent altercations such as affrays.

b. The next common law guidepost confirms that when officers could break open doors for a warrantless entry, their actions did not depend on satisfying a single quantum of knowledge that "sound[ed] in probable cause." Pet.Br.27. Rather, warrantless entries for criminal purposes were reviewed under standards that varied by the particular crime, ranging from personal knowledge and near certainty to mere suspicion.

For example, "the common law authorized private homes to be searched for felons on hue and cry, merely upon suspicion." Arcila, *Suspicion*, 1286. Hale agreed that breaking open doors following "hue and cry"—whether for felons or misdemeanors—required no more than mere "suspicion." Hale, *supra*, 102-03. And in the felony-specific context, some commentators acknowledged that warrantless searches for any violent felon could be justified by the unsworn "suspicion" of a third-party witness. *Id.* at 91. Lord Coke reported that a King's "officer may break the house" upon "suspicion of felony." *Semayne's Case*, 77 Eng.Rep. at 197. Sir William Blackstone went even further, stating "probable suspicion" justified both "break[ing] open doors" and "even ... kill[ing] the felon if he cannot otherwise be taken." 4 Blackstone, *Commentaries on the Laws of England* 289 (1769).

Those common-law principles also appeared in early American criminal cases, such that for a "felon" who "commit[ted] murder or robbery," the common law did not distinguish between whether the crime was "seen," or "not seen, yet ... known," or even "when

there is only probable cause of suspicion." *Wakely* v. *Hart*, 6 Binn. 316, 318-19 (Pa. 1814). In all such cases, the felon could be pursued and seized "with or without warrant." *Id.*; *see also Sailly*, 11 Johns. at 502-03 (authority to "break open a dwelling-house" upon either "probable cause" or other "such suspicions" "without first obtaining a warrant"); *Buchannan* v. *Biggs*, 2 Yeates 232, 233-34 (Pa. 1797); *cf.* 2 *Works of James Wilson* 685 (1967) (seizure "justified" "in any place," upon "reasonable suspicion that by such person [a felony] has been committed").

c. Finally, the third common-law guidepost draws on the "doctrine of necessity." In noncriminal, noninvestigatory contexts, the "doctrine of necessity" permitted officers and citizens to break open doors for a public good such as saving life, and required no quantum of belief for such actions other than that they be reasonably necessary.

In 1537, the King's Bench stated that the doctrine of necessity may "justify the commission of a tort ... where it sounds for the public good." *Maleverer* v. *Spinke*, 73 Eng.Rep. 79, 81 (1537). So an officer "may justify" breaking open doors and "pulling down a[] house on fire for the safety of the neighbouring houses; for these are cases of the common weal." *Id.* In the same vein, Lord Coke stated that doors could be broken open when required by necessity: For "the common safety" "a house shall be plucked down if the next be on fire," and "every man may do" such "without being liable to an action." *The Saltpetre Case*, 77 Eng.Rep. 1294, 1295 (1606).

Furthermore, at common law, the King had an overarching "interest in the preservation of all his subjects." 4 Blackstone, *Commentaries*, 189. Blackstone viewed "sav[ing] either life or member" as the "highest necessity and compulsion." 1 Blackstone, *Commentaries*, 126. The doctrine of necessity thus authorized "enter[ing]" a "dwelling-house" and "restrain[ing] a dangerous lunatic" who was a threat to himself or others. *Scott* v. *Wakum*, 176 Eng.Rep. 147, 147 (1862). As Lord Mansfield stated, such cases involving the restraint of a "lunatic" turned on necessity, where "necessity alone can serve for excuse" for the trespass. *Rex* v. *Coate*, 98 Eng.Rep. 539, 539-40 (1772); *see also Handcock* v. *Baker*, 126 Eng.Rep. 1270, 1270-72 (1800). The common law doctrine of necessity reflected simple common sense and laid the foundation for *Mincey*, *Brigham City*, and *Fisher*.

*

The Fourth Amendment's text, history, and tradition each confirm that its ultimate touchstone is reasonableness—not a mechanical requirement of warrants or probable cause. By dividing the Amendment into two distinct clauses, the Framers made clear that warrantless searches may be lawful so long as they are reasonable, just as they had been lawful at common law for various special law enforcement needs or when required by necessity.

B. A warrantless entry of a home does not violate the Fourth Amendment if it is objectively reasonable.

Keeping with this text, history, and tradition, this Court's modern cases have "long held that the 'touchstone of the Fourth Amendment is *reasonableness*.'" *Ohio* v. *Robinette*, 519 U.S. 33, 39 (1996) (emphasis added); *see also Barnes* v. *Felix*, 145 S.Ct. 1353, 1358 (2025); *Kansas* v. *Glover*, 589 U.S. 376, 385-86 (2020); *Birchfield* v. *North Dakota*, 579 U.S. 438, 477 (2016); *Heien* v. *North Carolina*, 574 U.S. 54, 60 (2014); *Atwater* v. *Lago Vista*, 532 U.S. 318, 326 (2001); *Florida* v. *Jimeno*, 500 U.S. 248, 250 (1991). That reasonableness requirement governs warrantless entries of a home based on exigent circumstances, including to render emergency aid.

1. Though "searches and seizures inside a home without a warrant are presumptively unreasonable," *Brigham City*, 547 U.S. at 403, that general "presumption can be overcome" by special law enforcement purposes, *Fisher*, 558 U.S. at 47. One settled "important exception" to the presumptive warrant requirement is "for exigent circumstances." *Lange*, 594 U.S. at 301. Exigent circumstances exist when "'the exigencies of the situation'" are "so compelling" that warrantless searches become "objectively reasonable under the Fourth Amendment." *Mincey*, 437 U.S. at 394.

Over the years, this Court "has identified several exigencies that may justify a warrantless search of a home." *King*, 563 U.S. at 460. Examples of settled constitutionally permissible exigencies include "warrantless entry to 'prevent the imminent destruction of

evidence' or to 'prevent a suspect's escape.'" *Lange*, 594 U.S. at 301. Another is the need for police or firefighters to "make a warrantless entry onto private property to fight a fire and investigate its cause." *Brigham City*, 547 U.S. at 403; *see also Michigan* v. *Tyler*, 436 U.S. 499, 509 (1978). Finally, settled precedent recognizes the exigency at issue here—the authority to "enter a home without a warrant to render emergency assistance to an injured occupant or to protect an occupant from imminent injury." *Brigham City*, 547 U.S. at 403; *see also Fisher*, 558 U.S. at 47.

This Court has declined to require probable cause for any of these exigencies. Instead—as Case himself acknowledges, *see* Pet.Br.23—the standard has always been whether an officer "might reasonably have believed that he was confronted with an emergency." *Schmerber*, 384 U.S. at 770. Or as this Court put it more recently, a warrantless entry is justified when an officer has an "objectively reasonable basis for believing" an exigency exists. *Brigham City*, 547 U.S. at 400. Of course, for some exigencies—such as pursuit of a fleeing suspect—"officers need ... probable cause" of the underlying crime "plus exigent circumstances in order to make a lawful entry." *Kirk* v. *Louisiana*, 536 U.S. 635, 638 (2002). But the Court has distinguished between needing probable cause for *the underlying crime* and needing only objectively reasonable belief for *the subsequent exigency*. Probable cause, after all, speaks to criminality. But an exigency—like the existence of a fire, the need to render medical aid, or the act of walking into one's own house—is not inherently an independent crime and so does not need probable cause.

The exigent circumstance of hot pursuit of a fleeing suspect exemplifies that difference. "For decades," the Court has "consistently recognized pursuit of a fleeing suspect as an exigency" that "on its own justifies warrantless entry into a home." *Lange*, 594 U.S. at 322 (Roberts, C.J., concurring). And an officer may make a "warrantless home entry" when he "*reasonably believes*" that "exigencies exist." *Id.* at 308 n.3 (majority) (emphasis added). No doubt, officers must have probable cause that the fleeing suspect committed the underlying crime. But requiring probable cause *for the exigency* would make no sense. Retreating into one's own home is not invariably an independent crime. So requiring both probable cause for the underlying crime *and* probable cause to believe that an additional "[crime] has been committed" by the suspect's retreating into his own house, *Wong Sun* v. *United States*, 371 U.S. 471, 479 (1963) (cleaned up), would obviate the longstanding hot pursuit exigency. *See Lange*, 594 U.S. at 304; *United States* v. *Santana*, 427 U.S. 38, 42 (1976).

In the same way, the Court has not required officers to show probable cause that a suspect will destroy evidence before invoking that exigency. Some destruction of evidence might be a freestanding crime, but not every act of destroying evidence invariably is. The "natural dissipation of alcohol from the bloodstream," *Birchfield*, 579 U.S. at 457, destroys evidence but is not a separate crime. Even though an arresting officer might have "probable cause to believe an individual has been driving under the influence of alcohol," the officer does not need *additional* probable cause to believe that the suspect's blood alcohol content is dissipating before doing a warrantless blood draw.

Accordingly, this Court has never required officers to have probable cause *of the exigency*. *See Schmerber*, 384 U.S. at 770 ("reasonably ... believed" in "an emergency"); *Birchfield*, 579 U.S. at 456 (same). The Court has also declined to use the "probable cause" standard in other destruction-of-evidence cases. *See King*, 563 U.S. at 462-63.

Applying the standard of objective reasonableness, rather than probable cause, makes even more sense for the exigency of fighting fires. When officers or firefighters are extinguishing fire—and saving both property and life—the Court has been clear that "[a] burning building clearly presents an exigency of sufficient proportions to render a warrantless entry 'reasonable.'" *Tyler*, 436 U.S. at 509. Indeed, officers can reasonably believe that an exigent entry is needed based on any variety of fire-based circumstances—from an actual inferno to suspicious smoke to the smell of gas to a simple smoke alarm. But since none of those scenarios implicates crime, officers would never have probable cause for a fire-based exigent entry. That only confirms that not "all searches and seizures conducted for non-law-enforcement purposes must be analyzed under precisely the same" rules as "criminal cases." *Caniglia*, 593 U.S. at 200-01 (Alito, J., concurring); *see* Livingston, *supra*, 265.

2. "For decades," *Lange*, 594 U.S. at 322 (Roberts, C.J., concurring), the Court has consistently recognized that "[o]ne exigency obviating the requirement of a warrant is the need to assist persons who are seriously injured or threatened with such injury," *Brigham City*, 547 U.S. at 403. The Court's exigent-circumstances precedents establish that warrantless

entries to render emergency aid can be reasonable even if not supported by probable cause.

a. Warrantless entries to render emergency aid derive from the common law. "[T]he right to restrain a person who" is "so sick as to be helpless" or "so insane as to be dangerous to himself" has its "foundations" in "reasonable necessity." *Look* v. *Dean*, 108 Mass. 116, 120 (1871). When a man was "so insane that it would have been dangerous to himself and his family to permit him to be at large," it was lawful to "break into [his] house and imprison him." *Colby* v. *Jackson*, 12 N.H. 526, 530 (1842).

A person who intervened in such a case "needed no warrant" because "his duty as a citizen called on him to interfere" until "the immediate safety of the lunatic and his family had been cared for." *Id.* at 531. Thus, "[t]he common law recognized the power to restrain, summarily and without court process, an insane person" when it was "'necessary to prevent the party from doing some immediate injury either to himself or others.'" *Warner* v. *New York*, 297 N.Y. 395, 401 (1948) (quoting *Anderdon* v. *Burrows*, 172 Eng.Rep. 674, 675 (1830)).

b. This doctrine of "necessity" morphed into the doctrine of "emergency" in the twentieth century. Courts recognized that the "right of the police to enter and investigate in an emergency without the accompanying intent to either search or arrest is inherent in the very nature of their duties as peace officers, and derives from the common law." *See United States* v. *Barone*, 330 F.2d 543, 545 (2d Cir. 1964). Future-Chief Justice Burger wrote that "a warrant is not required

to break down a door to enter a burning home to rescue occupants" or "to bring emergency aid to an injured person," and instead required only "reasonable grounds to believe an injured or seriously ill person" was within. *Wayne* v. *United States*, 318 F.2d 205, 212 (D.C. Cir. 1963).

One commentator summed up the doctrine of necessity as allowing officers to "enter private premises without either an arrest or a search warrant to preserve life or ... to render first aid and assistance," "provided they have reasonable grounds to believe that there is an urgent need for such assistance." Mascolo, *The Emergency Doctrine Exception to the Warrant Requirement under the Fourth Amendment*, 22 Buff. L. Rev. 419, 426 (1973). The "doctrine serves an exceeding useful purpose," since without it, "the police would be helpless to save life." *Id.* at 428. For "[i]n an emergency intrusion the police are discharging their common law function of preserving life." Bacigal, *The Emergency Exception to the Fourth Amendment*, 9 U. Rich. L. Rev. 249, 250 (1975). The doctrine was invoked to justify warrantless entries responding to an "emergency call" about an unconscious person, *Wayne*, 318 F.3d at 207, a call about a "possible overdose," *Lebedun* v. *Maryland*, 283 Md. 257, 259 (1978), "screams," *Barone*, 330 F.2d at 544, and where eyewitnesses saw a "wounded" man disappear into a hotel, *United States* v. *Goldenstein*, 456 F.2d 1006, 1010 (8th Cir. 1972).

c. Lower courts had already applied the emergency-aid exigency when this Court first expressly addressed it in *Mincey*. There, the Court held that the "need to protect or preserve life or avoid serious injury

is justification for what would be otherwise illegal absent an exigency or emergency." *Mincey*, 437 U.S. at 392. Since then, this Court has repeatedly held that police may conduct warrantless exigent entries of a home when they have an "objectively reasonable basis for believing" that an occupant needs emergency medical aid. *See, e.g.*, *Brigham City*, 547 U.S. at 400; *Fisher*, 558 U.S. at 47; *Caniglia*, 593 U.S. at 199-208 (opinions of Roberts, C.J.; Alito, J.; and Kavanaugh, J.).

Never has this Court required "probable cause" as a prerequisite to applying the emergency-medical-aid exigency. Quite the contrary—despite repeated requests to adopt either probable cause or reasonable suspicion as the governing standard, the Court has reiterated that the emergency-aid exception is governed by the same test as other exigencies: Whether officers have an "objectively reasonable basis for believing" that a person needs emergency aid. *Fisher*, 558 U.S. at 47.

d. *Caniglia* did not change this Court's longstanding "objectively reasonable basis" rule exemplified by *Brigham City*. Nor does it prevent the emergency-aid exigency's application to this case.

Caniglia involved no exigency. There, officers conducting a mental wellness check on a suicidal man met him outside his home and persuaded him to go to a hospital. *Caniglia*, 593 U.S. at 196-97. Only after the suicidal man had departed—thereby eliminating any basis to claim the officers needed to render emergency aid—did the officers enter the man's home and seize his firearms, claiming authority to enter under their

"community-caretaker" roles to secure dangerous weapons. *Id.* at 197.

This Court correctly concluded that merely invoking the community-caretaking doctrine or the duties associated with that label does not "create[] a standalone doctrine that justifies warrantless searches and seizures in the home." *Id.* at 196. At the same time, this Court acknowledged that because the suicidal man had already left his home, *Caniglia* involved neither "any recognized exigent circumstances" nor authority "akin to what a private citizen might have had" under the doctrine of necessity. *Id.* at 198.

Rendering emergency aid to someone whom officers have an objectively reasonable basis to believe is (or is about to be) seriously injured qualifies as both a community-caretaker function *and* an exigent circumstance. As the Montana Supreme Court recognized, rendering emergency medical aid was the community-caretaker function at issue here, making it a qualifying exigent circumstance. Contrast that with *Caniglia*, where no exigency existed because the officers knew the suicidal man was not in the house when they entered. *Id.* at 196-97.

Caniglia thus does not limit the emergency-aid exigency's application when police officers do have an objectively reasonable belief that someone *inside* the house needs medical aid or assistance.

C. Officers' entry into Case's home was objectively reasonable and thus constitutional.

The Montana Supreme Court's analysis comports with this Court's exigent-entry standard. It correctly asked whether "there [were] objective, specific and articulable facts from which an experienced officer would suspect that a citizen is in need of help or is in peril." Pet.App.12a-13a. In application, that inquiry "mirror[s]" this Court's exigency standard of "an objectively reasonable basis for concluding that there was an immediate need to protect others" from "serious harm." Pet.App.13a & n.4. Thus, just because the Montana Supreme Court sometimes used the "label" of "community caretaker" "does not mean that" it "reached the wrong result" on the merits of emergency-aid exigencies. *Sanders* v. *United States*, 141 S.Ct. 1646, 1647 (2021) (Kavanaugh, J., concurring), *on remand*, 4 F.4th 672, 677 (8th Cir. 2021) (the "emergency assistance" "exception to the warrant requirement applies here"). On the contrary, the Montana Supreme Court correctly acknowledged the overlap in this case between community caretaking and the emergency-aid exigency, and correctly applied this Court's "objectively reasonable" test.

1. "[R]easonableness" is "measured in objective terms." *Barnes*, 145 S.Ct. at 1358. A court's inquiry into an officer's "objectively reasonable" belief requires analyzing the "totality of the circumstances." *Id.*; *see also Brigham City*, 547 U.S. at 404. This inquiry is no "easy-to-apply legal test" or "on/off switch," because lower courts must engage in the difficult work of "slosh[ing]" their "way through" a "factbound

morass." *Barnes*, 145 S.Ct. at 1358 (quoting *Scott* v. *Harris*, 550 U.S. 372, 382-83 (2007)). Courts have no shortcut when "deciding whether" an exigent entry "was objectively reasonable"; the inquiry always "demands 'careful attention to the facts and circumstances' relating to the incident, as then known to the officer." *Id.* (quoting *Graham* v. *Connor*, 490 U.S. 386, 396 (1989)).

Under that standard, "[o]fficers do not need ironclad proof of 'a likely serious, life-threatening' injury to invoke the emergency aid exception." *Fisher*, 558 U.S. at 49; *cf. Hill* v. *California*, 401 U.S. 797, 804 (1971) ("[S]ufficient probability, not certainty, is the touchstone of reasonableness."). In *Brigham City*, officers responding to a call approached a house and heard what sounded like "an altercation" and "people yelling 'stop, stop.'" 547 U.S. at 406. Investigating further, the officers saw a "fracas" where one person struck another "in the face," causing him to "spit[] blood." *Id.* Similarly, in *Fisher*, officers responding to a disturbance complaint found a "smashed" pickup truck and "broken house windows." 558 U.S. at 45. Investigating further, the officers found blood on the pickup and the house, then observed that "Fisher had a cut on his hand." *Id.* at 46. Both cases illustrate scenarios where officers responded to a call or report and found a series of corroborating facts that eventually made it "objectively reasonable" to "believ[e] that medical assistance was needed." *Id.* at 49.

Because the rule requires a case-by-case assessment, it's no surprise that some emergency-aid cases will not be as clear as *Brigham City* or *Fisher*, where responding officers could see the injured party before

entering the home. For example, lower courts still disagree whether a 9-1-1 call can, by itself, provide a reasonable basis to believe that someone inside a home needs help. *Compare United States* v. *Richardson*, 208 F.3d 626, 630 (7th Cir. 2000) (9-1-1 call is enough), *with Reed* v. *Campbell County*, 80 F.4th 734, 745 (6th Cir. 2023) (9-1-1 call is not enough). To that end, "courts, police departments, and police officers alike must" still "take care that officers' actions" are "reasonable under the circumstances," *Caniglia*, 593 U.S. at 208 (Kavanaugh, J., concurring), and officers should "not ignore obvious and available options for gathering facts to determine if an emergency actually exists," *United States* v. *Giambro*, 126 F.4th 46, 57 (1st Cir. 2025). But officers who respond to a call and discover specific facts corroborating that report can have an "objectively reasonable basis" to believe they can perform a warrantless entry to provide emergency aid.

2. The Montana Supreme Court applied this flexible "totality of the circumstances" framework and correctly concluded that the officers had an "objectively reasonable" belief that Case needed emergency aid.

Like many emergency-aid exigencies, this case began with a 9-1-1 call. J.A.9. This 9-1-1 call was neither anonymous nor lacking detail. The caller, J.H., identified herself as Case's former girlfriend. J.A.238. The police department knew Case well from prior interactions with him. J.A.82-83, 111-13. J.H. gave a "significantly ... detailed report," *Reed*, 80 F.4th at 744, relating several key facts. She said she believed that Case was at home, had been drinking, had a gun, and

had spoken about writing a suicide note. Pet.App.3a; J.A.9, 298.

J.H.'s call matched the officers' prior personal knowledge of Case's earlier suicide attempts and mental health issues, lending initial indicia of credibility to her report. Pet.App.4a-5a. And when the officers arrived at Case's home, they did not immediately enter in search of Case. Instead, they looked for more facts that could corroborate J.H.'s report about Case being inside and needing emergency assistance.

The officers located Case's vehicle, corroborating J.H.'s belief that he was home and not elsewhere. J.A.173 (Case's "vehicle" being "at the home" "escalated the thought" they "need[ed] to render aid"). They repeatedly knocked on the doors and called out to Case, but he did not answer—itself a fact suggesting he might already be physically unable to "summon help." *Caniglia*, 593 U.S. at 202 (Alito, J., concurring); *see also Reed*, 80 F.4th at 744. While peering through the window, the officers saw Case's keys, empty beer cans, an empty handgun holster, and a notepad with a paragraph-long note. Pet.App.4a; *supra* 5. Each observation further corroborated J.H.'s report that Case was at home, drinking, with an unholstered firearm, and preparing a suicide note. This steady trail of corroborating breadcrumbs gave the responding officers an "objectively reasonable basis" to believe J.H.'s initial report that Case was "in danger" and might attempt suicide, so "medical assistance was needed." *Fisher*, 558 U.S. at 49. In those circumstances, "[t]he Fourth Amendment does not demand that police wait until a suicidal citizen has raised a gun to [his] temple

before officers may intervene." *Graham* v. *Barnette*, 5 F.4th 872, 890-91 (8th Cir. 2021).

The Montana Supreme Court correctly rejected Case's demand to focus on the responding officers' supposed subjective views about the likelihood that Case was "lying in wait for them" rather than "requir[ing] immediate aid." Pet.Br.8 (quoting Pet.App.29a). As this Court's "prior cases make clear," an officer's "subjective motivations" have "no bearing on whether a particular" entry and search "is 'unreasonable' under the Fourth Amendment." *Connor*, 490 U.S. at 397. Because the totality of the circumstances created an "objectively reasonable basis" to believe that Case was likely injured or needed medical assistance, the "officer[s'] subjective motivation[s]" were "irrelevant." *Brigham City*, 547 U.S. at 404.

The Montana Supreme Court also correctly rejected Case's contention that the passage of time before officers entered Case's house made it "unlikely Case required immediate aid" and cut against a finding of exigency. Pet.Br.18 (quoting Pet.App.29a). This Court instructs lower courts to evaluate what is "reasonable under the circumstances," *Brigham City*, 547 U.S. at 406, not to "forc[e] fact patterns into fixed preconceived" notions, such as a belief that all exigent actions must be immediate, Livingston, *supra*, 290. An amount of time that's reasonable for exigent action in one case may not be reasonable in another. For example, sometimes an exigency requires immediate action because "any delay would result in destruction of evidence." *Lange*, 594 U.S. at 304. But in other cases, such as dissipation of blood alcohol content, non-immediate exigent tests are still reasonable since "some

delay" is "inevitable." *Missouri* v. *McNeely*, 569 U.S. 141, 153 (2013).

In the same way, the reasonable speed of responding to emergency-aid situations will vary based on the circumstances of the emergency. For a case where officers are responding to an "elderly man" who has "fallen and hurt himself," *Caniglia*, 593 U.S. at 208 (Kavanaugh, J., concurring), the officers may be reasonably justified in entering a home immediately. But in situations where officers "knock but receive no response," *id.*, they may reasonably need to seek further corroborating information before breaking into a home. Or when responding to a situation where weapons could be involved—a situation "fraught with danger to police officers," *Barnes*, 145 S.Ct. at 1360 (Kavanaugh, J., concurring)—the officers may need to take reasonable time to make appropriately cautionary plans. After all, courts "must appreciate the extraordinary dangers and risks facing police officers" when conducting dangerous emergency-aid duties, and analyze "reasonableness" against that backdrop. *Id.* at 1363 (Kavanaugh, J., concurring).

3. Case faults the Montana Supreme Court for applying a too-low standard of suspicion that he thinks "echoes the 'reasonable suspicion' standard adopted in *Terry* v. *Ohio*." Pet.Br.36. His retelling attacks a straw man; the Montana Supreme Court's decision does no such thing.

Invoking the dissent below, Case argues that the majority opinion creates "an open-ended license to enter a home" with only reasonable suspicion. Pet.Br.33. But "[a] dissenting opinion is generally not the best

source of legal advice on how to comply with the majority opinion." *SFFA* v. *Harvard*, 600 U.S. 181, 230 (2023). The dissent's claim that the majority gave a green light to entries based solely on "reasonable suspicion," Pet.App.32a, runs headlong into the majority's repeated efforts to foreclose that reading and to confirm it was "*not* issuing law enforcement 'an open-ended license to enter a home upon a mere reasonable suspicion,'" Pet.App.15a (emphasis added). So "despite the dissent's assertion to the contrary," *SFFA*, 600 U.S. at 230, the Montana Supreme Court did not authorize exigent entries based solely on *Terry*'s reasonable suspicion standard.

II. Case's proposed probable-cause standard flouts settled precedent and would effectively eliminate the emergency-aid exigency.

Nothing in the text, history, or tradition of Fourth Amendment reasonableness requires officers to have probable cause before entering homes to render emergency medical aid. Case's contrary argument contravenes this Court's cases and would consign vulnerable people to avoidable deaths. *Caniglia*, 593 U.S. at 203 (Alito, J., concurring).

A. Criminality inheres in the concept of probable cause. Probable cause thus plays no role and serves no function when police officers carry out noncriminal-enforcement duties that further the public interest.

"[T]he concept of probable cause" is "rooted" in "the criminal investigatory context." *O'Connor* v. *Ortega*, 480 U.S. 709, 723 (1987) (plurality). And since "the probable-cause standard" is "peculiarly related to

criminal investigations," *Bd. of Educ.* v. *Earls*, 536 U.S. 822, 828 (2002), it is "unhelpful" when analyzing the reasonableness of law enforcement's noncriminal "administrative functions," *Von Raab*, 489 U.S. at 668. This Court has never required probable cause for exigencies involving emergency aid. For good reason: When a "careful balancing of governmental and private interests" indicates that "the public interest is best served by a Fourth Amendment standard of reasonableness that stops short of probable cause," the Court has "not hesitated to adopt such a standard." *T.L.O.*, 469 U.S. at 341.

Even so, Case insists that nothing less than probable cause can justify a warrantless entry to render emergency medical aid or save a life. Pet.Br.28-32. Case even contends that the probable cause standard applies equally to criminal and noncriminal contexts. Pet.Br.17. But as Case himself acknowledges, definitions of probable cause examine whether officers have a "belief of guilt" or "belief that a crime has been committed." Pet.Br.24 (cleaned up). Time and again, this Court has said that probable cause is a "fair probability" or "substantial chance" of "discovering evidence of criminal activity." *Safford Unified Sch. Dist. No. 1* v. *Redding*, 557 U.S. 364, 371 (2009). Indeed, the Court has made the link between probable cause and criminality inescapable by consistently holding that "[t]he substance of *all* the definitions of probable cause is a reasonable ground for belief of guilt." *Pringle*, 540 U.S. at 371 (emphasis added); *see also Carroll* v. *United States*, 267 U.S. 132, 161 (1925). This view of "probable cause" as "suspect[ing] the party to be guilty" is itself drawn directly from common law. Chitty, *supra*, 23.

The Court's more recent precedents further reiterate that probable cause builds on the premise of investigating criminality. Courts analyze probable cause by looking first to the "historical facts" that arise from the totality of the circumstances. *Ornelas* v. *United States*, 517 U.S. 690, 696 (1996). After that, courts ask whether an officer with a reasonable understanding of the relevant law would believe those facts amount to "the rule of law" being "violated." *Id.* at 696-97. Probable cause thus examines whether both "the 'officer's understanding of the facts and his understanding of the relevant law' was 'reasonable.'" *Bufkin* v. *Collins*, 145 S.Ct. 728, 740 (2025). In other words, half of the probable cause inquiry asks whether the circumstantial facts show a probability of guilt or criminal violation. Stripping away criminality—as Case seeks to do—nullifies half of probable cause's analytical structure.

Case tries to avoid that outcome by contending that probable cause has "long been applied to noncriminal contexts." Pet.Br.17. But he cites only one case—*Camara* v. *Mun. Ct. of S.F.*, 387 U.S. 523 (1967)—to support this contention. *Camara* held that administrative warrants for health and safety inspections must be supported by probable cause. *Id.* at 530. But the Court also acknowledged that "a routine inspection" for a noncriminal purpose is "a less hostile intrusion than the typical policeman's search for the fruits of instrumentalities of crime." *Id.* And *Camara* itself was not an example of this "less hostile intrusion," both because "housing codes are enforced by criminal processes" and because "refusal to permit an inspection is itself a crime." *Id.* at 531. Accordingly, *Camara* deemed probable cause necessary for

government enforcement aimed at violations of codes for which criminal penalties applied. *Id.* Little wonder that this Court has elsewhere described *Camara* and its progeny as cases "ar[ising] in a criminal context" and "concern[ing] a true search for violations." *Wyman*, 400 U.S. at 325.

Case identifies no precedent of this Court requiring probable cause in a noncriminal context. Nor does Case explain how this Court could remove the criminality component inherent in probable cause. Now is not the time for the Court to upend hundreds of years of settled precedent and extend the probable cause standard to purely noncriminal scenarios.

B. Case also contends that both precedent and historical doctrines demand applying probable cause to emergency-aid exigent entries. To Case, every prior case and every common-law doctrine "sounds in" probable cause—regardless of whether they mention (or resemble) probable cause. But none of Case's cited sources supports his reading.

Case contends that the objectively-reasonable-belief standard from *Brigham City* "sounds in probable cause." Pet.Br.15, 24. He also argues that *Brigham City* and *Fisher* "both support" requiring probable cause for emergency-aid entries. Pet.Br.24-25. But Case does not point to any "probable cause" language from *Brigham City* or *Fisher*, because the Court never used that term when discussing emergency-aid exigencies in either case. Instead, time and again, the Court applied a different standard: Whether officers have an "objectively reasonable basis" to believe an exigency exists. *Brigham City*, 547 U.S. at 400; *see also*

Fisher, 558 U.S. at 49; *Lange*, 594 U.S. at 308 n.3; *Schmerber*, 384 U.S. at 770; *Caniglia*, 593 U.S. at 200 (Roberts, C.J., concurring). Case's argument conflates one common term of art (objectively reasonable belief) with another common term of art (probable cause). Those different terms have different meanings; the latter does not "sound in" the former.

Nor do common law traditions support Case's argument. Case contends that at common law, officers could enter a home without a warrant only in one specific circumstance: "an affray" that an officer personally "saw or heard." Pet.Br.26-27. And Case reads the affray rule as "sound[ing] in" probable cause, even though his common-law authorities do not mention probable cause alongside affrays. Pet.Br.27. Here too, Case errs. For one thing, commentators were not unanimous that officers could break open doors after an affray only if they had probable cause. One jurist indicated that an officer "neglecteth his duty" if he did not use his full powers to apprehend an affrayer, even when "the Affray is made out of the presence or sight of the Constable, and one cometh to the Constable and telleth him of it." Dalton, *The Country Justice* 35 (1705). More to the point, if Case is correct that the affray rule required an officer to "personally observe the affray" as a minimum threshold, that officer would need absolute certainty, not just probable cause of it. But the Fourth Amendment's touchstone is reasonableness, not absolute certainty. *Hill*, 401 U.S. at 802-04. Adopting Case's misreading of the common law and making the standard absolute certainty would destroy both reasonableness and probable cause.

Case next identifies two exigency cases that he reads to require probable cause for all warrantless entries. First, Case contends that *United States* v. *Santana*, 427 U.S. 38 (1976), required both probable cause of the underlying crime *and* separate probable cause to believe that the suspect fled inside her house. Pet.Br.23. But the majority opinion in *Santana* did not use the term "probable cause" to describe Santana's retreat into her own house. Nor did *Warden* v. *Hayden*, 387 U.S. 294 (1967), upon which *Santana* relied, *see* 427 U.S. at 42, require "probable cause" that way. Confirming the point, the Court recently described the only "probable cause" at issue in *Santana* as "probable cause to think that Santana was dealing drugs"—that is, requiring probable cause for the underlying crime, but not for the noncriminal exigent action of entering her own home. *Lange*, 594 U.S. at 304.

Second, Case insists that *Minnesota* v. *Olson*, 495 U.S. 91 (1990), required probable cause for exigencies. Not so. *Olson* stressed that the state court "applied *essentially* the correct standard," and "*apparently* thought" that probable cause of an exigency was needed. *Id.* at 100 (emphasis added). The Court did not say that the state court actually applied the correct standard, nor did it affirmatively say that probable cause of an exigency is required. Little wonder Justice Kennedy wrote separately to emphasize that the quoted portion of the *Olson* majority was "defer[ring] to a state court's application of the exigent circumstances test to the facts of this case," not "endors[ing]" the "particular application of the standard" of probable cause. *Id.* at 102 (Kennedy, J., concurring).

At bottom, Case identifies no precedent or doctrine that supports requiring probable cause for emergency-aid exigent entries. Nor has Case explained how *Brigham City* and *Fisher* could survive if this Court adopts his proposed standard and requires probable cause for exigencies.

C. Case also contends that only a probable cause standard can adequately safeguard the balance struck by private and public interests in emergency-aid situations. Pet.Br.28-32. But Case misreads this Court's instructions on how this balance works.

As a final step when reviewing reasonableness, courts look to "whether a particular search meets the reasonableness standard" by "balancing" the search's "intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests." *Vernonia*, 515 U.S. at 652-53 (cleaned up). In the emergency-aid exigency context, the government has legitimate interests in public safety and in rendering "medical assistance" to "persons ... in danger." *Fisher*, 558 U.S. at 49. And the private interest at issue is the person's interest in the sanctity of the home. *Georgia* v. *Randolph*, 547 U.S. 103, 115 (2006).

No one contests that the sanctity of the home is an important Fourth Amendment value. But Case fails to acknowledge that it is not absolute. It's strongest when protecting against intrusions aimed at uncovering wrongdoing or invading privacy without justification. *See Brinegar* v. *United States*, 338 U.S. 160, 176 (1949). For "[i]t is not the breaking of" a man's "doors, and the rummaging of his drawers, that constitutes

the essence of the" Fourth Amendment "offense," but rather "any forcible and compulsory extortion of" his "private papers to be used as evidence to convict him of crime, or to forfeit his goods." *Boyd* v. *United States*, 116 U.S. 616, 630 (1886). For this reason, the Court regularly acknowledges that searches may be reasonable without warrants or probable cause when "the primary purpose of the searches is distinguishable from the general interest in crime control." *City of Los Angeles* v. *Patel*, 576 U.S. 409, 420 (2015) (cleaned up).

In case after case, this Court has "made it clear" that "[w]hen faced with special law enforcement needs, diminished expectations of privacy, minimal intrusions, or the like," these "circumstances may render a warrantless search or seizure reasonable." *Illinois* v. *McArthur*, 531 U.S. 326, 330 (2001). Entering a home to render medical aid is a "less hostile intrusion" than breaking open a home's doors to "search for 'evidence of criminal action.'" *Camara*, 387 U.S. at 530. So the entry of a home for reasons that are "not, or at least not entirely, adversarial" needs "a lesser quantum of concrete evidence justifying suspicion than would be required to establish probable cause." *Griffin* v. *Wisconsin*, 483 U.S. 868, 879 & n.6 (1987). After all, searches may still be reasonable where "special needs" of law enforcement make the "warrant and probable-cause requirement" impractical. *Vernonia*, 515 U.S. at 653. Of course, an emergency-aid entry may not be "a pretext for obtaining evidence of violation of penal laws." *Whren* v. *United States*, 517 U.S. 806, 811 (1996) (cleaned up). But as the Court held when addressing another welfare check only for "protection and aid" and not "in aid of any criminal proceeding," the Fourth Amendment there requires

neither warrants nor probable cause. *Wyman*, 400 U.S. at 318, 323-24.

Case invokes precedents on the "sanctity of the home" that come solely from cases of criminal investigation. Pet.Br.28-29. Those precedents do not accurately reflect the interests courts must balance in a noncriminal, noninvestigatory context such as rendering emergency medical aid. That fatal logical flaw threatens actual fatalities. Because the governmental interest peaks when human lives hang in the balance, this Court has always permitted emergency-aid exigent entries when officers have an "'objectively reasonable basis for believing' that medical assistance was needed." *Fisher*, 558 U.S. at 49. Case offers no compelling reason to change course.

D. Case's contention that probable cause should govern noncriminal, noninvestigatory emergency medical-aid situations would hamstring those critical functions.

Because probable cause requires criminality, it is "plainly inapposite to consideration of the reasonableness of community caretaking intrusions." Livingston, *supra*, 274. Courts should not "assume" that "the Fourth Amendment's command of reasonableness applies in the same way to everything" that falls in the "broad category" of "non-law-enforcement work." *Caniglia*, 593 U.S. at 200 (Alito, J., concurring). And importing a probable cause requirement into the emergency-aid analysis portends grave real-world consequences. Officers do not—and cannot—possess "probable cause" to believe a crime has occurred when responding to "prevent a suicide," "conduct a welfare

check on an older individual who has been out of contact," or help someone who has "fallen and suffered a serious injury." *Id.* at 204-05 (Kavanaugh, J., concurring). Because no crime has occurred in such circumstances, by definition, officers cannot develop probable cause. *Cf. id.* at 203 (Alito, J., concurring) ("[W]arrants are not typically granted for the purpose of checking on a person's medical condition."). Thus Case's arguments would destroy the emergency-aid exigent circumstance since officers cannot obtain either probable cause or warrants for a medical welfare check.

Case's preferred regime will turn American homes into "the place where" citizens who need urgent medical help "died alone and in agony." *Id.* (Alito, J., concurring). This is not a hypothetical concern. Every day, police officers are first responders to calls involving suspected overdoses, strokes, diabetic comas, and suicide attempts. *See, e.g.*, Hawkins, et al., *The role of law enforcement agencies in out-of-hospital emergency care*, 72 Resuscitation 386 (2007); Livingston, *supra*, 271-73. That role is especially pronounced in rural communities, like most of Montana, where law enforcement officers often serve as the de facto first line of emergency medical response. Imposing a probable cause requirement would almost always prevent law enforcement from helping in the very situations where citizens need their help the most. Adopting Case's rule would require the police either to ignore calls for help and get blamed for deaths, or to do what they've always done but now face civil and criminal risks if courts find such entries to be impermissible.

Case contends that mere reports of persons dead or dying do not justify exigent home entries because those might include "crank" reportings of "dead bodies," or other types of false reports. Pet.Br.41 (quoting *Wayne*, 318 F.2d at 212). This mistakes future-Chief Justice Burger's reasoning that "[e]ven the[se] apparently dead"—often "diabetics in shock" or "distressed cardiac patients"—are still "saved by swift police response" and could well die if "police tried to act with the calm deliberation associated with the judicial process." *Wayne*, 318 F.2d at 212. Case's argument about "swatting" may go to whether officers have gathered enough corroborating facts to support an objectively reasonable belief that entry is necessary to render emergency aid. But it is not an independent reason for police to refuse to investigate a report of a dead body just because they do not yet have probable cause.

"Basic humanity require[s] that officers offer aid" in emergency scenarios when delay might be "the difference between life and death for the person seen exhibiting no signs of life within the house." Mascolo, *supra*, 429-30 (quoting *David* v. *Maryland*, 236 Md. 389, 396 (1964)). The Fourth Amendment does not require officers to "stand idly outside" and wait for death to occur before taking reasonable steps to prevent it. *Caniglia*, 593 U.S. at 208 (Kavanaugh, J., concurring). In the emergency-aid context, reasonableness should be measured by facts establishing the urgency of a perceived medical need and the minimal intrusiveness of a welfare check, not by evidentiary indicia of criminal activity. Any rigid rule to the contrary would chill effective emergency aid and cost American lives.

III. Even if officers need probable cause for emergency-aid exigent entries, the objective facts the officers knew here satisfied that standard.

Case asks this Court to adopt a version of probable cause that looks not to criminality, but to "whether there is probable cause to believe a person is in imminent peril and in need of help." Pet.Br.14. This standard cannot be reconciled with the text, history, and tradition of the Fourth Amendment, *see supra* 15-24; this Court's exigency precedents, *see supra* 25-31; or probable cause's settled meaning, *see supra* 38-41. But should the Court nevertheless abandon *Brigham City*'s "objectively reasonable" standard and adopt Case's variant of probable cause in favor of it, the Montana Supreme Court's decision should still be affirmed.

Adopting Case's version of probable cause requires stripping out the criminality element and making probable cause a one-part test: Whether, given the totality of the circumstances, there is a "fair probability" that a certain belief is true. *Cf. Safford*, 557 U.S. at 371. That turns Case's objections to the Montana Supreme Court's opinion into "more labeling than substance." *Caniglia*, 593 U.S. at 205 (Kavanaugh, J., concurring). Here, the Montana Supreme Court carefully weighed the "totality of the circumstances." Pet.App.13a n.4. It noted that when officers arrived at Case's house, they "look[ed] for evidence of injury" and observed Case's keys, empty beer cans, an empty holster, and a note—distinct, objective facts that corroborated their belief that Case was at home, drunk, with a gun, and had written a suicide note. Pet.App.16a; *see*

supra 5. In other words, the officers took the exact steps Case thinks his new probable-cause framework requires to "corroborate" a report, Pet.Br.30, and concluded there was a "fair probability" that Case needed emergency medical aid, *Safford*, 557 U.S. at 371.

Given the totality of the circumstances and what the officers knew, the Montana Supreme Court concluded that "the record reflects an 'objectively reasonable basis' for finding that an emergency was unfolding," and that a reasonable "officer would similarly assess present circumstances" and "formulate a plan to render aid accordingly." Pet.App.14a n.9, 16a. Case might disagree with how the Montana courts weighed the relevant facts, but those courts conducted the substantive analysis that Case contends the Fourth Amendment requires to evaluate whether an exigency exists. So even if the Court were to now conclude that good-for-exigencies-only probable cause is the appropriate standard, the officers satisfied that standard here.

CONCLUSION

This Court should affirm the judgment of the Montana Supreme Court.

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Tyler R. Green
CONSOVOY MCCARTHY PLLC
222 S. Main St., 5th Fl.
Salt Lake City, UT 84101

Cody Ray Milner
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, VA 22209

Austin M. Knudsen
Attorney General
Christian B. Corrigan
Solicitor General
Counsel of Record
MONTANA DEPARTMENT
OF JUSTICE
215 N. Sanders Street
Helena, MT 59601
(406) 444-2026
christian.corrigan@mt.gov

Counsel for Respondent