No. 25-

In the

Supreme Court of the United States

QUASHAUN MELSUN REEL,

Petitioner,

v.

STATE OF NORTH CAROLINA,

Respondent.

On Petition for Writ of Certiorari to the Supreme Court of North Carolina

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PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

This Court has recognized an "implied license" that permits a "visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave." *Fla. v. Jardines*, 569 U.S. 1, 10 (2013). Police rely on this "implied license" to conduct untold thousands of so-called "knock-and-talk" investigations each year under the theory that entering the curtilage of the home to conduct a "knock and talk" does not implicate the Fourth Amendment. But this Court in *Jardines* also instructed that an officer's *purpose* in entering the curtilage of the home has constitutional relevance. If police "enter the protected premises of the home in order to do *nothing but conduct a search*," they have conducted a search within the meaning of the Fourth Amendment. *Id.* at 8 n.4 (emphasis added). This Court reinforced these principles in *Collins v. Virginia*, holding that "[w]hen a law enforcement officer physically intrudes on the curtilage *to gather evidence*, a search within the meaning of the Fourth Amendment has occurred," and the conduct is thus "presumptively unreasonable absent a warrant." 584 U.S. 586, 593 (2018) (emphasis added). The question presented is:

When police enter the curtilage of the home to conduct a "knock-and-talk" investigation with the purpose of gathering incriminating evidence against the homeowner, do police conduct a search within the meaning of the Fourth Amendment?

PARTIES TO THE PROCEEDING

Petitioner is Quashaun Melsun Reel. He was the defendant in the state trial court and the defendant-appellant in the state appellate courts.

Respondent is the State of North Carolina.

LIST OF RELATED PROCEEDINGS

Supreme Court of North Carolina, No. 34A25 (per curiam opinion filed on December 12, 2025).

North Carolina Court of Appeals, No. COA23-711 (divided opinion filed on December 17, 2024).

North Carolina Superior Court, Guilford County (High Point), No. 20 CRS 79581-83 (order denying motion to suppress filed on December 12, 2022).

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Quashaun Reel respectfully petitions for a writ of certiorari to review the judgment of the Supreme Court of North Carolina.

OPINIONS BELOW

The opinion of the Supreme Court of North Carolina (App. 33a) is reported at 388 N.C. 737 (2025). The opinion of the North Carolina Court of Appeals (App. 10a-32a) is reported at 910 S.E.2d 307 (N.C. Ct. App. 2024). The state trial court opinion (App. 1a-9a) is unreported.

JURISDICTION

The Supreme Court of North Carolina issued its opinion on December 12, 2025. This petition is due by March 12, 2026. The Court's jurisdiction is invoked under 28 U.S.C. § 1257(a).

RELEVANT CONSTITUTIONAL PROVISION

The Fourth Amendment 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."

INTRODUCTION

This Court has held that a Fourth Amendment search occurs when the police enter the curtilage of a home to gather incriminating evidence against the

homeowner. *See Fla. v. Jardines*, 569 U.S. 1 (2013); *Collins v. Virginia*, 584 U.S. 586 (2018). Here, the uncontroverted facts and video evidence show that the police entered the curtilage of Petitioner's home to gather incriminating evidence against him, and when they found it at the threshold of the door, they kicked the door in and violently entered. This is precisely what this Court forbid in *Jardines*, and yet, the North Carolina courts concluded that the police acted lawfully because of a supposed knock-and-talk exception to the warrant requirement—an exception that this Court has never recognized.

In *Bovat*, a plurality of this Court recognized that lower state courts have struggled to properly apply *Jardines* (and by implication *Collins*). *Bovat v. Vermont*, 141 S.Ct. 22 (2020) (mem.) (Gorsuch, J., statement respecting the denial of certiorari). This case provides a much-needed opportunity for further guidance. As noted by judges and scholars alike, knock and talks are a pervasive investigative technique. There is, however, no universally recognized understanding of what a "knock and talk" entails, much less how that investigative technique fits within this Court's caselaw about searches within the curtilage. This case is an ideal vehicle to address the scope of the implied license by answering the question of whether police execute a Fourth Amendment search when they conduct a knock and talk for the purpose of gathering incriminating evidence against the homeowner.

This Court should grant the petition here.

STATEMENT OF THE CASE

Petitioner contends that the High Point Police Department violated his Fourth Amendment right to be secure in his house from unreasonable searches when the police conducted a so-called "knock and talk" investigation on August 6, 2020.

The two "knock and talk" investigations of Petitioner's home

The High Point police conducted two of what they called "knock and talk" investigations of Petitioner's house. First, on July 24, 2020, the High Point Chief of Police emailed his patrol commanders to "coordinate amongst yoursel[ves] and conduct a Knock and Talk" at 1506-A Leonard Avenue "or some sort of enforcement action." App. 1–2a, 29a. The police had received an anonymous tip that someone had observed activity in an adjacent graveyard, traffic and parties at the house, and a man selling drugs out of the house. App. 12a. The Chief said the "complaints are probably valid." App. 29a.

The next day, officers conducted a special assignment based on this information. App. 12a, 29a. The officers saw four vehicles arrive and leave the house. R p 49 (record below). They stopped three of the four cars, discovering no contraband. R p 49. The officers went to the residence and spoke with Petitioner. The officers explained to him that there had been complaints about the amount of traffic and noise violations. R p 49. No contraband was seen, and nothing was smelled. R p 49. This information was passed along to Officer Brian Hilliard. R p 48.

Second, Officer Hilliard and two other officers drove in an unmarked car to conduct another "knock

and talk" investigation at Petitioner's house, on August 6, 2020, after Officer Hilliard was informed of another anonymous complaint. App. 2a. When they arrived, they saw no cars in the driveway and no apparent activity. *Id*. The house is a duplex, with a driveway to the right of the house and a central front path to the front door. R p 45. Instead of pulling in the driveway, the officers continued around the block and drove along the street behind the house. App. 4a. They turned on a side street running alongside the house and parked there, to the left side of Petitioner's house. App. 12a. As the officers parked on the side street, they saw a car pull into the driveway of Petitioner's house and a woman get out of the car and approach the front door. *Id*.

What happened next is captured in a 55-seconds-long video recording, which was introduced at the suppression hearing as Defendant's Exhibit 6 and made part of the appellate record.[1] The video records the officers' entry onto the curtilage and bursting into the home without knocking or being allowed in. For the first 11 seconds, Officer Hilliard and Officer Finn enter the yard from the side and Officer Hilliard stands behind the female visitor as she waits to enter the house. For the next 5 seconds, the visitor enters the house, while Officer Hilliard holds the outer storm door open. For the next 5 seconds, the front door closes and Officer Hilliard stands between the outer storm door and the inner door. For the next 4 seconds, Officer Hilliard unsuccessfully tries to kick open the door and the third officer approaches. For the next 12 seconds, Officer Hilliard repeatedly shouts "don't shut

[1] The video exhibit can be seen at https://www.youtube.com/watch?v=yLHRk2_LH6E.

the door on us," "open it," and "open it now." Then Officer Finn kicks the door open and all three officers storm inside. Then Petitioner is heard asking, "What are y'all doing?"

After the officers confiscated marijuana and other controlled substances, Petitioner was arrested and indicted for multiple charges. App. 11a, 13a.

Procedural history

Petitioner moved to suppress the evidence from the August 6, 2020 search, citing this Court's opinion in *Florida v. Jardines* and raising the federal question of whether a search in violation of the Fourth Amendment had occurred. App. 1a; R p 32. The trial court denied the motion. The trial court concluded that, "[b]ased on the complaints of narcotics activity at 1506-A Leonard Ave., Officer Hilliard and the other officers had the right to go to that residence and attempt a 'knock and talk' to investigate the information received." App. 5a. The trial court further concluded that exigent circumstances allowed the officers to enter the residence without a warrant based on Officer Hilliard's testimony that he smelled marijuana when the front door was opened. App. 7a–8a.

After a plea agreement[2] and sentencing, Petitioner then appealed to the North Carolina Court of Appeals, contending in part that the officers had exceeded their implied license by cutting through his side yard and attempting to follow an invited guest into the house. App. 13a–14a. Petitioner again raised the issue of

[2] Petitioner reserved his right to appeal the denial of his motion to suppress. App. 13a.

whether a search in violation of the Fourth Amendment had occurred, relying in part on this Court's decisions in *Florida v. Jardines*, *Collins v. Virginia*, and *Kyllo v. United States*, 533 U.S. 27 (2001). *See* Defendant-Appellant's Brief to the North Carolina Court of Appeals, Case No. COA23-711.

In a 2-1 decision, the Court of Appeals affirmed. App. 10a-25a. The majority analyzed the issue under what it called the "Knock and Talk Exception to the Fourth Amendment." App. 18a. After a perfunctory reference to this Court's *Jardines* opinion, the majority relied solely on state law. App. 18a–22a. The majority held that "the trial court did not err in concluding that the knock and talk here did not rise to the level of a Fourth Amendment search." App. 25a.

Judge Thompson dissented. App. 26a.–32a. The "crux" of the dissent concerned conclusions of law. App. 28a. The dissent reasoned that the officers "used the alleged 'knock and talk' as a pretext to search defendant's curtilage." App. 28a-29a. The dissent quoted at length from this Court's *Jardines* opinion, App. 30a–31a, and then concluded:

> [W]ithout a warrant or probable cause, the HPPD law enforcement officers physically intruded on defendant's front porch to obtain information. The HPPD officers trawled for evidence and observed defendant from just outside his front door (eventually observing him from inside defendant's front doorway), without ever knocking or announcing their presence. For the foregoing reasons, I would conclude that the trial

> court erred by denying defendant's motion to suppress because the "knock and talk" exception to the Fourth Amendment warrant requirement is inapplicable, and defendant's Fourth Amendment right to be free from unreasonable searches and seizures was violated. I respectfully dissent.

App. 31a–32a.

Petitioner appealed to the Supreme Court of North Carolina, contending that the Court of Appeals majority erred by holding that the officers' purported "knock and talk" at Petitioner's home was not a search for Fourth Amendment purposes. *See* New Brief of Defendant-Appellant to the Supreme Court of North Carolina, Case No. 34A25. Petitioner again relied on this Court's decisions in *Jardines*, *Collins*, and *Kyllo*, we well as this Court's decision in *Kentucky v. King*. *Id.* After hearing oral argument, the Supreme Court of North Carolina affirmed per curiam, with no reasoning. App. 33a.

REASONS FOR GRANTING THE PETITION

I. Lower courts are divided on how to evaluate a law enforcement officer's purpose in entering the curtilage of a home to conduct a "knock and talk."

This Court has clearly provided that an officer's purpose when entering a home's curtilage matters, but lower courts are very confused how they analyze implied license to enter a home's curtilage, knock and talk investigations, and law enforcement purpose.

A. Under *Jardines* and *Collins*, purpose matters.

The home is the first among equals, and the curtilage of the home—including the porch—is an extension of the home itself, receiving the same constitutional protection. Law enforcement's entry onto the curtilage of the home is therefore circumscribed. Absent a warrant, police generally cannot enter the curtilage of the home for the *purpose* of gathering incriminating evidence against the homeowner. Put differently, police conduct a Fourth Amendment search when they enter the curtilage with the purpose of conducting a search, as shown by *Jardines* and *Collins*.

In *Florida v. Jardines*, 569 U.S. 1, 10 (2013), this Court held that police conducted a Fourth Amendment search when they brought a drug-sniffing dog onto a homeowner's porch for the purpose of investigating the contents of the home. This Court considered the scope of the implied license to "approach a home and knock." *Id.* at 8. Although this "implicit license typically permits the visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave," *id.* "no one is impliedly invited to enter the protected premises of the home in order to do *nothing but conduct a search*." *Id.* at 8 n.4 (emphasis added).

This Court reasoned that "[t]he scope of a license—express or implied—is limited not only to a particular area but also to a *specific purpose*." *Id.* at 9 (emphasis added). And in determining whether police have violated the Fourth Amendment by entering the

curtilage, the question a court must answer "is precisely whether the officer's conduct was an objectively reasonable search." *Id.* at 10. The answer to that question "depends upon whether the officers had an implied license to enter the porch, which in turn depends upon the purpose for which they entered." *Id.* Because law enforcement's conduct in bringing a trained drug-detection dog onto the curtilage "objectively reveals a *purpose to conduct a search*, which is not what anyone would think he had license to do," use of the dog was a search. *Id.* ("the background social norms that invite a visitor to the front door do not invite him there to conduct a search").

In *Collins v. Virginia*, 584 U.S. 586, 588 (2018), this Court considered whether "the automobile exception to the Fourth Amendment permits a police officer, uninvited and without a warrant, to enter the curtilage of a home in order to search a vehicle parked therein." In answering "no," the Court reasoned that "[w]hen a law enforcement officer physically intrudes on the curtilage *to gather evidence*, a search within the meaning of the Fourth Amendment has occurred," and the conduct is thus "presumptively unreasonable absent a warrant." *Id.* at 593 (emphasis added).

In sum, under *Jardines* and *Collins*, purpose matters. As *Jardines* instructs, whether police have an implied license to enter the curtilage of a home depends on the purpose for which they entered the curtilage. If law enforcement's conduct objectively reveals a *purpose to conduct a search*, a search within the meaning of the Fourth Amendment has occurred. Further, under the Fourth Amendment, such a search is presumptively unreasonable absent a warrant.

All this is basic, black-letter Fourth Amendment law. But, like multiple other courts across the country, the courts below failed to apply it.

B. Lower courts are confused about the intersection of the implied license, knock-and-talk investigations, and officer purpose.

Six years ago, Justice Gorsuch, joined by Justice Sotomayor and Justice Kagan, remarked that it was "hard to see" how the knock-and-talk case before it "could have been decided without reference to *Jardines*." *Bovat v. Vermont*, 141 S. Ct. 22, 23 (2020) (mem.) (Gorsuch, J., statement respecting the denial of certiorari). According to Justice Gorsuch, under *Jardines*, the game wardens in the case exceeded the scope of their implied license to approach the front door and knock by heading to the garage, peering through the garage windows, lingering on the property for about 15 minutes, and never actually knocking on the front door. *Id.* at 24. Despite the **Vermont Supreme Court's** clear error in failing to apply *Jardines*, there existed "understandable reasons" to deny certiorari in *Bovat*, given that it was "unclear whether *Jardines's* message about the protections due a home's curtilage has so badly eluded other state or federal courts." *Id.*

Not so here. This Court should no longer assume that lower courts are correctly applying the reasoning and analysis in *Jardines* and *Collins*.

For example, the **Georgia Court of Appeals** majority reached the right result by way of the wrong analysis in *State. v. Newsome*, 835 S.E.2d 329 (Ga. Ct. App. 2019). There, an officer went to the apartment of

a person suspected of possessing stolen tools to conduct a knock and talk and investigate the crime. *Id.* at 331. The court concluded that the officer conducted a Fourth Amendment search when he ascended the back exterior staircase of the quadplex after knocking on the front door and receiving no answer, and then peered through the glass in the rear door and observed the suspected stolen tools. But the court did not analyze the officer's purpose in going to the back door. Instead, the court reasoned that the "rationale underlying the knock and talk exception is that there is no reasonable expectation of privacy subject to Fourth Amendment protection where the public is welcome," but here defendant "had a reasonable expectation of privacy in the back door of his residence." *Id.* at 333. Judge Dillard concurred, thoroughly analyzing *Jardines* because it was the "more appropriate basis to ground" the decision. *Id.* at 335 (Dillon, J. concurring). Specifically, the officer had physically occupied the curtilage of the apartment for the purpose of gathering information, making the case fit squarely within *Jardines*. *Id.*

Similarly, the **Fourth Circuit** did not consider police purpose when it analyzed the defendant's claim that police violated his Fourth Amendment rights when they knocked on his front door, received no answer, walked around to the backyard, approached a small shed, knocked on its door, and immediately observed a strong odor of raw marijuana when the defendant opened the door. *United States v. McNeil*, 126 F.4th 935, 940 (4th Cir. 2025). Although the court concluded that police exceeded the implied license, it did not address *Jardines's* purpose analysis.

The **Sixth Circuit** in *Morgan v. Fairfield County* concluded that a county's policy instructing officers to enter the curtilage of a home to create a perimeter for officer safety whenever an officer conducted a knock-and-talk investigation violated the Fourth Amendment. 903 F.3d 553, 566 (6th Cir. 2018). Concurring in part and dissenting in part, Judge Thapar would have held that the policy did not implicate the Fourth Amendment because the "county policy did not direct officers to gather information while there," and "[a]s such, there is no search." Judge Thapar reasoned that both the *Katz* test and the trespass test are inconsistent with the original meaning of "search" under the Fourth Amendment and the tests therefore have the unintended consequence of limiting the reach of the Fourth Amendment. *Id.* at 572–73 (Thapar, J. concurring in part, and dissenting in part). As an alternative to these tests—and consistent with original meaning—Judge Thapar would simply ask "whether an officer engaged in a purposeful, investigative act"; if so, police have conducted a search. *Id.* at 568, 572.

In *United States v. White*, the **Eighth Circuit** considered whether law enforcement conducted a search under *Jardines* when they entered the curtilage of the home to conduct a second knock-and-talk investigation to follow up on the smell of marijuana from an earlier-in-the-day knock and talk. 928 F.3d 734, 739 (8th Cir. 2019). The majority concluded the second knock and talk did not exceed the scope of the implied license. *Id.* at 740–41. Judge Grasz disagreed, because of his "serious doubts about whether the second warrantless entrance onto White's property by law enforcement officers complied

with the Fourth Amendment under" *Jardines*. *Id.* at 744 (Grasz, J. concurring in part). While acknowledging *Jardines*, the majority's analysis failed "to apply *Jardines'* holding." *Id.* at 745. Judge Grasz reasoned that the officers' behavior—returning to defendant's residence with drug task force officers with the express purpose to "see if we could continue to smell what [they] had smelled earlier that day"—"objectively revealed that their purpose was not just to speak with White, but to confirm the smell of green marijuana on White's property." *Id.* As in *Jardines*, "there 'is no customary invitation to do *that*.'" *Id.* (quoting *Jardines*, 569 U.S. at 9) (emphasis in original). "To conclude otherwise would seem to legitimize roving government search patrols approaching peoples' homes or entering their curtilages under the guise of 'knock and talk.'" *Id.*

Other courts, however, do consider police purpose in assessing the constitutionality of law enforcement's entrance onto the curtilage of the home. For example, the **Tenth Circuit** majority distinguished *Jardines* in *United States v. Carloss*, because there was "nothing in th[e] record to suggest that the officers conducted, or intended to conduct, a search from the front porch when they went onto the front porch to knock on [defendant's] front door." 818 F.3d 988, 993 (10th Cir. 2016).

The **Eleventh Circuit** applied *Jardines* in *United States v. Walker*, concluding that "the officers' behavior did not objectively reveal a purpose to search," and reasoning the officers did not approach defendant with the "purpose of 'discovering incriminating evidence'—just to speak with the homeowner, which is conduct that falls squarely

within the scope of the knock and talk exception." 799 F.3d 1361, 1363 (11th Cir. 2015).

The **Michigan Supreme Court** has concluded that although "approaching a home with the purpose of gathering information is not, standing alone, a Fourth Amendment search," "when 'conjoined' with a trespass, information-gathering—which need not qualify as a search, standing alone—is all that is required to turn the trespass into a Fourth Amendment search." *People v. Frederick*, 895 N.W.2d 541, 548 (Mich. 2017). Because the officers had plainly approached the defendants' homes for the purpose of gathering information at night—i.e., outside the bounds of the implied license—the court concluded the officers had conducted a Fourth Amendment search. *Id.*

The **Minnesota Supreme Court** has likewise reasoned that the scope of the implied license "is limited not only to a particular area but also to a specific purpose," and therefore "[t]o determine whether the officer acted within the limitations of this implied license, we must determine the officer's purpose, objectively, for entering the curtilage." *State v. Chute*, 908 N.W.2d 578, 586–87 (Minn. 2018). There, the court concluded that, viewed objectively, an officer entered the curtilage to conduct a search when he substantially deviated from the path leading to the backdoor in order to inspect a camper the officer suspected was stolen. *Id.*

In addition to *Bovat*, this Court has reviewed—and denied—multiple other certiorari petitions asking this Court to resolve knock-and-talk questions left unanswered by *Jardines* and *Collins*. *See, e.g.*,

Brienza v. City of Peachtree, Georgia, 144 S. Ct. 69 (2023) (whether officers may transform a voluntary encounter into an investigative detention when a homeowner answers a knock-and-talk by stepping onto his front porch); *Michigan v. Frederick*, 589 U.S. 924 (2019) (whether the Fourth Amendment applies to knock-and-talk encounters, and if so, whether a predawn visit constitutes a constitutional trespass in violation of the implied license to approach the home); *Fairfield Cnty., Ohio v. Morgan*, 586 U.S. 1248 (2019) (whether the Fourth Amendment prohibits law enforcement officers from securing the perimeter of a residence, for officer safety, when conducting a lawful 'knock and talk' operation); *Christensen v. Tennessee*, 583 U.S. 1091 (2018) (whether a private citizen has the right to revoke a law enforcement officer's implied license to enter property to conduct a knock-and-talk by placing a "No Trespassing" sign on their property); *Minnesota v. Chute*, 586 U.S. 981 (2018) (whether the Fourth Amendment prohibits police officers from engaging in knock-and-talks to gather evidence).

In short, there are many open knock-and-talk questions. *See, e.g.*, *French v. Merrill*, 24 F.4th 93, 96 (1st Cir. 2022) (Lynch, J. dissenting from the denial of rehearing en banc) (noting that *Jardines's* discussion of "knock and talk does not set forth with any kind of specificity the parameters of a permissible knock and talk," and only "provides a framework for how to consider what might or might not be allowed under the knock and talk exception, but it provides no settled answer to questions such as whether knocking multiple times might be acceptable, whether knocking at a window instead of a door in a multi-tenant apartment is permissible, or how much time

must pass between unsuccessful knock and talks before attempting again"); *see also Carroll v. Carman*, 574 U.S. 13, 20 (2014) (leaving undecided the question "whether a police officer may conduct a 'knock and talk' at any entrance that is open to visitors rather than only the front door").

Granting certiorari here will not resolve every unsettled knock-and-talk question. But this Court should grant certiorari to provide guidance to the lower courts regarding the scope of the implied license to enter the curtilage of a home to conduct a so-called "knock and talk." Further, this Court should instruct lower courts that when assessing the scope of the license, the objective purpose of entering the curtilage is constitutionally relevant.

II. The question presented is important.

What lower courts term the "knock and talk exception to the Fourth Amendment" has swallowed the rule that when police enter a home's curtilage to gather incriminating evidence against the homeowner they have engaged in a search.

As the Rutherford Institute has explained, "knock and talks" have "evolved into an aggressive means of sidestepping the Fourth Amendment." Rutherford Institute, *Constitutional Q&A: Knock & Talk Police Tactics* 4 (2017). "Knock and talks" usually arise from anonymous tips—as in Petitioner's case—and are more frequently used against minorities. *Id.* at 5. Police use "knock and talks" for the express purpose of obtaining incriminating evidence from a home's occupants. *Id.* at 7, 10. "Knock and talks" are nothing like the visit of a Girl Scout selling cookies, because

"knock and talks" are conducted by multiple officers with their sidearms prominently showing. *Id.* at 4, 8.

As members of this Court have recognized, "knock and talk" investigations are an "increasingly popular law enforcement tool," *Bovat v. Vermont*, 141 S. Ct. 22 (Mem) (2020) (Gorsuch, J., respecting the denial of certiorari). They have become routine police practice in virtually all jurisdictions. *See United States v. Carloss*, 818 F.3d 988, 1003 (10th Cir. 2016) (Gorsuch, J., dissenting).

The use of "knock and talks" as an investigative tool has grown exponentially since the procedure was first recognized in 1991. *See* H. Morley Swingle & Kevin M. Zoellner, *"Knock and Talk" Consent Searches: If Called by a Panther, Don't Anther*, 55 Mo. B. 25, 25 (1999) ("Prior to 1991, no appellate case ever used the phrase 'knock and talk' in reference to a consent search of a home."); *see also Oregon v. Land*, 806 P.2d 1156, 1157 (Or. App. 1991) (first use of "knock and talk" in an appellate decision).

From a law enforcement perspective, the explosive growth of "knock and talk" investigations is understandable. Law enforcement officers find it much easier to obtain consent to search after a "knock and talk" than to obtain a search warrant. A "knock and talk" presents police with "no administrative hassle" and often enables "an open-ended search with virtually no limits because unwitting citizens may not understand that they may stop or circumscribe a search already in progress." Jamesa Drake, *Knock and Talk No More*, 67 Me. L. Rev. 25, 37 (2014).

Officers have a remarkably high success rate in turning "knock and talks" into consent searches. *See,*

e.g., *Washington v. Ferrier*, 960 P.2d 927, 928 (Wash. 1998) (noting officer testimony that "virtually everyone confronted by a knock and talk accedes to the request to permit a search of their home"); *Griffin v. Arkansas*, 67 S.W.3d 582, 589 (Ark. 2002) (noting officer testimony that "fifty to eighty percent" of knock and talks result in a consent search); *see also Georgia v. Randolph*, 547 U.S. 103, 122 (2006) (recognizing the "substantial number of instances in which suspects who are asked for permission to search actually consent, albeit imprudently").

Some law enforcement departments have even established specialized units to conduct their "knock and talk" investigations. The Sheriff's Office in Orange County, Florida, for example, was conducting so many of them—about 300 each month—that it established "an entire squad dedicated solely to the practice." William Dean Hinton, *Knock and Talk*, Orlando Weekly (Jan. 9, 2003), https://www.orlandoweekly.com/news/knock-and-talk-2260977/. Similar "knock and talk" task forces have been employed by police departments across the country. *See, e.g.*, Drake, *supra*, at 35 (discussing the Dallas Police Department's knock and talk task force).

Federal law enforcement agents have increasingly been using "knock and talks," notably in conducting Immigration and Customs Enforcement (ICE) operations. *See, e.g.*, *Kidd v. Mayorkas*, 734 F. Supp. 3d 967, 982 (C.D. Cal. 2024) (holding that use of knock and talks to arrest occupants exceeded the implied license and violated the Fourth Amendment). ICE agents have been using knock and talks to further the current mass deportation efforts. *See, e.g.*, Ryder

Blair, *Albert Lea Residents Report Suspicious Activity, Police Find ICE Conducting Operations*, KTTC (Jan. 16, 2026), https://www.kttc.com/2026/01/17/albert-lea-residents-report-suspicious-activity-police-find-ice-conducting-operations/(local police responded to reported breaking and entering to find ICE agents conducting knock and talks).

Thus, due to the widespread use of "knock and talk" investigations, the Court's resolution of the question presented would both inform the training of the many thousands of law enforcement officers who engage in them and affect multitudes of homeowners.

The scholarly attention given to "knock and talk" investigations further shows that the question presented is important. Before this Court's decision in *Jardines*, scholars were already addressing the constitutionality of "knock and talk" investigations. *See, e.g.*, Swingle & Zoellner, *supra* (providing overview of knock and talk procedures and legality); Craig M. Bradley, *"Knock and Talk" and the Fourth Amendment*, 84 Ind. L.J. 1099 (2009) (recommending possible solutions for the "intrusiveness" of knock and talks); Andrew Eppich, Note, *Wolf at the Door: Issues of Place and Race in the Use of the "Knock and Talk" Policing Technique*, 32 B.C. J.L. & Soc. Just. 119 (2012) (focusing on potential abuses of knock and talks to pretextually target minorities).

Since *Jardines*, the scholarly attention devoted to "knock and talk" investigations has only increased. *See, e.g.*, Drake, *supra* (concluding that *Jardines* creates a framework in which most knock and talks are unconstitutional in practice); Quiwana N.

Chaney, Comment, United States v. Carloss*: An Unclear and Dangerous Threat to Fourth Amendment Protections of the Home and Curtilage*, 95 Denv. L. Rev. 519 (2018) (criticizing Tenth Circuit majority for not analyzing the case under the *Jardines* framework); Philip D. Mayer, Recent Development, *The Fourth Amendment's De Facto Physical Barrier Requirement: A Movement Toward a True Totality of the Circumstances Test After* United States v. Carloss, 96 N.C. L. Rev. 546 (2018) (discussing how "no trespass" signs impact the implied license); Alexander Newman, Comment, *Knock and Talks: Faithfully Applying Social Norms to Prevent Unconstitutional Police Intrusion Upon the Home*, 2023 U. Chi. Legal F. 441 (2023) (discussing spatial and temporal limits to the implied license during a knock and talk); Jason P. Steed, *"More Than Any Private Citizen Might Do": The Need for a Clear Rule Against Nighttime Knock-And-Talks*, 60 Wake Forest L. Rev. 371 (2025) (discussing the temporal limits of the implied license during a knock and talk).

Therefore, due to the ubiquity of "knock and talk" investigations throughout the country, the question presented is important and merits this Court's review.

III. Petitioner's Fourth Amendment rights were violated.

The officers in this case violated the Fourth Amendment.

Start with the undisputed facts. Police were on the curtilage (the porch) of Petitioner's home at the time they attempted to—and did in fact—gain entry to the interior of Petitioner's home. Police did not have a

warrant. Law enforcement's only justification for physically intruding on the Petitioner's constitutionally protected curtilage was to conduct a so-called knock-and knock investigation. For this investigation to be constitutionally permissible—*i.e.*, to *not* violate the Fourth Amendment—police were required to comply with the limited implied license recognized by *Jardines*. 569 U.S. at 8 ("This implicit license typically permits the visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave."); *Kentucky v. King*, 563 U.S. 452, 469 (2011) (the implied license is limited to "no more than any private citizen might do").

The question, therefore, is: did police comply with the implied license? They did not. The uncontroverted facts and video evidence show that the police entered the curtilage of Petitioner's home with the purpose of gathering incriminating evidence against him. When they found it at the threshold of the door, they immediately kicked the door in to conduct a further search of the interior of the home.

The officers' "behavior objectively reveals a purpose to conduct a search, which is not what anyone would think he had license to do." *Jardines*, 569 U.S. at 10. This behavior included:

- the Chief of Police told his officers to conduct a knock and talk at Petitioner's home to take some sort of "enforcement action";
- upon arriving at Petitioner's home, police saw no vehicles parked nearby but instead of immediately going to the front door to

conduct a knock and talk they circled the block until they saw a woman park in the driveway of the home;

- as the woman walked up the sidewalk to Petitioner's front door (consistent with the implied license), the officers cut through Petitioner's side yard (inconsistent with the implied license);
- police then piggybacked off the *guest's license* to approach the home, standing less than two feet behind her as *she knocked* and the door was opened to let *her in*;
- as the guest was invited into the home by Petitioner, Officer Hilliard then stepped forward, held the storm door open, began to follow the woman inside, and spoke Petitioner's name;
- when Petitioner shut the door on Officer Hilliard, multiple officers, after one allegedly smelled marijuana wafting out of the house when the door was opened (which he smelled only by conducting a search on Petitioner's curtilage), then proceeded to kick open the door, entered Petitioner's home, and searched for and seized contraband.

Anyone observing the officers' actions objectively would conclude that they exceeded the scope of the implied license. Simply put, it would not be "customary, usual, reasonable, respectful, ordinary, typical, nonalarming," *Jardines*. 569 U.S. at 8 n. 2, for an ordinary citizen to do what police did here. For example, no one gives an implied license to a stranger

to scope out their home, wait for a Grubhub delivery driver to park on the street and begin to walk toward the front entrance of the home, and then cut through the side yard of the home, step on the front porch, stand less than two feet behind the delivery man as he knocks and delivers his food, hold open the screen door, and then try and get the homeowner's attention by calling out. This behavior would be not only odd, but also uncustomary, rude, and in violation of the implied license.

The majority below erroneously concluded that the officers did not exceed the scope of the implied license and thus did not conduct a Fourth Amendment search. It reached this result by inexplicably failing to analyze *Jardines* and *Collins*, and by failing to consider the officers' objective purpose in entering the curtilage of Petitioner's home.

The majority reasoned that the officers did not violate "societal expectations" and exceed the scope of a knock and talk because the "visit was made during the day," the officers' attire indicated they were law enforcement officers, and they "followed the visitor to the front door." App. 22a. But this analysis missed the mark because under *Jardines*, even when an officer approaches the home through the front sidewalk, during the day, the intrusion on the curtilage is still considered a search if the purpose is improper. *Jardines*, 569 U.S. at 10 (whether an "officer's conduct was an objectively reasonable search . . . depends upon whether the officers had an implied license to enter the porch, which in turn depends upon the purpose for which they entered").

Had the majority correctly analyzed the officers' purpose, it would have concluded—consistent with the dissent—that the officers violated Petitioner's Fourth Amendment rights by conducting a search on the curtilage of the home without a warrant.

The dissent rightly determined that "without a warrant or probable cause, the HPPD law enforcement officers physically intruded on defendant's front porch to obtain information," and in so doing exceeded the scope of the implied license. App. 28a–29a. The dissent reasoned that the officers were sent to Petitioner's home to conduct an "enforcement action," they then conducted an unconstitutional enforcement action—not a permissible knock and talk—when they attempted to "piggyback off" the guest's invitation into Petitioner's home. App. 29a–30a. The dissent further reasoned that the officers never knocked, never announced their presence, and never sought consent to be on the porch or to talk to Petitioner. *Id.* Instead, the surveillance footage establishes that Officer Hilliard lingered behind the guest as she knocked and waited to be let in, and as she opened the storm door to be let in, Officer Hilliard "quickly stepped forward, grabbed the storm door and continued in [the guest's] footsteps until he was standing in the doorway" of Petitioner's home. App. 29a. The officers' actions, therefore, "usurped defendant's opportunity to decline to receive the officers." App. 30a. And then when Petitioner *did* attempt to exercise his right to decline to receive the police or even speak to them, the officers promptly kicked in his door. *Id.*; *see King*, 563 U.S. at 469–70 (when police knock on a homeowner's front door, the

owner "has no obligation to open the door or to speak").

Had police wanted to simply conduct a knock and talk within the scope of *Jardines's* implied license, they would have waited their turn, allowing Petitioner to receive or turn away the female visitor. They then could have approached Petitioner's home by the front path, knocked promptly, waited briefly to be received, and then (absent invitation to linger longer) left. *See Jardines*, 569 U.S. at 8. Their failure to comply with *any* of these hallmarks of a lawful knock and talk reveals the true purpose of their actions: to search for incriminating evidence against Petitioner. Because such conduct constitutes a search, the police violated Petitioner's Fourth Amendment rights.

IV. This case is a good vehicle.

This case is a good vehicle for the Court to answer the question presented. The record is small. The entire encounter at issue is captured in a 55-seconds-long video. The question presented is preserved. And the question presented is dispositive. In his motion to suppress, Petitioner relied on this Court's *Jardines* decision. Petitioner then appealed from the denial of his motion to suppress and relied on this Court's decisions in *Jardines*, *Collins*, and *Kyllo*. The majority below applied state law precedent to conclude that a "knock and talk exception to the Fourth Amendment" applies. Petitioner then asked the state supreme court to hold that the court of appeals erred in concluding that the officers' purported "knock and talk" investigation was not a search, again relying on this Court's decisions in

Jardines, *Collins*, and *Kyllo*, as well as *King*. The case thus presents an ideal vehicle for this Court to clarify how the Fourth Amendment applies to "knock and talk" investigations.

CONCLUSION

The petition for a writ of certiorari should be granted and either proceed to full merits briefing or in the alternative, the judgment of the Supreme Court of North Carolina should be vacated and the case should be remanded for reconsideration in light of *Jardines* and *Collins*.

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