No. 25-1099

IN THE
Supreme Court of the United States

QUASHAUN MELSUN REEL, *Petitioner*,

v.

NORTH CAROLINA, *Respondent.*

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

Brief *Amicus Curiae* of America's Future, Gun Owners of America, Gun Owners Foundation, Gun Owners of California, Tennessee Firearms Association, Tennessee Firearms Foundation, DownsizeDC.org, Downsize DC Foundation, and Conservative Legal Defense and Education Fund in Support of Petitioner

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INTEREST OF THE *AMICI CURIAE*[1]

Amici America's Future, Gun Owners of America, Inc., Gun Owners Foundation, Gun Owners of California, Tennessee Firearms Association, Tennessee Firearms Foundation, DownsizeDC.org, Inc., Downsize DC Foundation, and Conservative Legal Defense and Education Fund are nonprofit organizations, exempt from federal income tax under sections 501(c)(3) or 501(c)(4) of the Internal Revenue Code. These entities, *inter alia*, participate in the public policy process, including conducting research, and informing and educating the public on the proper construction of state and federal constitutions, as well as statutes related to the rights of citizens, and questions related to human and civil rights secured by law.

Some of these *amici* filed *amicus* briefs in this Court in three previous cases related to the property principles undergirding the Fourth Amendment's protections which have application here:

- *United States v. Antoine Jones*, No. 10-1259, Brief *Amicus Curiae* of Gun Owners of America, Inc. et al. (May 16, 2011) and Brief *Amicus Curiae* of Gun Owners of America, Inc. et al. (Oct. 3, 2011);

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[1] It is hereby certified that counsel of record for all parties received timely notice of the intention to file this brief; that no counsel for a party authored this brief in whole or in part; and that no person other than these *amici curiae*, their members, or their counsel made a monetary contribution to its preparation or submission.

- *Ryan Austin Collins v. Commonwealth of Virginia*, No. 16-1027, Brief *Amicus Curiae* of United States Justice Foundation et al. (Mar. 27, 2017) and Brief *Amicus Curiae* of Conservative Legal Defense and Education Fund et al. (Nov. 20, 2017); and

- *Ronell Moses, Jr. v. United States*, No. 25-399, Brief *Amicus Curiae* of Gun Owners of America et al. (Nov. 3, 2025).

STATEMENT OF THE CASE

In August 2020, officers of the High Point, North Carolina police department parked on the street beside the home of Quashaun Reel, whom they suspected of dealing in narcotics. *State v. Reel*, 297 N.C. App. 205, 207 (N.C. App. 2024) ("*Reel*"); Petition Appendix ("Pet. App.") 10a-32a. When they saw a car pull up in front of the home and a passenger approach the front door, the officers crossed Reel's side yard, came up behind the passenger, and when the door was closed after allowing her inside, the officers forced the door open, broke inside, locating and seizing marijuana and pills. *Id.* at 207-08.

The officers argued that they had an "implied license" to approach Reel's front door and to execute a "knock and talk" investigatory conversation with him. *Id.* at 213. They claimed they smelled marijuana when the door was opened, giving them probable cause and exigent circumstances to search without a warrant. *Id.* at 207-08. The Superior Court for the County of Guilford denied Reel's Motion to Dismiss

which focused primarily on the exigent circumstances issue. *See* Pet. App. at 1a-9a.

The North Carolina Court of Appeals approved the actions of the officers over a strong dissent. Pet. App. at 10a-32a. The court found that crossing Petitioner's side yard was within the scope of the "implied license" enjoyed by all persons. *Reel* at 213. The court then found that the smell of marijuana from the front porch alone gave probable cause to support a warrantless search. *Id.* at 214. The court concluded that "exigent circumstances" existed because, while the officers were present, Petitioner was likely to destroy evidence before they could return with a warrant. *Id.* at 215.

In dissent, Judge Thompson argued that "'[n]o one is impliedly invited to enter the protected premises of the home in order to do nothing but conduct a search.'" *Id.* at 218. He argued that the officers "used the alleged 'knock and talk' as a pretext to search defendant's curtilage," in violation of the Fourth Amendment. *Id.* He noted that the 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," proving that their purpose was not a "knock and talk" with Petitioner as they claimed, but was a pretext for an investigatory search without a warrant. *Id.* at 220.

The North Carolina Supreme Court affirmed per curiam, without an opinion. *State v. Reel*, 2025 N.C. LEXIS 1074 (N.C. 2025); Pet. App. at 33a.

SUMMARY OF ARGUMENT

Thirteen years ago, it was recognized by this Court in *Florida v. Jardines* that police have an "implicit license" to engage in a "knock and talk" with the occupants of a house. This license permitted police to "approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave." The "implicit license" for the police was predicated on the "implicit licence" granted to any person — such as "Girl Scouts or trick-or-treaters " — to do the same. As the "knock and talk" technique has become more prevalent in police work, the controversy that surrounds how this technique is being used has grown exponentially. Predictably, police have invented ways to build on that narrow "implied license" to conduct activities that violate the property-based Fourth Amendment protections for the home.

The conduct of the police challenged here by Petitioner illustrates how the "implicit license" recognized by this Court has been abused in practice. Here, the officers did not "approach the home by the front path," did not "knock promptly," did not "wait briefly to be received," or receive an "invitation to linger longer," and then, did not "leave." Instead, they forced their way in immediately behind an invited guest, without ever "knocking and talking" at all. When "knock and talk" is expanded to cover such behavior, and then combined with "exigent circumstances," the Fourth Amendment's protections of the home are dramatically weakened.

The court below largely ignored every word this Court has written on principles of relevance here, and it is not alone. Many other federal and state courts have sanctioned all manner of police efforts to expand this rule, granting increasingly abusive intrusions into the home and its curtilage. The front path rule, the duration limitation, the time of day, and other limitations that apply to other visitors have been stretched beyond any understanding of the original rule. Accordingly, these *amic*i agree with Fourth Amendment scholars that additional guidance is now required from this Court to prevent further abuses. These *amici* urge this Court to grant certiorari to adopt a clear and enforceable rule, that "the right of a police officer to conduct a 'knock and talk' is no greater than a Girl Scout has to approach a house to sell cookies."

ARGUMENT

I. THE COURT BELOW IGNORED THE LIMITATIONS GRAFTED ONTO THE "IMPLICIT LICENSE" GRANTED TO POLICE TO APPROACH A HOME TO QUESTION AN OCCUPANT.

The North Carolina Court of Appeals never mentioned this Court's decision in *Collins v. Virginia,* 584 U.S. 586 (2018), which established an important principle applicable here — 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." *Id*. at 593 (emphasis added). Such a search by the police

was deemed "**presumptively unreasonable** absent a warrant." *Id*. (emphasis added).

Additionally, the North Carolina court did not address this Court's decision in *Kentucky v. King*, 563 U.S. 452 (2011), but that choice was more understandable, as *King* focused on when "exigent circumstances" justify a warrantless search for drugs inside an apartment. Although *King* is sometimes described as a "knock and talk" case, the police were not there to have a conversation, but were in hot pursuit of a fleeing suspect. Further, *King* was decided under the "reasonable expectation of privacy" notion, the year before *United States v. Jones*, 565 U.S. 400 (2012), re-established the property foundation of the Fourth Amendment. However, in *King*, this Court justified the exigent search in a confusing passage that began "[w]hen law enforcement officers who are not armed with a warrant knock on a door, they do no more than any private citizen might do." *Id.* at 469. But then the Court added that when an occupant chooses not to respond to the knock, it can justify police breaking into the apartment to prevent the destruction of evidence.

Not entirely ignoring all of this Court's rulings, the North Carolina court did cite *Florida v. Jardines*, 569 U.S. 1 (2013), but only for the proposition that the curtilage of a home receives special protection under the Fourth Amendment, quoting this excerpt:

> "when it comes to the Fourth Amendment, the home is first among equals. At the Amendment's very core stands the right of a

> man to retreat into his own home and there be free from unreasonable governmental intrusion...." This constitutional protection includes "the area immediately surrounding and associated with the home — what our cases call the curtilage." [*Reel* at 211 (quoting *Jardines* at 6).]

After this nod to *Jardines*, the Court of Appeals never returned to that case to aid its evaluation of the scope of the "implicit license" relied on by the police. Instead, the North Carolina court applied its own assessment of reasonableness, as if *Jardines* had never addressed the issue.

In *Jardines*, this Court ruled that officers have an "implicit license" that is circumscribed in both scope and duration:

> This implicit license typically permits the visitor to [i] approach the home by the front path, [ii] knock promptly, [iii] wait briefly to be received, and [iv] then (absent invitation to linger longer) leave. [*Jardines* at 8.]

Here, although the majority and dissent viewed the established facts differently, it appears that the officers did not "approach the home by the front path," did not "knock promptly," did not "wait briefly to be received," or receive an "invitation to linger longer," and then, did not "leave." Instead, they attempted to enter immediately behind an invited guest, without ever "knocking and talking" at all. In fact, the majority acknowledged that "Defendant answered the

door, admitted the visitor, and then closed the door, leaving [the officer] outside; [who then] perceived someone inside the residence was 'placing a brace on the door to prevent others from entering.'" *Reel* at 215.

Even the dissent in *Jardines* recognized "spacial and temporal limits" on the "implicit license," granted to police, that a "visitor must stick to the path that is typically used to approach a front door, such as a paved walkway." It added: "[a] visitor cannot traipse through the garden, meander into the backyard, or take other circuitous detours that veer from the pathway that a visitor would customarily use." *Id.* at 19 (Alito, J., dissenting). Here, the officers parked in a street beside the home and crossed the side yard to the front door. *Reel* at 209.

And as Judge Thompson noted in his dissent, Reel was prevented by the officer from fully shutting the door. "The video footage shows that as defendant attempted to shut his front door, his attempt was thwarted by Officer Hilliard stopping the door with his foot." *Id.* at 217 (Thompson, J., dissenting). "[W]hen defendant shut the door on Officer Hilliard — an uninvited visitor — Officer Hilliard's initial response was an unsuccessful attempt to kick in defendant's door. Following Officer Hilliard's unsuccessful attempt to kick defendant's door in, he gave defendant several commands to open the door, and when defendant did not comply, Officer Finn kicked the door in." *Id.* at 219 (Thompson, J., dissenting).

Perhaps even more critically, the officers' intent was not merely to "knock and talk." Rather, their

intent was to conduct a search. As Judge Thompson noted, "[t]he ... 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." *Id.* at 220 (bolding added) (Thompson, J., dissenting).[2] "Officer Hilliard used the alleged 'knock and talk' as a pretext to search the curtilage of defendant's home, which is precisely what our case precedent says law enforcement cannot do." *Id.* at 219 (Thompson, J., dissenting). The officers' behavior, under *Jardines*, "objectively reveals a purpose to conduct a search, which is not what anyone would think [they] had license to do." *Jardines* at 10. Thus, had *Jardines* been considered and applied, the court's ruling on Reel's motion to suppress likely would have been very different.

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[2] Judge Thompson appeared to reflect Justice Scalia's statement: "This right would be of little practical value if the State's agents could stand on a home's porch or side garden and **trawl for evidence** with impunity...." *Jardines* at 6 (emphasis added).

II. THIS COURT SHOULD GRANT CERTIORARI TO ESTABLISH A CLEAR AND UNDERSTANDABLE RULE THAT POLICE HAVE "NO GREATER RIGHT THAN A GIRL SCOUT."

A. The Knock and Talk Implied License Has Implied Limitations, which Should Be Made Express.

In *Jardines*, this Court adopted the view that if the "Girl Scouts and trick-or-treaters" have a "knock and talk" implied license, the police should also be granted such a license. *Jardines* at 8. That rule implies a corollary limitation which was ignored below. Making that implied limitation express could easily resolve the increasing number of cases being brought to challenge problematic "knock and talk" police work. These *amici* suggest that corollary limitation should be:

> The right of a police officer to conduct a "knock and talk" is **no greater than a Girl Scout** has to approach a house to sell cookies.

Under this rule, the lower courts would have no latitude to grant police special rights to conduct police activities within the curtilage of a home and thereby violate the people's right "to be secure in their persons, houses, papers and effects." Fourth Amendment. This rule of limitation is so simple, it would be understood and presumably obeyed by police, and any violations would be quickly remedied by courts.

These *amici* believe that this case could and should have been decided simply by applying *Jardines*, where this Court stated a visitor could only "approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave." *Id.* at 8. However, *Jardines* focused on why "introducing a trained police dog to explore the area around the home in hopes of discovering incriminating evidence" is not a normal, social visit. *Id*. at 9. Confining *Jardines* to its facts, police have shown remarkable creativity in seeking to create and exploit loopholes to circumvent the Fourth Amendment that do not involve drug-sniffing dogs. Few lower courts have acknowledged that if the police have the **same right** of "implied consent" as a Girl Scout, that the "purpose or effect" of the rule was not to grant police **additional and special rights**. To end such abuses with this case, it should be enough for this Court to say that police have **no more rights** than "Girl Scouts and trick-or-treaters."

B. The "No Greater Right than a Girl Scout" Rule Resolves Many Issues.

These *amici* believe that this simple "no greater rights than a Girl Scout" test would prevent lower courts from finding ways to give greater authority to police in addressing numerous circumstances, many of which are discussed below.

- **Pathway and Front Door.** The "knock and talk" implied license allows passage over the "front path" to the "front door" of the residence. *Jardines* at 8. Police cannot "traipse through the garden,

meander into the backyard, or take other circuitous detours that veer from the pathway that a visitor would customarily use." *Jardines* at 19 (Alito, J., dissenting).

Just this year, the Indiana Court of Appeals ignored this rule, finding that an officer's decision to knock at the back door instead was reasonable. *Bisel v. State*, 2026 Ind. App. Unpub. LEXIS 355, at *2 (Ind. Ct. App. 2026). In addition, the Fourth Circuit appears to reject it, ruling in 2020, "[a]lthough the knock and talk doctrine is sometimes framed as a right to approach the home by the front path or knock on a front door ... we have made clear that the implicit license is broader than that." *United States v. Miller*, 809 F. App'x 131, 138 (4th Cir. 2020) (internal quotation marks and citation omitted). Likewise, the Fifth Circuit has ruled that "officers could have knocked on the front door to the front house and awaited a response; they might have then knocked on the back door or the door to the back house." *United States v. Gomez-Moreno*, 479 F.3d 350, 356 (5th Cir. 2007).

This Court's *per curiam* opinion in *Carroll v. Carman*, 574 U.S. 13, 17 (2014), concluded that the front door rule was not "clearly established federal law" such that a police officer would not be entitled to qualified immunity against an action under 42 U.S.C. § 1983.

- **Not Windows.** To its credit, the First Circuit properly ruled that the license does not permit

knocking on window frames instead of doors, which Girl Scouts would not do. *See French v. Merrill*, 15 F.4th 116, 129 (1st Cir. 2021) (cert. denied).

- **Duration.** The license does not permit police to wait on the porch for long periods listening and looking without knocking and seeking to talk. It requires that the police "leave," barring "invitation to linger longer" than required to seek information by talking. *Jardines* at 8. They may not "linger at the front door for an extended period." *Id.* at 20 (Alito, J., dissenting).

  As Petitioner points out, the Vermont Supreme Court has approved of officers roaming the property for fifteen minutes without ever knocking on the front door at all. *State v. Bovat*, 224 A.3d 103 (Vt. 2019) (cert. denied, *Bovat v. Vermont*, 141 S. Ct. 22 (2020)). *See* Pet. at 10. The Vermont court permitted officers to "trawl for evidence with impunity" for fifteen minutes, including peering into the windows of a detached garage, and in fact never even seeking either to knock or to talk, until an occupant of the home actually came out and initiated a conversation. *Jardines* at 6; *see* Pet. at 10. In his concurrence in the denial of certiorari, Justice Gorsuch again highlighted the clear Fourth Amendment violation. "For reasons that remain unclear, the Vermont Supreme Court analyzed the propriety of the wardens' conduct without mentioning *Jardines*." *Bovat*, 141 S. Ct. at 23. He added that "[i]t's hard to see how the case before us could have been decided without

reference to *Jardines*." *Id.* It would appear that the Vermont court either entirely misunderstood or simply ignored *Jardines*. (Two years after Justice Gorsuch's statement in *Bovat*, the Vermont court did overturn that ruling in *State v. Calabrese*, 268 A.3d 565, 577 (Vt. 2022).)

- **Accessories.** The license does not permit the warrantless introduction of additional information-gathering devices such as drug-sniffing dogs (as in *Jardines*) or thermal imaging devices. *See generally Kyllo v. United States*, 533 U.S. 27 (2001). As this Court stated in *Jardines*, "introducing a trained police dog to explore the area around the home in hopes of discovering incriminating evidence is something else. There is no customary invitation to do *that*. An invitation to engage in canine forensic investigation assuredly does not inhere in the very act of hanging a knocker." *Jardines* at 9 (emphasis in original).

  The Fourth Circuit flatly rejected *Jardines'* teaching just last year. In a case involving a canine search at the door in an apartment hallway, the Fourth Circuit stated, "Because a dog sniff can reveal only the presence of contraband, and there is no reasonable expectation of privacy in contraband, a dog sniff is not a search — period." *United States v. Johnson*, 148 F.4th 287, 293 (4th Cir. 2025). This Court's teaching that the implied license does not include an invitation to bring a search dog eluded the Fourth Circuit. Here, another court has reached the wrong result

by narrowly focusing on "reasonable expectation of privacy," and failing to understand the foundational property protections of the Fourth Amendment.[3]

- **Time of Day.** The license applies during daytime hours, not the middle of the night. "'Furtive intrusion late at night or in the predawn hours is not conduct that is expected from ordinary visitors.'" *Jardines* at 20 (Alito, J., dissenting).

  The Fifth Circuit appears to have rejected this rule. In *Westfall v. Luna*, 2022 U.S. App. LEXIS 22495 (5th Cir. 2022), the court declared that:

  > the lateness of the hour did not render the officers' knock-and-talk unlawful *per se*. Although a 2:15 a.m. knock on one's door will usually transgress background social norms, this case involved a 911 call alleging trespass; the trespassers were believed to be in the Westfall residence; and the officers visually observed youths in a lit room upstairs, indicating that they were not asleep. Under the circumstances, a reasonably respectful officer might have found it necessary to knock

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[3] *See Jones* at 405 ("The text of the Fourth Amendment reflects its close connection to property, since otherwise it would have referred simply to 'the right of the people to be secure against unreasonable searches and seizures'; the phrase 'in their persons, houses, papers, and effects' would have been superfluous.... Our later cases, of course, have deviated from that exclusively property-based approach.").

on the Westfalls' door, even at this late hour. [*Id.* at *10.]

"The Fifth Circuit ... notably did not use *Jardines* in its analysis. Instead, the court continued to cite pre-*Jardines* Fifth Circuit precedent."[4]

- **Right to Refuse.** The officers cannot force the occupant to respond to questioning. "[W]hether the person who knocks on the door and requests the opportunity to speak is a police officer or a private citizen, the occupant has no obligation to open the door or to speak.... '[H]e may decline to listen to the questions at all and may go on his way.'" *King* at 469-70.

- **Coercion.** The license does not include threats or coercion to search. Consent may not be "the product of duress or coercion, express or implied." *Schneckloth v. Bustamonte*, 412 U.S. 218, 227 (1973).

- **No Forcible Entry.** The officers manifestly cannot force entry into the home, as the officers did here, even to arrest a suspect, let alone simply to question someone. "[T]he Fourth Amendment ... prohibits the police from making a warrantless and nonconsensual entry into a suspect's home in order to make a routine felony arrest." *Payton v.*

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[4] Alexander Newman, "Knock and Talks: Faithfully Applying Social Norms to Prevent Unconstitutional Police Intrusion upon the Home," 2023 U. Chi. Legal F. 441, 448 (2023) (hereinafter "Newman").

New York, 445 U.S. 573, 576 (1980). Girl Scouts and trick-or-treaters cannot make forcible entry; neither can officers without a warrant. Yet in the case below, the lower courts appeared to condone one officer "kick[ing] the door open and all three officers storm[ing] inside." Pet. at 5.

- **No Repeat Visits.** The license does not permit repeated visits where officers "enter[] the curtilage of [the] home several times." *French* at 122.

  Just this year, however, the Indiana Court of Appeals has refused to recognize this rule, approving repeated "knock and talk" visits by officers. *Bisel* at *2.

  Likewise, the Eighth Circuit permitted a repeat "knock and talk" conversation, in which the officers allegedly had as their specific intent to see whether they would again detect the smell of marijuana as they had at the first such encounter. *United States v. White*, 928 F.3d 734, 740 (8th Cir. 2019). While the Vermont court may have simply ignored *Jardines*, it would appear that the Eighth Circuit sought to turn the decision on its head. The Eighth Circuit claimed that *Jardines* stands for the proposition that "the subjective intent of an officer cannot vitiate otherwise objectively reasonable conduct." *White* at 740. The court quoted *Jardines*' statement that "[a] stop or search that is objectively reasonable is not vitiated by the fact that the officer's real reason for making the stop or search has nothing to do with the

validating reason." *White* at 740 (quoting *Jardines* at 10).

That quoted passage from *Jardines* was not addressing searches of the home at all, but rather referring to allegations of pretextual traffic stops, in which case, "the defendant will not be heard to complain that although he was speeding the officer's real reason for the stop was racial harassment." *Jardines* at 10. This Court then immediately went on to note that a "knock and talk" initiated for the purpose of conducting a search is *per se* not a reasonable search:

> *[W]hether* the 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**. Here, their behavior objectively reveals **a purpose to conduct a search, which is not what anyone would think he had license to do**. [*Id*. (bold added).]

The Eighth Circuit thus inverts *Jardines*. Where *Jardines* held that a "knock and talk" initiated with intent to conduct a search is *per se* unreasonable, the Eighth Circuit held that as long as a search is reasonable, it does not matter if the officer's intent was (as it was in *White*) to conduct a search. *White*'s holding is irreconcilably contradictory with *Jardines*', and to echo Justice Gorsuch in *Bovat*, "it is hard to see how" the

Eighth Circuit could have so badly misread *Jardines* by accident.

- **The Implied License Must Always Be Revocable.** As this Court made clear in *Jardines*, officers are not permitted to stay beyond a short questioning period, but rather, "absent invitation to linger longer," must leave.

  The Tenth Circuit has neatly evaded this Court's "implied license" ruling in *Jardines*, apparently converting the "implied license" into an irrevocable license, at least where agents of the government are concerned. In *United States v. Carloss*, 818 F.3d 988 (10th Cir. 2016), the Tenth Circuit found it "reasonable" for officers to ignore "No Trespassing" signs on both sides of the driveway, on a tree in the yard, and on the front door, in order to conduct a "knock and talk." *Id.* at 990. The court ruled that "no trespassing" signs "do not have [a] talismanic quality." *Id.* at 995.

  In dissent, then-Judge Gorsuch noted that the decision converts an "implied license" in the case of Girl Scouts into "an irrevocable right" in the case of police. *Id.* at 1004 (Gorsuch, J., dissenting). Judge Gorsuch added: "[a] homeowner may post as many No Trespassing signs as she wishes. She might add a wall or a medieval-style moat, too. Maybe razor wire and battlements and mantraps besides. Even *that* isn't enough to revoke the state's right to enter." *Id.*

- **No Purpose to Evade Fourth Amendment.** The most important component of the "implied license" — a component this Court forcefully articulated in *Jardines* — is the purpose of the officers in being present:

> The scope of a license — express or implied — is limited not only to a particular area but also to a specific purpose. Consent at a traffic stop to an officer's checking out an anonymous tip that there is a body in the trunk does not permit the officer to rummage through the trunk for narcotics. Here, the background social norms that invite a visitor to the front door do not invite him there to conduct a search. [*Id.* at 9.]

III. THE LOWER COURTS HAVE DEMONSTRATED THAT THEY NEED ADDITIONAL GUIDANCE ON THE "KNOCK AND TALK" PRINCIPLE.

While some courts, such as the First Circuit's decision in *French*, have properly applied this Court's teaching in *Jardines*, far too many have misunderstood, ignored, and apparently even twisted that teaching, and in the process eviscerated the Fourth Amendment's protections. These transgressions by the lower courts, before and continuing after *Jardines*, have destructive real-life consequences, and have led to numerous scholars explaining the danger associated with vague rules governing "knock and talk" encounters.

University of Toledo Assistant Law Professor Jason Steed noted, after Justice Gorsuch's 2020 admonition to Vermont in *Bovat*:

> [t]hat same year, at least three federal district courts implicitly condoned a nighttime knock-and-talk. And a nighttime knock-and-talk has now been condoned, post-*Jardines*, by the First Circuit, the Eleventh Circuit (twice), and — most recently, in 2022 — the Fifth Circuit. In one of the Eleventh Circuit cases, officers went to Andrew Scott's home at 1:30 a.m., and when Scott understandably answered his door with a gun in his hand, the officers immediately shot and killed him — only to find out later that they had gone to the wrong apartment.[5]

Attorney Alexander Newman's law review article cited *supra* supports clear rules:

> Because knock and talks are distinct from other exceptions to the warrant requirement, it makes sense to constrain them with bright line rules. The license to conduct a knock and talk is so much broader in scope than the other exceptions that without clear limits, the knock and talk exception threatens to eclipse the stringent protections that the Fourth Amendment grants.... When the courts allow

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[5] 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, 374 (2025).

> knock and talks to proceed beyond the limits of any implied license or warrant, they enable tactics that can be used for unfettered intimidation. Police can post themselves on a citizen's doorstep and refuse to leave. They can knock and call for minutes on end or wander around the perimeter of the house. Attempting to hide within the confines of one's home may simply prolong the harassment. Confoundingly, the police are free to engage in such behavior on a whim, without ever needing to show suspicion. [*Newman* at 459, 461.]

Indiana University Law Professor Craig Bradley agrees that "[t]his is an area in which police need 'clear rules to follow.' The current method of evaluating each case based on the aggressiveness of the police behavior or the voluntariness of the suspect's cooperation has produced widely divergent and ... frequently unacceptable results."[6]

This Court should take the opportunity presented by this case to establish clear limits on the "implied license" granted to police. If the property foundation of the Fourth Amendment is to be protected, the right of a police officer to conduct a "knock and talk" truly should be no greater than the right of a Girl Scout to approach a house to sell cookies.

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[6] Craig Bradley, "'Knock and Talk' and the Fourth Amendment," 84 Ind. L.J. 1099, 1122 (2009).

CONCLUSION

For the foregoing reasons, the petition for certiorari should be granted.

Respectfully submitted,

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