No. _____

Supreme Court of the United States

JUSTIN R. PAGE,
Petitioner

v.

COMMONWEALTH OF MASSACHUSETTS,
Respondent

Petition for a Writ of Certiorari to the Massachusetts Appeals Court

---

Edward Crane
Counsel of Record
218 Adams Street
P.O. Box 220165
Dorchester, MA 02122
Attyedwardcrane@gmail.com
617-851-8404

March 2026

QUESTION PRESENTED

Is there a community caretaking exception to the warrant requirement under the Fourth Amendment?

PARTIES TO THE PROCEEDING

The petitioner is Justin Page.

The respondent is the Commonwealth of Massachusetts.

STATEMENT OF RELATED PROCEEDINGS

This petition stems from the following proceedings:

- Supreme Judicial Court of Massachusetts, FAR No. 30359, *Commonwealth v. Justin R. Page*, Judgment Denying Application for Further Appellate Review Issued on October 16, 2025.

- Massachusetts Appeals Court, Appeals Court No. 2024-P-0298, *Commonwealth v. Justin R. Page*, Judgment Affirming Petitioner's Convictions Issued on May 13, 2025.

- Franklin County Superior Court, Superior Court No. 2278CR00051, *Commonwealth v. Justin R. Page*, Judgments of Conviction Entered on October 4, 2023.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Constitutional Provisions

Law Reviews

INTRODUCTION

This case presents the Court with an opportunity to answer a critically important question regarding the Fourth Amendment. Is there a community caretaking exception to the warrant requirement?

The constitutional legitimacy of the community caretaking exception is an open question. The Court has never adopted the exception. The lower courts created the exception based on a single sentence from the Court's decision in *Cady v. Dombrowski*, 413 U.S. 433 (1973). This sentence noted that police officers "frequently investigate vehicle accidents in which there is no claim of criminal liability and engage in what, for want of a better term, may be described as community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." *Id.* at 441. This sentence was dicta and nothing about it suggested that the Court intended to create a new community caretaking exception to the warrant requirement. Yet courts from across the country latched onto this language and used it to justify the creation of such an exception. Over the past few decades, the lower courts have gradually expanded the scope of the exception well beyond the inventory search that was at issue in *Cady*.

The Court put this unchecked expansion to an end in *Caniglia v. Strom*, 593 U.S. 194 (2021). In *Caniglia*, the Court ruled that the exception cannot justify a warrantless entry into the home. 593 U.S. at 196. However, in reaching this conclusion, the Court raised serious doubt as to whether the exception exists at all

under the Fourth Amendment. *Caniglia* involved a majority opinion and three concurring opinions. None of the opinions explicitly recognized the existence of a community caretaking exception. To the contrary, they each expressed varying degrees of skepticism for the exception.

Despite this skepticism, some lower courts have continued to broadly apply the community caretaking exception without hesitation. The instant petition stems from such a case. A judge in the state trial court ruled that a police officer's warrantless search of the petitioner's backpack was constitutionally justified by the community caretaking exception. Relying on *Caniglia*, the petitioner argued that such an exception does not exist under the Fourth Amendment. The Massachusetts Appeals Court concluded otherwise and held that the exception was applicable because the search was unrelated to the investigation of a criminal offense.

The Appeals Court's decision is wrong. The community caretaking exception is not a constitutionally valid exception to the warrant requirement. As noted above, the Court has never adopted the exception. The Court's skeptical approach towards the exception has proven to be prudent. The community caretaking exception is a muddled doctrine with an undetermined scope and no consistent standard for its application. Moreover, it often clashes with the emergency aid exception that the Court originally formulated in *Brigham City v. Stuart*, 547 U.S. 398 (2006), and recently reaffirmed in *Case v. Montana*, 607 U.S. ---- (2026). This overlap does nothing but create confusion for judges, lawyers, and law enforcement.

The Court should grant certiorari and hold that there is no community caretaking exception that operates distinctly from the emergency aid exception.

OPINIONS BELOW

The opinion of the Massachusetts Appeals Court is reported at 260 N.E.3d 1051.[1] (App. 1-15). The decision of the Franklin County Superior Court is unreported. (App. 16-21).

JURISDICTION

The Massachusetts Appeals Court issued its opinion on May 13, 2025. (App. 1, 23). Page filed an application for further appellate review with the Supreme Judicial Court of Massachusetts on May 23, 2025. (App. 24). The Supreme Judicial Court denied Page's application on October 16, 2025. (App. 24). Page applied for an extension of time to file a petition for certiorari on December 18, 2025. Justice Jackson granted the application and extended the time for filing until March 15, 2026. The Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const., amend. IV:

> 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.

[1] A copy of the opinion is included in the appendix to this petition. The appendix will be cited by page number as (App. _).

STATEMENT

A. The search of Page's backpack.

William Gordon and his wife Laura Gordon were driving to a grocery store in Greenfield, Massachusetts, at around 5:30PM on September 24, 2021. (App. 3). They both worked for the Greenfield police department. (App. 2). William Gordon was the deputy chief of the department. (App. 2). Laura Gordon was a police officer for the department.[2] (App. 2-3). Both of them were off-duty and dressed in plain clothes. (App. 3). They were driving a car that the Greenfield police department provided to Deputy Chief Gordon due to his position in the department. (App. 3, 108-109). The car was equipped with a police radio. (App. 3). Deputy Chief Gordon was driving the car. (App. 109).

As Deputy Chief Gordon pulled into the parking lot of the grocery store, a report of a semiconscious person in the lot came in over the police radio. (App. 3, 109). Deputy Chief Gordon subsequently noticed a group of people crowded around a parked car. (App. 3, 125, 127). Deputy Chief Gordon drove up to the car and observed Justin Page slumped behind the steering wheel. (App. 3). Deputy Chief Gordon used his radio to report his observations and his location while Officer Gordon exited the vehicle to check on Page. (App. 3, 112).

Page's skin was ashen white and he was nodding his head up and down. (App. 3, 113-114). Officer Gordon told Deputy Chief Gordon that she believed Page

[2] To eliminate confusion, William Gordon will be referred to as Deputy Chief Gordon and Laura Gordon will be referred to as Officer Gordon.

was overdosing. (App. 3). Deputy Chief Gordon was still seated in his car and radioed this information to dispatch. (App. 3, 115). While on the radio, Deputy Chief Gordon noticed Officer Gordon struggling with Page. (App. 3, 115). Deputy Chief Gordon exited his car to try and assist Officer Gordon. (App. 3). However, there was not enough room at the driver's side door of Page's vehicle for Deputy Chief Gordon to be of assistance. (App. 116). Officer Brent Griffin arrived on the scene shortly thereafter. (App. 3-4). Officer Griffin was on duty and thus Deputy Chief Gordon stepped aside to allow him to assist Officer Gordon. (App. 3-4).

Both Officer Gordon and Officer Griffin advised Page that they were there to help him. (App. 4). Page was reaching for the steering wheel as well as a backpack that was on the passenger's seat. (App. 4). The officers repeatedly told Page to stop reaching for the backpack. (App. 4). Page ignored these orders, pulled away from the officers, and continued to reach for the backpack and the steering wheel. (App. 4). Deputy Chief Gordon tried to open the front passenger's side door of the vehicle, but it was locked. (App. 4). Officer Gordon used the power lock on the driver's side door to unlock the doors to the vehicle. (App. 4, 118-119). Deputy Chief Gordon subsequently opened the passenger's side door and grabbed the backpack from the passenger's seat. (App. 4, 119).

Deputy Chief Gordon was afraid that there might be a weapon in the backpack. (App. 5). He also believed that Page's identification might be in the backpack. (App. 5). Deputy Chief Gordon therefore opened the backpack and searched inside. (App. 5). He discovered a knife, a pistol, a large amount of cash,

and several small bags containing heroin. (App. 5). After discovering these items, Deputy Chief Gordon instructed Officer Griffin to handcuff Page. (App. 5). Officer Griffin removed Page from the vehicle and handcuffed him. (App. 5). Two additional officers arrived on scene and they transported Page to the police station for booking. (App. 5).

B. The motion to suppress.

On April 1, 2022, the Franklin County Superior Court issued indictments charging Page with (1) unlawful possession of a firearm, (2) unlawful possession of a loaded firearm, (3) possession of a firearm while committing a felony, (4) larceny of a firearm, and (5) possession of heroin with intent to distribute. (App. 16).

Page filed a motion to suppress the firearm and the drugs that Deputy Chief Gordon seized from his backpack. (App. 16). Page argued that Deputy Chief Gordon's search of the backpack was unconstitutional because it was not justified by any exception to the warrant requirement. (App. 94). A suppression hearing was held over the course of two days beginning on January 6, 2023, and ending on February 7, 2023. (App. 28-29). At the close of the hearing, Page argued that the emergency aid exception to the warrant requirement was inapplicable because there was no longer an ongoing emergency at the time of the search. (App. 184-187). In response, the Commonwealth argued that the emergency aid exception was applicable. (App. 188-191). Neither side raised the applicability of the community caretaking exception to the warrant requirement. (App. 184-194). After listening to both sides, the presiding judge took the matter under advisement. (App. 194).

The judge issued a written decision denying Page's motion to suppress on February 10, 2023. (App. 16-21). The judge concluded that the warrantless search of Page's backpack was constitutional pursuant to the community caretaking exception. (App. 20-21). The judge ruled that the exception was applicable because the Commonwealth established that the search was "divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." (App. 21). The judge took this language directly from the Court's decision in *Cady v. Dombrowski*, 413 U.S. 433 (1973). (App. 21).

C. The appeal.

After the motion to suppress was denied, Page and the Commonwealth negotiated a conditional plea agreement. (App. 2). Page agreed to plead guilty to unlawful possession of a firearm and possession of heroin with intent to distribute. (App. 2). In exchange for his plea, the Commonwealth agreed to dismiss the other charges and to allow Page to appeal the denial of his motion to suppress. (App. 2, 29-30). The Superior Court accepted the plea agreement on October 4, 2023. (App. 29-30). The court sentenced Page to three years in state prison and two years of probation. (App. 30). Page's appeal was docketed at the Massachusetts Appeals Court on March 19, 2024. (App. 22).

On appeal, Page argued that the community caretaking exception to the warrant requirement does not exist in light of the Court's decision in *Caniglia v. Strom*, 593 U.S. 194 (2021). (App. 11-12, 52-65). He emphasized the fact that the Court has never recognized the existence of such an exception and how each of the

four opinions in *Caniglia* expressed varying degrees of skepticism for the exception. (App. 57-61). He urged the Appeals Court to follow the sentiment expressed in *Caniglia* and rule that, under the Fourth Amendment, there is no community caretaking exception that operates distinctly from the emergency aid exception. (App. 50, 62-65).

The Appeals Court issued a published decision affirming Page's convictions on May 13, 2025. (App. 1-15). The court concluded that the community caretaking exception continues to exist despite the skepticism expressed in *Caniglia*. (App. 11-12). The court cited its own post-*Caniglia* precedent to support this conclusion. (App. 12). Applying the exception to the facts at hand, the court ruled that the warrantless search of Page's backpack was constitutionally justified because the officer's actions were "divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute." (App. 14). Like the judge in the trial court, the Appeals Court quoted this language directly from the Court's decision in *Cady*. (App. 14).

Page filed an application for further appellate review with the Supreme Judicial Court of Massachusetts on May 23, 2025. (App. 24). He maintained that additional appellate review was warranted because *Caniglia* cast substantial doubt on the existence of the community caretaking exception under the Fourth Amendment. (App. 83-89). The Supreme Judicial Court deferred its decision on Page's application on July 25, 2025. (App. 24). The court ultimately denied the application on October 16, 2025. (App. 24).

REASONS FOR GRANTING THE PETITION

I. The constitutional validity of the community caretaking exception is an issue of significant legal importance.

The constitutionality of the community caretaking exception to the warrant requirement is an important issue that the Court should resolve. The Court has never recognized the existence of this exception. Despite this lack of recognition, the lower courts have widely adopted the exception and expanded its scope over the past few decades. The exponential growth of the exception ended with the Court's decision in *Caniglia v. Strom*, 593 U.S. 194 (2021). In *Caniglia*, the Court held that the exception cannot justify a warrantless entry into a person's residence. 593 U.S. at 196. The decision in *Caniglia* limited the scope of the exception but also raised serious doubt as to whether the community caretaking exception exists at all under the Fourth Amendment. The uncertainty regarding the viability of the exception is problematic considering the widespread adoption of the exception amongst the lower courts prior to *Caniglia*. This uncertainty is exacerbated by the inconsistent standards that the lower courts have adopted for applying the exception. The exception is a confusing legal principle with unclear boundaries and no uniform application standard. Additionally, it frequently conflicts with the emergency aid exception that the Court originally established in *Brigham City v. Stuart*, 547 U.S. 398 (2006), and recently reaffirmed in *Case v. Montana*, 607 U.S. ---- (2026). The Court should grant the petition and rule that there is no community caretaking exception to the warrant requirement under the Fourth Amendment.

A. *Caniglia* raises serious doubts about the constitutionality of the community caretaking exception.

The primary uncertainty plaguing the community caretaking exception is an existential one. It remains an open question whether the exception exists at all under the Fourth Amendment. The exception has its roots in the Court's decision in *Cady v. Dombrowski*, 413 U.S. 433 (1973). The respondent in *Cady* was an off-duty police officer who crashed his car into a bridge in Wisconsin. 413 U.S. at 435-436. The police arrived at the scene of the accident and had the respondent's car towed to a privately owned garage. *Id.* at 436. Fearing that the respondent's service weapon was still in his car, an officer drove to the garage where the car was towed and searched the vehicle. *Id.* Instead of finding a firearm, the officer discovered evidence that implicated the respondent in a murder. *Id.* at 437. On certiorari, the Court considered whether the officer's warrantless search of the vehicle violated the Fourth Amendment. *Id.* at 439-448. The Court concluded that it did not. *Id.* at 448. In reaching this conclusion, the Court emphasized two points. *Id.* at 442-443. First, the car was disabled as a result of the accident and thus the police acted reasonably by having it towed from the scene. *Id.* Second, the officer followed the "standard procedure" of his department in searching the impounded car. *Id.* at 443.

After a close read of *Cady*, one could hardly be faulted for concluding that its proper place is in the line of cases establishing the inventory search exception to the

warrant requirement.[3] However, one sentence in the opinion gave birth to the community caretaking exception. That sentence reads as follows:

> Local police officers, unlike federal officers, frequently investigate vehicle accidents in which there is no claim of criminal liability and engage in what, for want of a better term, may be described as community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.

Cady, 413 U.S. at 441.

This sentence was dicta and nothing about it suggested that the Court intended to create a new community caretaking exception to the warrant requirement.[4] Yet courts from across the country latched onto this language and used it to justify the creation of such an exception.[5] As the community caretaking exception spread throughout the federal and state courts, the scope of the exception began to expand as well.[6] No longer was the exception solely being applied to warrantless searches of

---

[3] *See* Christopher Slobogin, *Police as Community Caretakers: Caniglia v. Strom*, 2021 Cato Sup. Ct. Rev. 191 (2021) ("[R]ead more closely and with the aid of hindsight, *Cady* is not about a freestanding caretaker exception at all. Rather, it was based on a nascent version of what would come to be called the inventory exception to the warrant requirement, which is meant to allow police departments to conduct warrantless searches of impounded cars for dangerous items and valuables that might otherwise be stolen, and to protect the police against false claims of theft.").

[4] *See United States v. Soto-Lopez*, 2022 WL 17480563 at *10 (D. Alaska 2022) ("A careful reading of *Cady* confirms that the Supreme Court did not intend to create a wholly new exception to the warrant requirement when it used the community caretaking phrase.").

[5] *See, e.g.*, *United States v. Coccia*, 446 F.3d 233, 238 (1st Cir. 2006); *Ray v. Township of Warren*, 626 F.3d 170, 174-175 (3rd Cir. 2010); *United States v. Johnson*, 410 F.3d 137, 143-144 (4th Cir. 2005); *Sutterfield v. City of Milwaukee*, 751 F.3d 542, 553-554 (7th Cir. 2014); *State v. Tully*, 348 A.2d 603, 609 (Conn. 1974); *People v. Davis*, 497 N.W.2d 910, 918-919 (Mich. 1993); *State v. Smith*, 540 N.W.2d 374, 379-380 (Neb. Ct. App. 1995); *State v. Psomiades*, 658 A.2d 1190, 1191 (N.H. 1995); *State v. Marcello*, 599 A.2d 357, 358 (Vt. 1991); *Commonwealth v. Waters*, 456 S.E.2d 527, 529-530 (Va. Ct. App. 1995).

[6] *See* Gregory Helding, *Stop Hammering Fourth Amendment Rights: Reshaping The Community Caretaking Exception With The Physical Intrusion Standard*, 97 Marq. L. Rev. 123, 149 (2013) ("[C]ourts have fallen like dominoes as the expansion of community caretaking has spread through American jurisprudence.").

impounded automobiles. It was now being applied to justify detaining individuals[7] and stopping motor vehicles.[8] At its utmost extreme, the exception was being employed to validate warrantless searches of homes.[9]

While the community caretaking exception expanded amongst the lower courts, the Court said little about this exception that it seemingly gave unintentional birth to in *Cady*. The Court used the term "community caretaking" in only one majority opinion in the four decades following its 1973 decision in *Cady*. This decision, *South Dakota v. Opperman*, 428 U.S. 364 (1976), established the standard for applying the inventory search exception to the warrant requirement.[10] *Id*. at 375-376. In sum, the Court never explicitly recognized the existence of a community caretaking exception and only used the phrase "community caretaking" when assessing the propriety of an inventory search of an impounded vehicle.

The Court ended its silence with respect to the community caretaking exception in *Caniglia v. Strom*, 593 U.S. 194 (2021). In *Caniglia*, the Court considered whether the exception can justify a warrantless search of a person's home. 593 U.S. at 196. The Court concluded that the exception cannot validate such

---

[7] *See, e.g.*, *Winters v. Adams*, 254 F.3d 758, 763 (8th Cir. 2001); *United States v. Garner*, 416 F.3d 1208, 1214 (10th Cir. 2005); *McGlenn v. United States*, 211 A.3d 1133, 1137-1139 (D.C. Ct. App. 2019); *Commonwealth v. Armstrong*, 211 N.E.3d 622, 630-631 (Mass. 2023); *State v. Shiffermiller*, 922 N.W.2d 763, 778 (Neb. 2019).

[8] *See, e.g.*, *United States v. King*, 990 F.2d 1552, 1560-1561 (10th Cir. 1993); *State v. Mireles*, 991 P.2d 878, 881-882 (Idaho Ct. App. 1999); *State v. Bakewell*, 730 N.W.2d 335, 338-339 (Neb. 2007); *State v. Smathers*, 753 S.E.2d 380, 387-388 (N.C. Ct. App. 2014).

[9] *See United States v. Rohrig*, 98 F.3d 1506, 1523 (6th Cir. 1996); *United States v. Quezada*, 448 F.3d 1005, 1007-1008 (8th Cir. 2006); *People v. Ray*, 981 P.2d 928, 931 (Cal. 1999); *State v. Alexander*, 721 A.2d 275, 280-283 (Md. Ct. Spec. App. 1998); *Commonwealth v. Cantelli*, 982 N.E.2d 52, 60-61 (Mass. App. Ct. 2013); *State v. Pinkard*, 785 N.W.2d 592, 597-601 (Wisc. 2010).

[10] Justice Marshall also used the term "community caretaking" in his dissenting opinion in *Colorado v. Bertine*, 479 U.S. 367 (1987). Like *Cady* and *Opperman*, this case involved the propriety of an inventory search. *Bertine*, 479 U.S. at 381 (Marshall, J., dissenting).

an intrusion. *Id*. In reaching this conclusion, the Court stated that "[t]he First Circuit's 'community caretaking' rule . . . goes beyond anything this Court has recognized." *Id*. at 198. The Court framed its holding narrowly, ruling that the community caretaking exception does not apply to warrantless entries into the home. *Id*. at 199. However, in doing so, the Court raised serious doubts about the actual existence of a community caretaking exception under the Fourth Amendment.

The majority opinion written by Justice Thomas is laden with skepticism for the exception. Consider the following passage discussing the First Circuit's decision:

> Citing this Court's statement in *Cady* that police officers often have noncriminal reasons to interact with motorists on public highways, the First Circuit extrapolated a freestanding community-caretaking exception that applies to both cars and homes.

Caniglia, 593 U.S. at 197.

If *Cady* in fact created a community caretaking exception, then the Court would have acknowledged as much. Instead, the Court stated that the First Circuit was responsible for creating this exception. This is not a semantical difference. By casting the community caretaking exception as a creation of the First Circuit, the Court highlighted the fact that it has never formally endorsed the existence of such an exception. Without changing the result of the case, the Court could have explicitly adopted the exception yet limited its application to warrantless searches of vehicles. The Court instead declined to acknowledge the exception's existence whatsoever.

The concurring opinions raise further doubt about the existence of a community caretaking exception. Justice Alito did not mince words; he explicitly stated that the exception does not exist:

> [T]here is no special Fourth Amendment rule for a broad category of cases involving "community caretaking." As I understand the term, it describes many police tasks that go beyond criminal law enforcement. These tasks vary widely, and there is no clear limit on how far they might extend in the future. The category potentially includes any non-law-enforcement work that a community chooses to assign, and because of the breadth of activities that may be described as community caretaking, we should not assume that the Fourth Amendment's command of reasonableness applies in the same way to everything that might be viewed as falling into this broad category.
>
> The Court's decision in *Cady v. Dombrowski*, 413 U.S. 433 (1973), did not recognize any such "freestanding" Fourth Amendment category. The opinion merely used the phrase "community caretaking" in passing.

Caniglia, 593 U.S. at 200 (Alito, J., concurring).

Unlike Justice Alito's concurrence, the other two concurring opinions did not explicitly reject the community caretaking exception. They nevertheless raised doubt about its existence. Chief Justice Roberts issued a brief concurring opinion (joined by Justice Breyer) in which he emphasized the emergency aid exception to the warrant requirement. *Caniglia*, 593 U.S. at 199-200 (Roberts, C.J., concurring). Without saying as much, the Chief Justice's point was clear: This case should have been argued and analyzed under the emergency aid exception, which the Court formulated in *Brigham City v. Stuart*, 547 U.S. 398 (2006), and not under the community caretaking exception, which the Court has never recognized. Justice Kavanaugh's concurrence stressed the same point. *Caniglia*, 593 U.S. at 204-208 (Kavanaugh, J., concurring). He highlighted numerous examples in which the

emergency aid exception would allow a warrantless entry into the home. *Id*. at 207-208. With respect to the community caretaking exception, Justice Kavanaugh reemphasized that this exception is a creation of the lower courts. *Id*. at 205. Though each opinion in *Caniglia* is worded differently, they all preach the same message: There is no separate community caretaking exception that is distinct from the emergency aid exception.

The Court certainly expressed skepticism for the community caretaking exception in *Caniglia*. However, it did not expressly reject the exception and thus it remains an open question as to whether the exception is actually viable under the Fourth Amendment. Some courts have reaffirmed the existence of a community caretaking exception in the wake of *Caniglia*.[11] Yet other courts and commentators have raised the prospect that *Caniglia* eliminated the exception altogether.[12] The

---

[11] *See United States v. Treisman*, 71 F.4th 225, 232 (4th Cir. 2023) (concluding that community caretaking exception continues to apply to vehicles); *United States v. Vick*, 145 F.4th 191, 198 (1st Cir. 2025) (relying on exception to justify vehicle impoundment); *State v. Porter*, 497 P.3d 209, 213 (Idaho Ct. App. 2021) (rejecting defendant's argument that *Caniglia* abolished community caretaking exception); *State v. Promer*, 970 N.W.2d 588, 589 (Wisc. Ct. App. 2022) (dismissing same argument).

[12] *See Clemons v. Couch*, 3 F.4th 897, 904 (6th Cir. 2021) ("We now know, based on *Caniglia*, that the community-caretaker exception, to the extent it exists at all, does not apply to the home."); *Dahl v. Kilgore*, 2021 WL 3929226 at *5 (6th Cir. Sep. 2, 2021) ("[T]he Supreme Court's recent decision in [*Caniglia*] casts doubt as to whether the community caretaker exception exists outside the vehicular context, if at all."); *United States v. Hewitt*, 543 F. Supp. 3d 317, 320-321 (W.D. Va. 2021) (questioning whether exception exists after *Caniglia*); *United States v. Wertenberger*, 2021 WL 3877686 (W.D. Mo. Aug. 10, 2021) ("Although the *Caniglia* holding was expressly limited to warrantless searches of a home, a fair reading of the opinion calls into question whether community caretaking is a standalone exception to the Fourth Amendment warrant requirement in those circumstances beyond the search of a home."); Ric Simmons, *Lange, Caniglia, and the Myth of Home Exceptionalism*, 54 Ariz. St. L. J. 145, 172 (2022) ("The second interpretation of *Caniglia* has little to do with home exceptionalism. Under this view, the Court abolished the community caretaking altogether—or, more accurately, claimed that such an exception never existed."); Slobogin, *supra* note 3 at 210 ("It does not necessarily follow . . . that *Caniglia's* concern about a 'freestanding' caretaker exception disappears when the caretaker search is of a car rather than a home.").

question of whether the exception is constitutional will persist until the Court addresses this issue.

B. The lower courts have adopted inconsistent and unclear standards for applying the community caretaking exception.

The community caretaking exception also fosters uncertainty because it lacks a single uniform standard for its application. The courts that have adopted the exception employ a patchwork of different standards to determine its applicability.[13] Some courts employ a balancing test that weighs the governmental interest in the search or seizure against the degree of constitutional intrusion.[14] Other courts ask whether the objective facts establish that a person may be in need of assistance and consider the subjective intent of the involved officers to be irrelevant.[15] In contrast

---

[13] *See MacDonald v. Town of Eastham*, 745 F.3d 8, 14 (1st Cir. 2014) ("Given the profusion of cases pointing in different directions, it is apparent that the scope and boundaries of the community caretaking exception are nebulous."); *Hawkins v. United States*, 113 A.3d 216, 221 (D.C. 2015) (discussing different tests that courts have adopted for applying community caretaking exception); *State v. Deneui*, 775 N.W.2d 221, 236-237 (S. D. 2009) (highlighting "how inconsistently the exception has been applied" and recognizing that "[n]o single test has been adopted by a majority of courts"); Michael R. Dimino, Sr., *Police Paternalism: Community Caretaking, Assistance Searches, and Fourth Amendment Reasonableness*, 66 Wash. & Lee L. Rev. 1485, 1494 (2009) ("The vagueness surrounding the definition of the community-caretaking category and the different standards governing the constitutionality of different types of community-caretaking searches indicate that more precision is needed. There is not a single community-caretaking doctrine. Rather, there are several different community-caretaking doctrines, but courts have not clarified the constitutional interests affected by those different kinds of searches."); Mary Elizabeth Naumann, *The Community Caretaker Doctrine: Yet Another Fourth Amendment Exception,* 26 Am. J. Crim. L. 325, 365 (1999) ("A review of both federal and state case law reveals a lack of consistency in the definition and boundaries of the community caretaker doctrine that control the judgment exercised by the officers in these situations.").

[14] *See United States v. Harris*, 747 F.3d 1013, 1018 (8th Cir. 2014) (applying balancing test); *United States v. King*, 990 F.2d 1552, 1560 (10th Cir. 1993) (same); *State v. Smathers*, 753 S.E.2d 380, 386 (N.C. Ct. App. 2014) (same); *State v. Anderson*, 362 P.3d 1232, 1239-1240 (Utah 2015) (same); *State v. Kramer*, 759 N.W.2d 598, 610-611 (Wisc. 2009) (same).

[15] *See United States v. Rodriguez-Morales*, 929 F.2d 780, 787 (1st Cir. 1991) (concluding that "coexistence of investigatory and caretaking motives" will not negate application of the exception); *Commonwealth v. Fisher*, 13 N.E.3d 629, 633 (Mass. App. Ct. 2014) (reasoning that officer's subjective motive is irrelevant to community caretaking analysis); *State v. McCormick*, 494 S.W.3d 673, 687 (Tenn. 2016) (same);

to the latter approach, some courts are unwilling to apply the exception if the police were subjectively motivated by investigatory intent.[16]

Both Justice Alito and Justice Sotomayor recognized this inconsistency during the oral argument in *Caniglia*. Justice Alito stated as follows:

> [O]ne of the things that is troubling to a lot of people about the caretaking exception is that it doesn't seem to have any clear boundaries.

Transcript of Oral Argument at 56, *Caniglia v. Strom*, 593 U.S. 194 (2021) (No. 20-157).

Justice Sotomayor agreed with this sentiment:

> I think that Justice Alito hit the nail on the head, because I've read the decisions of other circuits. They seem all to have different factors that make up community caretaking, and I'm actually not sure what it means.

Id. at 59.

As noted above, *Caniglia* narrowly held that the community caretaking exception cannot justify a warrantless entry into the home. Due to its narrow holding, the Court did not have occasion to clarify the test for applying the exception. The exception therefore remains a legal quagmire with no universal standard governing its application. Considering the convoluted state of the community caretaking

[16] *See United States v. Ramos*, 88 F.4th 862, 868 (10th Cir. 2023) ("Law enforcement must take objectively reasonable action in its community-caretaking role and must do so pursuant to a non-pretextual subjective motivation."); *People v. Ray*, 981 P.2d 928, 938 (Cal. 1999) ("Any intention of engaging in crime-solving activities will defeat the community-caretaking exception even in cases of mixed motives."); *State v. Coffman*, 914 N.W.2d 240, 257-258 (Iowa 2018) (adopting test by which exception is only applicable if police subjectively intended to engage in community caretaking as opposed to investigation); *Byram v. State*, 510 S.W.3d 918, 922 (Tex. Ct. Crim. App. 2017) (focusing on primary motivation of officer to determine applicability of exception).

exception, it is unsurprising that the Court has never recognized it as a valid exception to the warrant requirement under the Fourth Amendment.

C. The interplay between the community caretaking exception and the emergency aid exception creates considerable confusion.

The interplay between the community caretaking exception and the emergency aid exception is another source of uncertainty. The Supreme Court adopted the emergency aid exception in *Brigham City v. Stuart*, 547 U.S. 398 (2006). The exception is applicable if the police have an "objectively reasonable basis" for believing that there is "a need to assist persons who are seriously injured or threatened with such injury." *Id.* at 400, 403. Unlike the community caretaking exception, the emergency aid exception stands on firm constitutional footing and has an established standard for its application. Yet the lower courts frequently struggle to parse the difference between the two exceptions and thus straightforward cases end up becoming unnecessarily complicated.[17]

The Court's recent decision in *Case v. Montana*, 146 S. Ct. 500 (2026), illustrates this phenomenon. The police in *Case* made a warrantless entry into the

[17] *See MacDonald*, 745 F.3d at 13 ("[C]ourts do not always draw fine lines between the community caretaking exception and other exceptions to the warrant requirement. The juxtaposition between the community caretaking exception and the emergency aid exception furnishes an apt illustration of this overlap. Some courts have treated emergency aid as a freestanding exception to the warrant requirement. Others have classified emergency aid as a subcategory of the community caretaking exception."); *Hunsberger v. Wood*, 570 F.3d 546, 554 (4th Cir. 2009) (attempting to discern the difference between the two exceptions); *Sutterfield v. City of Milwaukee*, 751 F.3d 542, 559 (7th Cir. 2014) ("There are . . . important differences in both the doctrines and how courts apply them that present challenges in deciding which of them governs a particular set of facts."); *State v. Deneui*, 775 N.W.2d 221, 232 (S. D. 2009) (recognizing that the "avowed distinctions" between the exceptions "can be frail, bordering on the meaningless"); Pauline Marinos, *Breaking and Entering or Community Caretaking? A Solution to the Overbroad Expansion of the Inventory Search*, 22 Geo. Mason U. Civil Rights L.J. 249, 261 (2012) ("Over the years, state and federal courts have muddled the distinction between the emergency aid exception to the warrant requirement and the community caretaking exception to the probable cause and warrant requirements.").

petitioner's home after his ex-girlfriend reported that he intended to shoot himself. 146 S. Ct. at 503-504. These circumstances presented a straightforward application of the emergency aid exception. Yet instead of applying this established exception to warrant requirement, the Montana Supreme Court applied its version of the community caretaking exception. *Id*. at 504-505. This test was not consistent with the emergency aid exception elucidated in *Brigham City*. *Id*. at 506-507. The Court granted certiorari and reiterated that the appropriate analysis in these circumstances is governed by the emergency aid exception. *Id*. at 508. The Court's intervention would have likely never been necessary if Montana had not muddied the waters by adopting a community caretaking exception. The confusion about the appropriate standard to apply stemmed directly from the creation of this exception. Had the exception never been adopted, the Montana Supreme Court would have simply applied the emergency aid exception to resolve the case in the first instance.

Caniglia presents another example of the community caretaking exception causing confusion. Like the circumstances in *Case*, the facts in *Caniglia* involved the police making a warrantless entry into the home of a person who had made threats to harm himself. 593 U.S. at 196. In analyzing the legality of the warrantless entry, the First Circuit eschewed a straightforward application of the emergency aid exception and instead relied upon the community caretaking exception to justify the entry. *Id*. at 197. The Court granted certiorari to correct the First Circuit's misplaced reliance on the community caretaking exception. *Id*. at 197-199. The need for such a correction was only necessary because of the overlap

between the community caretaking exception and the emergency aid exception. In the absence of the former, the First Circuit would have simply applied the latter to resolve the case and this Court would not have needed to intervene.

The same is true of the petitioner's case. The parties argued the case under the emergency aid exception in the trial court. (App. 184-191). The judge nevertheless decided the case based on the community caretaking exception. (App. 20-21). Had the judge applied the emergency aid exception rather than the community caretaking exception, the instant petition would not be before the Court today. That is because the emergency aid exception stands on solid constitutional ground while the community caretaking exception does not. As in *Case* and *Caniglia*, the judge's application of the community caretaking exception as opposed to the emergency aid exception made the case unnecessarily complicated. This confusion will continue to persist for as long as the exceptions overlap with each other.

D. No distinct community caretaking exception exists apart from the emergency aid exception.

There is a simple solution for resolving all the uncertainty and confusion stemming from the community caretaking exception. The Court should rule that there is no separate community caretaking exception that operates distinctly from the emergency aid exception. Such a ruling would be a beacon of clarity. It would answer the outstanding question of whether the community caretaking exception exists under the Fourth Amendment. It would do away with the morass of inconsistent tests that the lower courts have adopted for applying the exception.

And it would save judges from the difficult task of having to decipher which of the two exceptions is applicable in a particular case. The emergency aid exception would take its proper place in Fourth Amendment jurisprudence and the test for applying the exception would simply be whether the police have an "objectively reasonable basis" for believing that there is "a need to assist persons who are seriously injured or threatened with such injury." *Brigham City*, 547 U.S. at 400, 403.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,
JUSTIN PAGE,
By his attorney,

Edward Crane
Counsel of Record
218 Adams Street
P.O. Box 220165
Dorchester, MA 02122
Attyedwardcrane@gmail.com
617-851-8404