

05-502 BRIGHAM CITY, UT V. STUART

DECISION BELOW:122 P3d 506

LOWER COURT CASE NUMBER: 20021004

QUESTIONS PRESENTED:

From outside a home at 3:00 a.m., officers witnessed a tumultuous struggle between four adults and a juvenile. Upon seeing the juvenile punch one of the adults in the face, the officers entered the home to quell the violence.

The questions presented are:

1. Does the "emergency aid exception" to the warrant requirement recognized in *Mincey v. Arizona*, 437 U.S. 385 (1978), turn on an officer's subjective motivation for entering the home?
2. Was the gravity of the "emergency" or "exigency" sufficient to justify, under the Fourth Amendment, the officers' entry into the home to stop the fight?

CERT. GRANTED 1/6/2006