



A CIVICS IN REAL LIFE SERIES THE DOCKET

Lange v. California

Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

The Case of Hot Pursuit

The Facts of *Lange v. California*:

In October of 2016, Arthur Lange was driving home, listening to loud music and occasionally honking his car horn. Thinking Lange's behavior was unusual, a California highway patrol officer, Aaron Weikert, decided to follow him, with the intent to conduct a traffic stop. Officer Weikert kept his distance from Lange's car and did not turn on his car siren or its flashing lights. As Lange turned onto his street, Officer Weikert narrowed the distance between his patrol car and Lange's station wagon. Getting closer to his home, Arthur Lange started to slow down and clicked his garage door opener. As Lange approached his driveway, Officer Weikert turned on the patrol car's flashing lights, but not its siren or megaphone. Lange turned into his driveway and drove into his garage.



Officer Weikert followed and parked in the driveway. Seeing Lange's garage door begin to close, Officer Weikert left his patrol car and stuck his foot under the garage door, forcing the garage door to re-open. Officer Weikert entered Lange's garage. The officer asked, "did you not see me behind you?" Lange answered, "no." After more questioning, Officer Weikert could smell alcohol on Lange's breath. He arrested Lange and charged him with driving under the influence and for operating a "vehicle's sound system at excessive levels."

At trial, Lange argued that Officer Weikert violated his [Fourth Amendment](#) protections when he entered his garage without a warrant. Consequently, Lange's attorney asked the judge to [suppress the evidence](#) against him. The California district attorney argued that Lange committed a misdemeanor when he failed to stop after Officer Weikert turned on the flashing lights of his patrol car, creating probable cause for the officer to turn into Lange's driveway. Because of this, [exigent circumstances](#) existed, justifying the warrantless entry into Lange's garage. The Court agreed with the State of California. Lange's motion to suppress was denied. Lange appealed this decision and lost. He pleaded [no contest](#) to the charges.



In an attempt to get his driver's license returned, Lange filed a civil suit, and won. The civil court determined that Lange's arrest was unlawful because when Officer Weikert entered Lange's garage under the [hot pursuit doctrine](#), all he knew was that Lange played loud music and honked his car horn, both [misdemeanor](#) infractions, but not [felonies](#). Consequently, the civil court ruled the warrantless entry unjustified. Given these conflicting rulings, Arthur Lange appealed to the U.S. Supreme Court.

On October 19, 2020, the Supreme Court granted Arthur Lange [certiorari](#), and on February 24, 2021, the justices heard [oral argument](#).

The question the Court is considering is: Does pursuit of a person who a police officer has probable cause to believe has committed a [misdemeanor](#) categorically qualify as an exigent circumstance sufficient to allow the officer to enter a home without a warrant?

Supreme Court Precedents Used In This Case:

- *Warden v. Hayden* (1967): The Court ruled warrantless entries and searches of homes are valid under [exigent circumstances/hot pursuit](#) and not a violation of the [Fourth Amendment](#).
- *United States v. Santana* (1976): The Court ruled law enforcement officers may conduct warrantless searches and arrests of individuals when an expectation of privacy does not exist (public places) and they have [probable cause](#) to do so.
- *Payton v. New York* (1980): The Court ruled that unless special circumstances exist, the police may not enter a suspect's home without a warrant to make a "routine [felony](#) arrest." To do so is a violation of the [Fourth Amendment](#).
- *Welsh v. Wisconsin* (1984): The Court ruled despite having [probable cause](#), in the absence of exigent circumstances, law enforcement may not exercise a warrantless entry into an individual's home to arrest them for a "civil, non-jailable traffic offense." The Court commented that [exigent circumstances](#) and hot pursuit "should rarely be sanctioned when there is probable cause to believe that only a minor offense has occurred."
- *Atwater v. City of Lago Vista* (2001): The Court ruled that a warrantless arrest for minor criminal offenses, such as a traffic infraction, does not violate the [Fourth Amendment](#).

To Think and To Do: The Fourth Amendment protects our right to be secure in our persons and property from unreasonable searches and seizures. However, the Court has held that under special circumstances, when true [exigencies](#) exist, it is not unreasonable for law enforcement to exercise warrantless arrests and searches. Does law enforcement's pursuit of a [misdemeanor](#) qualify as a true [exigency](#)? Given the precedents cited in this case, how do you think the Supreme Court will rule? Explain.

Learn MORE about this case view Arthur Lange's [Petition for Certiorari](#); Arthur Lange's [Petitioner's Brief](#) and the State of California's [Respondent Brief](#)



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