



# DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 165  
December 18, 1991

EMERGENCY ENTRY INTO PRIVATE RESIDENCE

Reference: David Williams  
v.  
State of Alaska

Alaska Court of Appeals  
Opinion No. 1180  
P.2d  
December 13, 1991

FACTS:

At approximately 2:00 a.m. on December 31, 1988, Carolyn Hanthorn called the police to report that she had received a telephone call from David Williams, whom she identified as her former foster child. Williams told her he thought he had killed his girlfriend, Deborah Goodlataw. Hanthorn told police she was not sure where Williams was calling from, but about a week earlier she had dropped Williams and Goodlataw off at an apartment building located at 200 McCarrey Street. She did not know if they lived there or if they were just visiting friends. Hanthorn also stated that Goodlataw and Williams might have a baby with them.

Between 3:00 a.m. and 9:00 a.m., police had unsuccessfully checked five or six locations where they thought Williams and Goodlataw may have been, including the McCarrey Street area. At 9:30 a.m., a police officer contacted the manager of the apartment house at the 200 McCarrey Street address and learned that Williams and Goodlataw were renting unit number two.

As the officer approached the apartment, he saw clothing on the ground outside the bedroom window. He also saw what appeared to be blood stains on the steps leading to the door of the apartment. The officer could hear music inside the apartment, but nobody answered his knock. The officer obtained a key from the manager; he entered the apartment and found Goodlataw in the bedroom. She had been beaten to death. Williams was subsequently charged with homicide. Williams sought to suppress all evidence derived from police entry into the apartment.

ISSUE:

Was the warrantless entry into the apartment proper?

HELD: Yes.

REASONING:

1. Police had met the following three conditions of the emergency aid doctrine:

- a. Police must have reasonable grounds to believe there is an emergency at hand and an immediate need for

their assistance for the protection of life or property.

- b. The search must not be primarily motivated by intent to arrest and seize evidence.
- c. There must be some reasonable basis approximating probable cause to associate the emergency with the area or the place to be searched.

2. In deciding that an emergency might exist, the officer acted on more than just the initial report of a possible homicide--he observed blood stains on the steps and clothing outside the window. The officer had also been advised that Williams and Goodlataw might have an infant with them.

3. There was no indication that police entry into the apartment was primarily motivated by intent to seize evidence or make an arrest.

NOTES:

Review of Section C of the Alaska Legal Briefs manual is suggested, especially the following:

Mincey v. Arizona, Legal Bulletin No. 31--where absent an exigency there is no "murder exception" to the warrant requirement.

Gallmeyer v. State, Legal Bulletin No. 54--where warrantless entry into a residence to arrest an armed man was upheld.

Johnson v. State, Legal Bulletin No. 66--where warrantless entry into a residence to arrest a rape suspect thought to be armed was upheld.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL

Add this case to Section C, "Emergency," of your Contents and Text. File Legal Bulletin No. 165 numerically under Section R of the manual.