

# Colorado Case Law

♦ *People v. Souva*, 141 P.3d 845, 2005 Colo. App. LEXIS 1615 (2005): Fourth Amendment rights were not violated because the emergency aid exception applied to the search of defendant's apartment, where defendant reported to the 911 dispatcher that he had observed the victim being beaten by an intruder in his apartment. It was reasonable for police to conclude that the attack might still be in progress, to check other apartments because defendant had given the wrong apartment number, and to enter his apartment after receiving no response to knocks on the door and finding the door unlocked and the light on at three o'clock in the morning.

♦ *People v. Allison*, 86 P.3d 421, 2004 Colo. LEXIS 214 (2004): Emergency aid exception did not apply, where police were dispatched to a residence after a hang-up 911 call; a woman came to the door with a bloody nose, acting nervously; the woman allowed the police to enter; she and her husband were removed from the home; and police reentered the home, seizing drugs and drug paraphernalia. The police reentry was not justified, as there were no weapons visible, there was no commotion inside, the couple had already been taken into custody, there was no indication that an emergency threatened a third party's life, and evidence showed that the officer reentered to conduct a criminal investigation.

♦ *People v. Hebert*, 46 P.3d 473, 2002 Colo. LEXIS 422 (2002): Warrantless entry was not justified by the emergency aid exception because no immediate crisis existed, where defendant's wife was found in the trunk of a car; police observed that she had trauma or a gunshot wound to her head; they conducted surveillance at defendant's residence; when he arrived, they handcuffed him and took him to the station; they searched the home, although it did not appear as if there had been a struggle and defendant had not fled the scene; they found drops of blood throughout the house; and information from the warrantless search was used with other information to obtain a search warrant. Since the affidavit included evidence that the dead woman was defendant's wife and showed signs of trauma, and a neighbor said it was unusual for defendant to back his wife's car into the garage, sufficient evidence existed to find probable cause without the evidence obtained from the illegal search.

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