

North Dakota Case Law

♦ *State v. Matthews*, 2003 ND 108, 665 N.W.2d 28 (2003): Warrantless search of defendant's home was justified by the exigency exception to the warrant requirement, where police received a 911 call reporting that defendant and another were being held at gunpoint, went to his home/business to determine whether the victims or gunmen were inside, and looked for business records that might identify where defendant and his employee were being held. The exigency doctrine encompasses searches for information that could lead to a kidnap victim, as well as searches for the victim.

♦ *Lubenow v. North Dakota State Highway Commissioner*, 438 N.W.2d 528, 1989 N.D. LEXIS 67 (1989): Search of garage was valid and proper under the emergency doctrine, as officer had reasonable grounds to believe that there was an immediate need for assistance, and he testified that the purpose for entry into the garage was more to render aid to a possibly ill person than to look for evidence of a crime. The officer had observed defendant driving erratically, and subsequently lying on the floor of his garage.

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