

# Wisconsin Case Law

♦ *State v. Larsen*, 302 Wis. 2d 718, 736 N.W.2d 211 (Ct. App. 2007): In kidnapping cases, the emergency doctrine permits a search not only for the kidnap victim, but also for evidence that might lead to the victim's location. Officers reasonably believed the kidnap victims were in imminent danger of physical harm and that their search of Larsen's home would result in finding the victims or evidence that would lead them to the victims. Officers and emergency personnel conducting the first search knew only that a woman at the residence who was having difficulty breathing had called 911, but additional information received after the entry heightened the emergency and revealed the involvement of children.

♦ *State v. Kunkel*, 137 Wis. 2d 172, 404 N.W.2d 69 (Ct. App. 1987): Even though defendant's *Miranda* rights were violated, his statements and physical evidence were admissible because of the "rescue doctrine" exception, where police were seeking information to save the life of a missing nine-month-old child and defendant was the only source for information regarding the child's whereabouts.

♦ *La Fournier v. State*, 91 Wis. 2d 61, 280 N.W.2d 746 (1979): A drug overdose victim clearly presented a sufficient emergency to render a warrantless entry reasonable, as the intrusion of the officers was merely a continuation of the initial officer's lawful intrusion in response to a call to aid the victim. When he responded to the call, he found the drug overdose victim, saw drug paraphernalia, syringes and spoons on the floor, and contacted the department to request officers to secure the crime scene because he believed there would likely be a fatality. Officers subsequently found defendant in the basement in a lethargic state with drug paraphernalia, and found three bags of heroin when they patted him down.

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