



**Open Doors to Federal Courts 2006**  
*Partners in Justice: An Independent Judiciary, a Fair-Minded Jury*

**November 10, 2006**

***Hudson v. Michigan (2006)***  
Supreme Court Case Summary

**Background**

On June 15, 2006, the U.S. Supreme Court released its decision in the case of *Hudson v. Michigan (2006)*. This case addressed the issue of whether or not suppression of all evidence (excluding it at a criminal trial) was the required remedy for “knock and announce” violations. This same issue will be presented by teens before the presiding judge in a fictionalized scenario, *United States v. Daniel McPherson*, where FBI agents did not “knock and announce” their presence before entering a home to execute a search warrant.

**Facts**

**Police arrived at Booker Hudson’s property to execute a search warrant for drugs and firearms.** When they arrived, the police announced their presence, then entered through the unlocked door after a few seconds. They did not knock on the door. Inside, they found substantial amounts of drugs and several firearms. Hudson was arrested and charged with unlawful drug and gun possession.

At his trial, Hudson sought to have the evidence against him suppressed, arguing that the failure of the police to “knock and announce” their presence rendered the subsequent search of his house illegal. The U.S. Supreme Court ruled in the case of *Wilson v. Arkansas (1995)* that, barring certain emergency circumstances, police are constitutionally required under the Fourth Amendment to “knock and announce” their presence before executing a search warrant.

**Issue**

Does the failure of the police to “knock and announce” their presence before executing a valid search warrant require the suppression of all evidence subsequently found during the search?

**Ruling (5-4)**

No.

**Reasoning**

*Majority Opinion*

Justice Antonin Scalia, writing for the majority of the Court, noted that suppression of evidence was such an extreme remedy that it has always been a last resort, not the first impulse, in remedying Fourth Amendment violations. Although the Fourth Amendment does require police to “knock and announce” their presence before executing a search warrant, he stated that this requirement is not absolute. For example, police need not “knock and announce” where there is reasonable suspicion that this action would risk physical harm or danger; that a criminal may destroy evidence; or that it would be futile to do so.

In this case, Justice Scalia stated that, while the police did violate the Constitution’s “knock and announce requirement,” the ends of justice would not be served by suppression and would have substantial social costs. In other words, he employed a balancing test, the value that suppression of evidence has on deterring police misconduct versus law enforcement’s need to discover evidence of a crime. Justice Scalia acknowledged that the “knock and announce” rule is meant to protect individuals, giving them a chance to voluntarily allow the police into their house so as to minimize property damage, and to preserve dignity and privacy. However, it is not meant to provide criminals with a right to hide evidence from the police.

Justice Scalia also noted that civil lawsuits are an available remedy to those who think the police have violated their Constitutional rights by not adhering to the “knock and announce” rule. Chief Justice John Roberts, and Justices Anthony Kennedy, Clarence Thomas, and Samuel Alito joined Justice Scalia’s opinion.

#### *Concurring and Dissenting Opinions*

In a separate concurrence, Justice Anthony Kennedy noted that this decision was not meant to downplay the importance of the “knock and announce” rule. He also questioned the relevance of certain cases cited by Justice Scalia. Justice Stephen Breyer wrote a dissenting opinion joined by Justices John Paul Stevens, David Souter, and Ruth Bader Ginsburg. In essence, he stated that the Court’s holding was a significant departure from precedent, and that, barring emergency circumstances, suppression has always been the accepted remedy for “knock and announce” violations.

### **About the Louisiana Center for Law and Civic Education**

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