



LEGAL UPDATE · RESOURCES

# Exigent Circumstances

By **Daigle Law Group**

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**DAIGLE LAW GROUP**

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## **United States v. Sanders, 2021 U.S. App. LEXIS 21065 (8th Cir. IA July 16, 2021)**

*United States v. Sanders* touches on an example of exigent circumstances. As a refresher, exigent circumstances exist in general terms when “there is a compelling need for official action and no time to secure a warrant.”<sup>i</sup> Typically, exigent circumstances exist if, absent immediate official action, “the accused would be able to destroy evidence, flee or otherwise avoid capture, or might, during the time necessary to procure a warrant, endanger the safety or property of others.”<sup>ii</sup>

In applying the exigent circumstances exception, courts consider all of facts and circumstances of a particular case to determine whether, in essence, the police were truly confronted with a “now or never” situation<sup>iii</sup>. The scope of any warrantless exigent circumstances search is strictly limited by the demands of the exigency. In other words, courts will examine the full circumstances of the case and all of these ideals in order to determine if it really was a do or die situation.

### **FACTS**

An eleven-year old girl, N.R., called her grandmother and said that her mother, Karina LaFrancois and her mother’s boyfriend, Kenny Sanders were “fighting really bad” and that “they needed someone to come.” The grandmother called 911, reported what N.R. had told her and told the operator that two additional minor children, ages seven and one, were inside the residence.

When officers arrived at LaFrancois’ house, one of them saw N.R. “acting excited” and gesturing through an upstairs window. The officers knocked on the front door and LaFrancois came outside to talk to them. LaFrancois told the officers that everything was okay, even though LaFrancois was visibly upset and had red marks on her face and neck. The officers told LaFrancois that they needed to talk to Sanders. LaFrancois offered to have Sanders speak with the officers outside. The officer initially agreed to allow LaFrancois to go inside and get Sanders; however, when she opened the door, the officers heard crying inside. At that point, the officers decided to enter the house to make sure that everyone was safe.

Upon entering, the officers saw Sanders and LaFrancois standing just inside the doorway and a crying infant located in a nearby playpen. One of the officers went upstairs to check on N.R. while another officer directed Sanders to sit on the couch. N.R. told the officer that during the fight with Sanders, she heard her mother yelling, “Put the gun down!” N.R. told the officer that the gun might be in a specific

drawer downstairs. The officer checked the drawer, but he did not find a gun. The officer then spoke with LaFrancois who stated that the gun might be “in the couch.” The officer asked Sanders to get off the couch and discovered a handgun in the couch cushions.

The government charged Sanders with possession of a firearm by a prohibited person, in violation of 18 U.S.C. §§ 922(g)(1), 922(g)(9), and 924(a)(2). Sanders argued that the officers’ warrantless entry into the house and the search of his couch for the gun violated the Fourth Amendment.

## **COURT OPINIONS**

In April 2020, the Eighth Circuit Court of Appeals affirmed Sanders’s conviction. The court held that the warrantless entry into the house was reasonable under the community caretaking exception to the Fourth Amendment’s warrant requirement.

In May 2021, in Caniglia v. Strom, the Supreme Court held that there is no standalone community caretaker doctrine that justifies warrantless searches and seizures in the home. In light of the Court’s holding in Caniglia, Sanders appealed.

The Supreme Court vacated Sanders’s conviction and remanded the case to the Eighth Circuit. The Court emphasized that while it rejected the community caretaker exception as it related to warrantless searches and seizures in the home, another exception to the warrant requirement might apply in this case.

On remand, the Eighth Circuit Court of Appeals held that the officers’ warrantless entry into Sanders’s house was reasonable under the exigent circumstances exception to the warrant requirement. Under this exception, an officer may enter a home without a warrant if he has an objectively reasonable basis to believe that entry is necessary “to render emergency assistance to an injured occupant or to protect an occupant from imminent injury.”

In this case, the court held that the facts known to the officers when they decided to enter the house included:

1. the information from the 911 call;
2. the officers’ observations when they arrived; and
3. the information provided by N.R. and LaFrancois.

Based on these facts, the court concluded that it was reasonable for the officers to believe that an emergency situation existed that required their immediate attention by entering the house to either provide emergency assistance to the child who was heard crying or to prevent an imminent assault on

the daughter who had reported the incident.

The court further held that exigent circumstances justified the officer's warrantless search to locate and secure the gun because:

1. "domestic disturbances are highly volatile and involve large risks";
2. the officer had an objectively reasonable belief that a gun was inside the house; and
3. the officer limited his search to areas where the gun might have been placed.

## TAKEAWAYS

There isn't a more dire circumstance than small children being put at risk. In this situation officers did everything right; they secured the premises, separated the fighting couple and ensured that all the children in the household were in a safe space. Another hugely important factor here is that officers only searched where N.R. and LaFrancois stated the gun may be. Exigent circumstances applied here, but that did not give officers the right to search every part of the house. They stuck to what was stated by witnesses and that was it. This case also shows that while law may not work in our favor every time, we might just not be using the right law to argue our case. SCOTUS sent this case back to the Eighth Circuit to be reexamined, reminding them that while *Strom* didn't apply here, there certainly was a principle that did.

<sup>i</sup> Michigan v. Tyler, 436 U.S. 499, 509 (1978).

<sup>ii</sup> State v. Guertin, 190 Conn. 440, 453 (1983).

<sup>iii</sup> Missouri v. McNeely, 569 U.S. 141 (2013).

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