

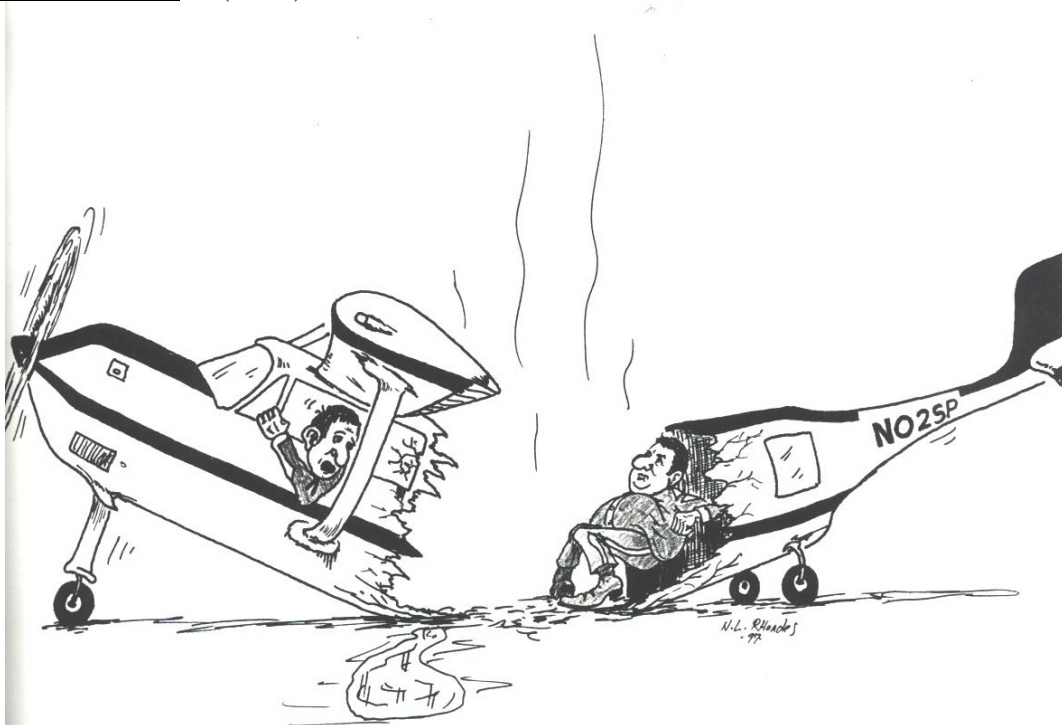
## NMDPS - BATTERY - PEACE OFFICER

Farmington Police Officers went to a domestic violence call. A female, intoxicated and upset, answered the door. She tried to close the door on the officers. A male voice from the other side of the door yelled out, "What . . . do you want? You don't need to see the inside of the . . . apartment." The officers, because of his "very aggressive tone," entered the apartment. He committed a battery upon one of the officers.

Child argued that the officers did not have a warrant, consent, or exigent circumstances to enter the apartment and therefore evidence that occurred after the entry – the battery on the peace officer – should be suppressed.

When an unconstitutional search is made, evidence seized will not be admissible at court. This is known as the exclusionary rule. Yet the Court of Appeals held that evidence of what the Child did, even if the entry was illegal, would be admissible.

The rationale is simple. A victim of a search – even one that's illegal – cannot be permitted to harm an officer. The individual should submit peacefully and wait for legal remedies to take their course. Their rights lie in a civil action, not physically attacking an officer. State v. Travison B. (2006). - - - ADA Elliott



How much you weigh?