Name

Class

Teacher

**Name of case**

**Date case happened**

**Citation**

Individual driving erratically and swerved off the road until coming to a stop, left his vehicle and went home. A witness informed the police of the incident and stated the driver was intoxicated or sick. The police went to the defendant’s home without a warrant. They found the defendant in his bed and arrested him on non-criminal traffic offense. The defendant was taken to jail where he refused a breathalyzer test. The State of Wisconsin statutes, a detainee is subjected to having their driving privileges revoked for a 60-day period. The trial court concluded the defendant’s refusal of taking the breathalyzer test was unreasonable, therefore revoking his motor vehicle operator’s license for 60 days. The defendant appealed this decision. The Wisconsin Court of Appeals, 102 **Wis. 2d 727,308 N. W.2d 772,** reversed the suspension concluding that a warrantless arrest violated the Fourth Amendment.

**Held:** The warrantless, nighttime entry of an individual’s home to arrest him/her for misdemeanor charges violated the special protection granted the individual in his home by the Fourth Amendment. **Pp. 466 U.S. 748-754.**

Vacated and remanded.

Justice Blackmun, filed a concurring opinion; Chief Justice Burger filed a separate statement.