New Hampshire Legislature

2026 LAW UPDATE

New and Amended Statutes and Case Law

Relevant to Law Enforcement Officers

DIRIGO SAFETY, LLC

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Preparer's Note:

This New Law Update provides summaries of selected public laws that are relevant to most New Hampshire law enforcement officers. The update features the new or amended statutory citations, along with links to the chaptered laws and the LDs that initiated the changes. It is highly recommended to review the full text of the chaptered law for a more complete understanding, especially before taking any enforcement action.

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HB 473: Controlled Drug Exposure (RSA 639-A Update)

https://legiscan.com/NH/bill/HB473/2025

Expands the existing "Methamphetamine-Related" statute to cover **all illegal controlled substances**. Previously, we could only use RSA 639-A for Meth. Now, knowingly permitting a child or vulnerable adult to inhale, ingest, or have contact with any illegal controlled substance is a Class B Felony. Police officers can now enforce child exposure and endangerment laws regarding **all controlled substances** (not just meth). This includes situations where illegal drugs or paraphernalia are manufactured, stored, or disposed of in the presence of a child or vulnerable adult. Law enforcement officers are granted the authority to take a child into immediate protective custody, per RSA 169-C:6, if the child is reasonably found in a location where these drug-related activities are occurring. Per RSA 169-C:6, you *must* take any child present in these environments into protective custody for immediate screening and testing. If an officer does not take the child into protective custody but suspects the child has been exposed to controlled substances, they are now required to file a report with the Department of Health and Human Services (DHHS) as a suspected incident of abuse or neglect. If placed into custody, the juvenile will be evaluated by DHHS.

Officer Action Required:

1. Per RSA 169-C:6, if a child is present under the above conditions, you must take them into protective custody
2. If the child is taken into protective custody, a report is required to filed with the Department of Health and Human Services (DHHS)

SB 300: AI-Generated Child Exploitation (RSA 649-A:3-c)

https://legiscan.com/NH/text/SB300/id/3146869

New Hampshire Senate Bill 300 (Chapter 259), which enacted **RSA 649-A:3-c**, criminalizes the creation of "child intimate visual representations". Effective January 1, 2026, the legislation targets the rapid rise of artificial intelligence used to generate sexually explicit depictions of minors. It creates a new Class B Felony for creating "intimate visual representations" of children without parental consent, specifically targeting AI-generated or "synthetic" images. The law fundamentally transforms how law enforcement and specialized units investigate offenses. Previously, New Hampshire authorities could not investigate or prosecute cases involving AI-generated images because they did not depict a "real person". Under RSA 649-A:3-c, the law removes this restriction, granting law enforcement the direct authority to investigate and prosecute explicit content regardless of whether it is completely synthetic, a

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deepfake, or an AI-altered image of an identifiable child. The New Hampshire Internet Crimes Against Children (ICAC) Task Force can now actively process thousands of annual case referrals involving synthetic media. Investigators have the necessary legal framework to issue search warrants, seize digital evidence, and track down creators using generative AI tools to exploit children online. Law enforcement is tasked with processing convicted individuals under a Tier II registrable offense. Police departments must monitor these offenders, who are required to register as sex offenders and comply with mandatory local police check-ins when moving. This closes the 'prurient purpose' loophole. If the image is identifiable and depicts intimate parts—even if it's 100% computer-generated, it qualifies under this provision.

Officer Action Required:

1. RSA 649-A:3-c removes the requirement that an image depict a "real person". The officer may now investigate any image, whether real or AI-generated
2. Law Enforcement must register and monitor individuals convicted under this statute as Tier II offenders.

HB 143: Digital Endangerment & AI Chatbots (RSA 639:3)

https://gc.nh.gov/bill_Status/pdf.aspx?id=17004&q=billVersion

This bill amends **RSA 639:3** to establish criminal liability for owners or operators of online platforms—specifically targeting artificial intelligence (AI) chatbots and large language models (LLMs), if they knowingly direct harmful generative communications to a minor. Effective January 1, 2026, the law redefines how law enforcement addresses digital child endangerment. Police investigators can now bring charges of endangering the welfare of a child directly against tech company owners or operators if their generative AI platform (such as a character bot or chat program) facilitates, encourages, solicits, or recommends harmful acts to an open-ended user under 18. To build a criminal case under the updated RSA 639:3, law enforcement must prove a high legal threshold. Investigators must obtain digital evidence showing the platform owners or operators *knew at the time* that their AI was directing harmful content specifically to a minor. The law provides local police and state investigators with a clear, enforceable list of prohibited behaviors facilitated by AI, including sexually explicit conduct, illicit drug/alcohol use, self-harm, suicide, or violence against others. While law enforcement handles the criminal aspect of child endangerment, the statute heavily involves the New Hampshire Attorney General. The AG is tasked with initiating separate civil enforcement and handling a mandatory 90-day "cure" **period** notice for tech companies before launching certain legal actions.

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Officer Action Required:

1. Officers must legally preserve and isolate the complete history of the "responsive open-ended generative communication" between the child and the AI bot.
2. Officers are required to extract metadata proving whether age verification was bypassed, if the account was registered as a minor, or if the system ignored explicit indicators that the user was under 18.
3. Notification to both the New Hampshire Internet Crimes Against Children (ICAC) and the Division for Children, Youth and Families (DCYF)
4. Notify the Attorney General's Office.
5. It is also important to note that for prosecution to be successful, a showing that the owner/operator knew the communication was directed to a child.

HB 218: Free Police Reports for Crime Victims (RSA 21-M Update)

https://legiscan.com/NH/text/HB218/id/3228235

This bill significantly shifts administrative procedures for law enforcement by expanding the state's Crime Victims' Bill of Rights (RSA 21-M:8-k, II). Effective September 13, 2025, the law mandates that all state, county, and municipal police departments provide crime victims with free copies of their initial police reports and related documentation. Upon initial contact with a crime victim, investigating law enforcement agencies must promptly inform the victim of their right to request copies of police reports and case documents. This means departments must update their standard victim-notification packets, brochures, and intake procedures to explicitly highlight the availability of **free initial incident reports**. More importantly for active investigations, the law preserves law enforcement's operational security. The statute specifically states that the actual release of any case documents remains at the sole discretion of the law enforcement agency, based entirely on the current status of the active case. Police departments are not legally required to compromise ongoing investigations or prematurely leak sensitive evidentiary records. While some local departments previously provided these records as a courtesy, the law standardizes the requirement statewide. This creates an increased administrative burden, particularly for mid-to-large investigations. Before releasing any requested files to a victim, department personnel must carefully review and execute mandatory redactions to safeguard. The law prohibits agencies from charging victims traditional document retrieval, processing, or photocopying fees. Local police departments and municipalities must absorb these

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de minimis operational costs, primarily driven by staff time dedicated to manually compiling and reviewing files, into their existing local budgets. Operationally, victims must be advised of their rights upon initial contact. This requires Departments to update their own victim notification materials. When providing reports, it is important to remember that required redactions remain mandatory and active investigations are still protected from inappropriate disclosure. Departments should also review internal procedures for redactions and record requests.

Officer Action Required:

1. Under NH RSA 21-M:8-k, II, Officers must advise victims of their rights upon initial contact.
2. Agencies need to be mindful of internal policies and procedures regarding redaction and requests for police reports.
3. Agencies need to update victim notifications materials.

HB 405: Illicit Massage Business Task Force & Prostitution Penalties

https://legiscan.com/NH/text/HB405/id/3049078

This bill targets human trafficking and commercial sexual exploitation operating behind storefronts. The legislation shifts the investigative landscape for state and local police by increasing penalties for prostitution-related offenses and creating a specialized study commission to establish regulatory guidelines. Previously, knowingly permitting a property under one's control to be used for prostitution was classified as a misdemeanor. HB 405 repeals the minor status and replaces it with a Class B felony. The law provides police and prosecutors with enhanced statutory leverage when a storefront operation exploits a child or uses intimidation. If an illicit operation involves a victim under 18 or uses force/compulsion, the offense escalates to a Class A felony. The statute specifies that a perpetrator's **lack of knowledge regarding a minor's age is not a defense**. This removes an evidentiary hurdle for investigators during a prosecution. The law establishes a formal commission to study human trafficking within illicit massage businesses (IMBs). This has led to highly synchronized sweeps. Rather than forcing local police departments to execute isolated undercover stings, enforcement operates as a multidisciplinary task force uniting local police, the AG's office, and local code enforcement.

Officer Action Required:

1. Law enforcement must distinguish exploited laborers from the business operators. Responding personnel are directed to process business owners under

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the upgraded felony charges while utilizing established diversion protocols for the individuals being trafficked

2. To secure a conviction under the "permitting prostitution" felony standard, investigating officers must formally document explicit operational evidence. This includes logging building structural components common to commercial trafficking operations, such as internal living quarters, locked commercial barriers, hidden cash reserves, and multi-unit ledger systems.

SB 58: Venue for Drug Distribution with Death Resulting (RSA 318-B Update)

https://legiscan.com/NH/text/SB58/id/3159417

This bill updates **RSA 318-B:26, IX-b**, and fundamentally changes drug-related homicide investigations by expanding criminal venue options. Effective January 1, 2026, the law provides a "procedural fix" that directly alters how state, county, and municipal law enforcement agencies investigate and prosecute "acts of distribution with death resulting". Prior to this law, a judicial ruling (*State v. Fortune*) created massive roadblocks for investigators by limiting prosecutions strictly to where the specific transaction took place. If a drug dealer sold a lethal dose of fentanyl in Hillsborough County, but the victim traveled home and died of an overdose in Rockingham County, Rockingham investigators could not legally file charges against the dealer. Overdose fatalities frequently cross town and county lines. Because venue is now legally anchored to both the point of consumption and the point of sale, local police departments have immediate legal authority to issue search warrants and track digital evidence across county jurisdictions. The expanded venue provisions may allow local agencies to retain greater involvement in investigations that cross county lines. Law enforcement may not have to hand off a case entirely or wait for another county's prosecutor to pick up the investigation. While the law expands where a case can be tried, it necessitates deeper cross-jurisdictional collaboration. Local police departments must coordinate more frequently with the New Hampshire Department of Justice and county Sheriff's offices to determine which county attorney is best equipped to handle the prosecution. When an out-of-state supplier brings drugs across state borders, and the user subsequently suffers a fatal overdose in a New Hampshire town, local detectives now possess a concrete statutory foundation to assert jurisdiction over the out-of-state dealer, working alongside federal partners to tie the death directly back to the supply chain source.

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Officer Action Required:

1. Officers should coordinate with the New Hampshire Department of Justice as well as any other agencies that may have multijurisdictional powers. This will allow for a more concerted investigation and prosecution early on in the case.
2. Responding officers must immediately secure digital evidence (such as cell phones, social media messages, and GPS data) to map exactly where the controlled substances were manufactured, sold, or dispensed.
3. If a local police department handles an overdose death but traces the sale to a separate New Hampshire town or county, they are required to share forensic data with that corresponding jurisdiction

SB 267: Enhanced Penalties for Prostitution Patrons (RSA 645:2 Update)

https://legiscan.com/NH/text/SB267/id/3159427

This bill amends RSA 645:2, significantly adjusting how local and state law enforcement handle commercial sex crimes. Effective January 1, 2026, the law shifts investigative and prosecutorial focus toward the buyers ("johns") rather than the victims of exploitation. Previously, paying or offering to pay for sexual contact or penetration was classified as a standard, lower-level misdemeanor. SB 267 elevates the act of engaging in prostitution as a patron to a Class A misdemeanor. This harsher classification gives police departments greater leverage when conducting reverse-prostitution stings or interviewing suspects to track down larger trafficking rings. The statute inserts a new paragraph (RSA 645:2, X) requiring the court to levy a mandatory $500 fine for every single patron conviction. While courts can allow deferred or periodic payment plans for indigent defendants, law enforcement and prosecutors can confidently use the guaranteed financial penalty as a definitive consequence when booking and processing offenders. A unique procedural component of SB 267 is that all revenue generated from these $500 patron fines is explicitly earmarked and forwarded to the New Hampshire Department of Justice (DOJ). Over time, local police departments benefit from this revenue loop, as it supplements the specialized state resources, training, and multi-jurisdictional sting operations available to local detectives investigating commercial exploitation.

Officer Action Required:

1. If an individual pays, agrees to pay, or offers to pay another person for sexual contact or penetration, officers are required to formally book and process the offender for a Class A Misdemeanor.

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2. Officers must gather physical, verbal, or digital evidence (such as text messages, sting audio, or cash transfers) that directly proves an intent to engage in sexual contact (as defined by RSA 632-A:1, IV) or sexual penetration (as defined by RSA 632-A:1, V).

Bail Reform: Lowering the Threshold (Effective Sept 21, 2025)

The primary impact of the updated New Hampshire Judicial Branch bail protocols and forms (effective September 21, 2025) is the complete elimination of automatic pretrial releases, giving law enforcement vastly expanded power to keep dangerous and repeat offenders detained. Driven by the passage of HB 592, the overhauled forms and judicial standards dismantled the "catch-and-release" framework established under the 2018 bail reform.

Officer Action Required:

1. Mandatory Processing of the New "Right to Bail" Notice - When booking a suspect, law enforcement officers must now utilize the heavily revised form NHJB-2931-DSE (*Law Enforcement Notice to Defendant of Right to Bail*). The form incorporates the strict new 2025 guidelines, forcing officers to immediately document whether a defendant will be held for arraignment or evaluated for temporary release conditions.
2. Elimination of the Weekend Magistrate Loophole - Weekend bail determinations by quasi-judicial magistrates are completely eliminated. For serious offenses, local police departments can no longer have a magistrate release an offender over the weekend. Officers must now hold dangerous defendants in custody until formal court hours resume.
3. Lowered Burden of Proof for Pretrial Detention - The legal threshold required to deny bail was significantly lowered from "clear and convincing evidence" to a more attainable standard for prosecutors and police. Officers and local prosecutors can successfully request a "**No Bail" decision** or a formal dangerousness hearing for defendants who pose a substantial threat, have a history of failing to appear, or are facing violent charges.
4. Integration with the Electronic Bail Notification System - To streamline the added administrative burden of tracking detainees, the court system rolled out an updated electronic database. When a judge modifies a defendant's pretrial restrictions on the new forms, the data syncs directly with law enforcement networks. This gives roadside officers real-time access to active bail violations and conditional release parameters.

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Motor Vehicle Law & Enforcement Updates

Inspections – The legislature voted to eliminate the official yearly inspection requirement for motor vehicles in New Hampshire. The law was slated to take effect on January 31, 2026. Prior to that date, the vendor that the state utilized for all of its inspections filed suit to stop the new law from taking effect. They cited that the State failed to get federal authorization to relax inspection standards. The case is to be heard at a future date. For the time being, the direction from the Attorney General's Office has been to advise operators that the mandatory New Hampshire vehicle inspection program is suspended until further notice, meaning drivers of most passenger vehicles are not currently required to obtain an annual state inspection or display a windshield sticker. Law enforcement may no longer stop a vehicle just for an inspection sticker alone. However, law enforcement needs to be cognizant that other motor vehicle laws may still address safety requirements for motor vehicles. Key Enforcement RSAs instead of Inspection Sticker Violation include:

1. **Lights (RSA 266:31):** Headlamps must shine white. All other forward lights must be amber or white (fog lights can be yellow).
2. **Tire Tread (RSA 266:48):** Tires are illegal if they have fabric breaks, cuts deep enough to reach cords, or bumps/bulges indicating structure failure.
3. **Window Tint (RSA 266:58-a):** Front side windows must allow >70% light; back side windows must allow >35%.

The New Hampshire Blue Envelope Program (enacted via HB 140 / RSA 265:3-c**)** is a voluntary public safety initiative designed to improve communication and prevent misunderstandings between law enforcement and drivers with Autism Spectrum Disorder (ASD) or trauma and stressor-related disorders. The program fundamentally alters roadside policing by providing a structured framework for officers interacting with neurodivergent drivers. The program officially rolled out statewide at the end of May 2026. Participating drivers keep their essential operating documents—such as a driver's license, vehicle registration, and proof of insurance—inside a distinct, bright blue envelope in their vehicle. To respect driver privacy, the envelope provides critical communication context but does not display or disclose a specific medical diagnosis. The envelope explicitly indicates whether the driver is verbal, non-verbal, or has limited speech capabilities. It also outlines specific environmental triggers, such as extreme sensitivities to flashing police emergency lights, sirens, loud noises, or physical touch. In addition, it contains immediate phone numbers for designated family members, guardians, or support personnel.

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Statutory Expansion of Aggravated DWI (RSA 265-A:3)

Legislative Amendment: The statutory definition of Aggravated Driving While Intoxicated (DWI) under **RSA 265-A:3** has been expanded.

- New Aggravating Factor: Operating a vehicle in the incorrect direction of travel—specifically referencing "wrong-way" driving violations under **RSA 265:26, I**—now serves as an explicit aggravating circumstance.
- Legal Implications: This modification elevates a standard DWI to an aggravated offense, triggering enhanced criminal penalties and stricter sentencing guidelines due to the inherently high risk of catastrophic head-on collisions.
- Mandatory Victim Impact Program (VIP) for Negotiated Pleas
- Restructuring Plea Agreements: New sentencing guidelines establish stricter conditions for Driving While Intoxicated charges that are negotiated or "pled down" to lesser offenses.
- Scope of Application: This requirement specifically targets cases reduced to Negligent Driving (**RSA 265:79**) or Reckless Driving (**RSA 265:79-b**)
- Mandatory Minimum Penalty: In these specific plea reductions, completing a specialized online Victim Impact Program (VIP) is now a non-negotiable, mandatory minimum penalty.
- Educational Objective: The program is designed to foster rehabilitation and deterrence by forcing defendants to confront the severe, real-world consequences and human trauma associated with impaired driving.

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United States Supreme Court

Case v. Montana (Jan 14, 2026)

https://www.supremecourt.gov/opinions/25pdf/24-624_b07d.pdf

Facts: Montana police responded to a 9-1-1 call from the ex-girlfriend of William Trevor Case, reporting he had threatened suicide and might have already shot himself. At the scene, officers saw an empty handgun holster and a potential suicide note through a window. After getting no response for 40 minutes, they entered without a warrant to render aid. Inside, Case emerged from a closet with what appeared to be a weapon; an officer shot and injured him. Case was later convicted of assaulting a police officer and moved to suppress the evidence, arguing the warrantless entry was illegal.

Legal Issues and Arguments: Does the "emergency-aid exception" to the Fourth Amendment require police to have "probable cause" (the higher standard for criminal investigations), or is an "objectively reasonable basis" sufficient? The Supreme Court ruled unanimously that police do not need probable cause to enter a home during an emergency welfare check. Reasonableness is the standard, and police only need an "objectively reasonable basis for believing" that an occupant is seriously injured or imminently threatened with such injury. The Court rejected the need for a "probable cause" standard, noting that it is "peculiarly related to criminal investigations" and does not fit into the non-investigatory, public safety settings. Officers do not need "ironclad proof" before intervening to save a life, provided their belief is objectively reasonable under the totality of the circumstances. The court also emphasized that in mental health crises, officers should consider if forcing entry might escalate the situation, potentially putting the occupant at higher risk of harm.

Impact: This case is a decision that broadens the circumstances under which it lowers the legal burden for police officers entering a home without a warrant to handle life-safety emergencies. They ruled that police do not need "probable cause" to make a warrantless entry under the Fourth Amendment's emergency-aid exception; they only require an objectively reasonable basis to believe an occupant is seriously threatened with harm. Officers should omit "probable cause" in emergency-aid reports, focusing instead on documenting specific, observable facts that justify entry based on an imminent threat of serious harm. Reports must avoid "community caretaking" language, relying strictly on the emergency-aid exception, and distinguish actions from lower-standard Terry stops. Lastly, assessments regarding forced entry in psychiatric crises must weigh immediate aid against the risk of escalating a mental health situation.

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District of Columbia v. R.W.

https://www.supremecourt.gov/opinions/25pdf/25-248_8m58.pdf

Facts: Around 2:00 a.m. on a winter morning, a District of Columbia police officer responded to a radio dispatch about a suspicious vehicle. As the officer pulled his marked cruiser into the specified apartment parking lot, two passengers immediately and unprovoked fled on foot from a parked car, leaving a rear door wide open. The driver, a minor identified as R.W., immediately put the car into reverse and began backing out of the parking space with the rear door still open. The officer blocked the car, drew his weapon, and ordered R.W. to put his hands up. A subsequent search revealed evidence leading to multiple vehicle theft and permit charges. R.W. moved to suppress the evidence, arguing the officer lacked reasonable suspicion for the initial stop.

Legal Issues and Arguments: Did the officer possess a contractually valid, reasonable articulable suspicion to conduct a brief investigatory stop under the Fourth Amendment based on the totality of the circumstances? Yes. The court ruled that the lower appellate court erred by using a "divide-and-conquer" analysis to isolate and entirely excise individual factors (like the passengers' flight and the dispatch call) from its review. Under the proper "totality of the circumstances" standard, the combination of the late hour, the unprovoked flight of the passengers, and R.W.'s highly unusual, evasive action of backing up with a car door still open gave the officer a clear, commonsense basis to suspect criminal activity.

Impact: This case reaffirms totality of the circumstances standard. Courts must evaluate the "whole picture" of a police encounter rather than evaluating and dismissing individual facts in isolation. The ruling solidifies that unprovoked flight by passengers can cast a driver's subsequent actions in a highly suspicious light, establishing reasonable suspicion to detain the remaining vehicle occupant. It also reinforces that officers are permitted to make practical, everyday commonsense inferences about evasive human behavior during late-night investigations. To establish robust reasonable suspicion, officers must document a comprehensive picture of events, including evasive vehicle maneuvers like reversing with doors open late at night and unprovoked passenger flight upon police arrival. These behaviors must be connected to the specific, immediate context of the incident, allowing for practical, commonsense inferences of potential criminal activity in official reports.

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United States Court of Appeals – First Circuit

United States v. Jacob Parlin (March 11, 2026)

https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1297P-01A.pdf

Facts: In 2023, Jacob Parlin was convicted for his role in a large-scale methamphetamine trafficking operation spanning multiple states. During his trial, a Rockingham County Deputy Sheriff Lieutenant, was allowed to testify as a "lay witness" that the nearly two pounds of pure meth found in Parlin's car was far more than anyone would keep for personal use. Parlin appealed, arguing he was just a heavy user and that the officer's testimony was actually "expert testimony" that hadn't been properly disclosed before trial.

Legal Issues and Arguments: Should a court, when reviewing if there was enough evidence for a conviction, ignore any evidence that might have been admitted incorrectly? Was the officer's "personal use vs. distribution" testimony improper, and if so, did it unfairly bias the jury? The First Circuit affirmed Parlin's conviction. The court ruled that when checking if evidence is "sufficient" for a conviction, judges must look at everything the jury actually heard, regardless of whether it should have been allowed in or not. The judges didn't even bother deciding if the officer's testimony was technically "expert" or "lay," but that it was reliable to his ability. They ruled that even if it was a mistake to allow it, it was a "harmless error" because other evidence—like wiretapped calls of Parlin discussing prices and "customers" made his guilt "crystal clear".

Impact: The ruling highlights the critical importance of multilayered investigations. Law enforcement may rely on the cumulative weight of DEA wiretaps, recorded calls, and high drug purity to establish "intent to distribute," mitigating the risk of a single piece of evidence being challenged. The decision reinforces the tactical reality that seizing exceptionally large quantities of 100% pure methamphetamine (nearly two pounds in this case) remains an incredibly strong legal indicator of distribution rather than personal use, helping to defeat common defense claims This case reinforces that defendants may face a challenge on appeal in the First Circuit, you can't get a conviction overturned just by showing one piece of evidence was a mistake if the rest of the government's case (like wiretaps) is overwhelming. It is important to note that an officer may not solely rely upon their testimony that large amounts of narcotics indicate distribution. Officers must support their entire case with such a conclusion. The First Circuit found that all other evidence was overwhelmingly independent to support a conviction and that if there was an error, it was harmless because all other evidence supported distribution. Key takeaways for law enforcement include documenting

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market context to support intent, avoiding expert-level conclusions in lay testimony, and coordinating with prosecutors regarding witness classification.

United States v. Keion Rowell (Feb 18, 2026)

https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1136P-01A.pdf

Facts: Keion Rowell was convicted of sex trafficking a missing 15-year-old girl in 2021 after law enforcement rescued her during an undercover operation. In the underlying case, a missing juvenile was reported as "endangered" by her father. Three days later, police received information that her Snapchat account had been accessed and connected to an IP address associated with the defendant's apartment. Upon arrival at the defendant's apartment complex, they were originally denied access to the building by the defendant; however, a neighbor allowed them access to the common area. Once there, police went to the apartment, opened an unlocked door, and went in about five feet before asking to search for the juvenile, which was again denied. During this conversation, the defendant walked out of another room with a cell phone in hand. This was captured on body cameras. Rowell appealed his conviction and 180-month sentence, raising several procedural and constitutional challenges.

Legal Issues and Arguments: Did the warrantless entry of police into an apartment to rescue the minor violate the Fourth Amendment? Rowell's argument is that his Fourth Amendment rights were violated by a warrantless search by police of his apartment where he was staying with a minor. He argued that the district court should have suppressed the body-worn camera video that captured his interactions with police, and any observations should be "fruits of the poisonous tree". The First Circuit rejected all of Rowell's arguments and affirmed his conviction. Because of the emergency-aid exception, the court held that the police had an objectively reasonable basis to believe an emergency existed (a missing minor in danger), justifying the brief warrantless entry under that exception.

Impact: This case reinforces the broad scope of the "emergency-aid" exception, much like in Case v. Montana, when police are attempting to locate missing children. The ruling provides practical guidance for future investigations when officers can bypass the Fourth Amendment's warrant requirement. To remain legally sound, law enforcement must establish a "cumulative picture" of a crisis combining the digital ping with existing human factors, such as a father's report that the minor has been missing for days and is in danger. The court heavily emphasized the restrained, highly targeted nature of the police encounter. Officers stepped only a few feet past the threshold to briefly ask about the missing minor, rather than conducting an all out search for criminal evidence. For law enforcement, this dictates that an emergency entry must be

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limited strictly to resolving the immediate threat, or any fruits of the search risk being suppressed. Officers need to build cumulative context in this type of situation where aid is the primary focus. Ensure entry is strictly for rescuing, not gathering criminal evidence.

United States v. Tevin Abercrombe (Dec 16, 2025)

https://www.ca1.uscourts.gov/sites/ca1/files/opnfiles/24-1474P-01A.pdf

Facts: In April 2020, Boston police stopped a vehicle during an investigation into a nearby drive-by shooting. Officers found a loaded Taurus 9mm pistol with an obliterated serial number directly under the front passenger seat where Tevin Abercrombie was sitting. The government presented an abundance of circumstantial evidence to prove constructive possession, including Abercrombie's exclusive control over the front passenger seat area. There was also video evidence of Abercrombie making repeated leaning or reaching movements toward the floorboards. The fact that Abercrombie was wearing a single latex glove on his right hand also matched the lack of fingerprints on the firearm. He challenged his conviction based on sufficiency of the evidence.

Legal Issues and Arguments: The core legal issues focus on whether a medley of circumstantial factors is legally sufficient to prove constructive possession of a firearm in a vehicle, and whether the federal felon-in-possession statute violates the Second Amendment. Abercrombie argued that the government failed to establish a direct, lawful link proving he possessed the loaded pistol found beneath his passenger seat. He maintained that his presence in the vehicle alone was legally insufficient for a conviction. The court rejected this, stating a rational jury could infer possession from his movements and the single glove. The defense contended that the government's narrative linking him to a drive-by shooting was inflammatory and prejudicial. The court ruled that the evidence did not "preponderate heavily" against the verdict and affirmed the district court's denial of a new trial. The First Circuit affirmed the conviction. Abercrombie also raised a facial constitutional challenge to the indictment, arguing that the federal law banning convicted felons from possessing firearms (18 U.S.C. § 922(g)(1)) is invalid under recent Second Amendment frameworks. The court also rejected this argument based on precedent.

Impact: This case provides law enforcement with a clear framework for building illegal firearm possession cases against vehicle passengers. This ruling reinforces the reality that while a passenger's proximity to a weapon is not enough on its own to arrest or convict, a "mosaic" of tight circumstantial factors can successfully prove constructive possession. Officers should be trained to exhaustively document a suspect's precise

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physical behavior and "furtive movements" immediately prior to and during a traffic stop. Simply proximity to a firearm is not sufficient. Officers essentially need to build their case with other observations and factual information available at the time of the encounter.

New Hampshire Supreme Court

Philip K. Cunningham v. Dover Police Dept (Jan 14, 2026)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2026-02/20250222.pdf

Facts: Philip Cunningham filed a wrongful death lawsuit against the Dover Police Department. This suit arose from his daughter's passing due to an overdose. It's alleged that she bought fentanyl-laced cocaine from a neighbor and died from an overdose. Mr. Cunningham alleges that the Department had sufficient evidence that the neighbor was dealing drugs and failed to make an arrest, and must be held civilly responsible for his daughter's death. The State filed a motion to dismiss, which was granted by the lower court, and this appeal was filed.

Legal Issues and Arguments: The issue before this court is whether the lower court made an error in dismissing Mr. Cunningham's claim for his failure to state an actionable claim. The real issue relevant to law enforcement is whether immunity extends to actions that law enforcement failed to make. Here, can law enforcement be held civilly responsible for failing to act on knowledge of illicit activity. The court dismissed the case based on a number of legal reasons. The court determined that the allegations laid out in Cunningham's civil complaint did not establish a legally recognized, valid cause of action against the police department under state law. The ruling was heavily grounded in RSA 507-B, which provides broad bodily injury and wrongful death tort immunity to governmental units and municipal entities like local police. Under New Hampshire law, municipal police departments generally cannot be held liable in a civil lawsuit for exercising discretionary authority, such as failing to make an arrest or failing to launch a specific drug intervention, even if a tragedy occurs afterward.

Impact: The decision reinforces procedural protections for law enforcement by requiring specific, legally sufficient facts to advance civil liability claims. Officers are reassured that their day-to-day operational decisions, such as prioritizing which calls to answer, when to initiate a drug investigation, or when to execute an arrest, remain

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protected exercises of police discretion. Law enforcement can allocate resources and make investigative choices based on public safety needs and evidentiary standards, rather than the fear of facing a civil lawsuit from a victim's family if an investigation does not stop a crime in time. The court reaffirmed broad municipal immunity for discretionary policing functions under NH RSA 507-B. Officers should understand that municipal immunity laws protect police departments, reinforcing the need for plaintiffs to plead specific, legally sufficient facts to overcome dismissal. Officers should understand that actions within the scope of duty are protected under RSA 507-B, making precise, detailed documentation of facts crucial for legal defense.

State v. Christopher Crosby (Feb 26, 2026)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2026-02/20240407.pdf

Facts: The New Hampshire Supreme Court reviewed the conviction of Christopher C. Crosby, who was found guilty of criminal trespass after police used a geofence warrant to obtain Google subscriber information identifying him at the scene of a 2021 Durham apartment break-in. The trial court allowed an investigating officer to testify regarding the Google business records and location data, leading to a conviction despite a mistrial motion from the defense.

Legal Issues and Arguments: The defendant challenged his conviction, arguing that a police officer improperly testified as a lay witness regarding complex Google location business records and that the trial court erred in denying a mistrial after prejudicial testimony. The state maintained that the records were properly admitted as business records and that any prejudicial statements were sufficiently cured by jury instructions.

Impact: The case validates lower-court evidentiary rulings and reinforces investigative standards for law enforcement. The decision protects discretionary trial rulings on police testimony and highlights the high burden on defendants to prove reversible legal errors on appeal. This gives law enforcement continued confidence when relying on and explaining tracking logs or digital footprints during trial testimony. For agencies building criminal trespass or stalking cases, especially involving "career offenders" with long histories of loitering or privacy invasions, the decision preserves investigative tools. Pairing physical officer observations with verified location data remains a strong corroborative investigative approach for the state. When preparing to testify about location data (such as electronic access logs, GPS data, or automated records), ensure the records strictly satisfy the business records exception to the hearsay rule. Officers should clearly delineate in their testimony between facts they personally observed versus facts extracted from electronic business logs.

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State v. James Reed (Feb 9, 2026)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2026-03/20250108.pdf

Facts: A vehicle carrying the defendant was stopped by a uniformed police officer with his pistol drawn. The officer ordered the driver and the defendant to exit the vehicle with their hands up. Only the driver complied; an additional uniformed officer arrived and ordered the defendant out of the vehicle. The defendant then verbally and physically resisted repeated orders to exit the vehicle, and ultimately, it required three officers to forcibly remove the defendant from the vehicle and place him under arrest

Legal Issues and Arguments: The core legal question concerns the relevance of internal police safety guidelines in determining if a defendant committed the crime of resisting arrest or detention. The court determined that, regardless of a policy, the defendant's subjective belief that he was being detained was reasonable, which is what the statute requires.

Impact: The court held that internal police manuals cannot be used by defendants to challenge charges of resisting arrest, affirming that legal standards, not tactical procedures, are paramount. The decision protects law enforcement from procedural audits by defense counsel and focuses the criminal standard on whether the defendant intentionally resisted a lawful detention. Convictions stand when the state clearly establishes the core elements of RSA 642:2—that the officer was recognized as an authorized law enforcement official and that the defendant knowingly moved or acted to prevent the detention. Articulable facts are necessary regarding actions by the officer taken to establish that the defendant was being detained as well as the defendant's failure to comply.

State v. Heide Holt (Oct 9, 2025)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2025-11/20240468.pdf

Facts: Heidi Holt was arrested and charged with multiple counts of theft by willful concealment (under New Hampshire law RSA 637:3-a) stemming from shoplifting incidents. Law enforcement and the prosecution gathered case files, a witness list, and digital surveillance video footage documenting the alleged thefts. During the trial, the defendant asserted that she did not get a copy of the digital evidence. The State indicated that they explained that they sent the defendant her discovery by email and told her that if she wanted to review any video footage, she should "make

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arrangements" with him. She never made an appointment to come view the footage. The court allowed the State to proceed, and she appealed upon conviction.

Legal Issues and Arguments: Holt appealed her convictions, asserting that the trial court committed a reversible legal error by forcing her to go to trial without full access to the State's evidence. The court rejected her argument. The justices ruled that trial courts maintain exceptionally broad discretion in managing pre-trial discovery and handling mid-trial complaints. Because Holt failed to prove that the judge's handling of the situation was "clearly unreasonable" or legally prejudiced her defense, her theft convictions were formally upheld

Impact: The case validates the legal weight of police records and reinforces the necessity of meticulous digital evidence collection, particularly high-quality surveillance footage. It affirms that well-organized case files and clear witness lists provide a sufficient foundation for trial, while highlighting the importance of strict, early compliance with discovery timelines. It also highlights what is a generally accepted version of discovery exchange at the district court level, particularly with respect to digital evidence exchange. Officers should log all digital evidence and this should be reflected in their reports so there is no question the evidence exists.

State v. Donald Thompson (Sept 12, 2025)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2025-10/20240519.pdf

Facts: The event started with an officer making a traffic stop. The court relied on video evidence from the officer's body cam and dash cam. It showed that upon activation of emergency lights to stop the defendant, he continued on for seven-tenths of a mile and for at least a minute. He continued to drive and even accelerated briefly. Additionally, he waved acknowledgment of the officer on four occasions. Mr. Thompson passed several locations where he could have safely pulled over and stated upon stopping that "you don't have to stop unless you're in a public place."

Legal Issues and Arguments: One issue upon appeal, the defendant argued that the state should have to prove he purposely intended to elude police. The court looked to the plain language of the statute and case precedent. They stated that under the disobeying statute, the State needs only to prove that the operator purposely neglected to stop or purposely attempted to elude law enforcement, not both. The court affirmed convictions for disobeying an officer and resisting arrest, ruling that prosecutors need not prove a specific intent to evade pursuit, only non-compliance with a lawful order. The court upheld that sufficient evidence supported the convictions, validating the standard interpretation of the relevant state statutes.

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Impact: This case clarifies that prosecution for disobeying a police officer does not require proving the defendant acted with a specific purpose to elude or evade a pursuit. Consequently, law enforcement can secure convictions based on a driver's purposeful failure to stop, while resisting arrest charges still require evidence of physical interference with an officer. It is important, as was done in this case, for an officer to articulate all relevant facts that would lend itself to the fact that the defendant failed to stop.

State v. Deborah Bradley (April 16, 2025)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2025-04/2025017bradley.pdf

Facts: An investigation into former New Hampshire DCYF employee Deborah Ann Bradley and her husband, Kenneth, was instituted following allegations of child abuse. The couple lived with the defendant's daughter, four adopted children, and two foster children. At some point, one of the children confided in the defendant that she had witnessed Kenneth sexually assaulting another child. She captured the event on her cell phone. The defendant downplayed the situation and was alleged to have erased the data from a cell phone containing evidence of the assault. During a search of the home, police discovered an iPad, recorded by one of their children, that contained audio of Kenneth and the defendant discussing Kenneth's "inappropriate behavior," as well as evidence that a digital device had been intentionally erased. Consequently, Kenneth was charged with sexual assault, while Deborah was charged with tampering with evidence and witness tampering. At trial, the State introduced the iPad recording at trial over the objection of the defendant, who cited marital privilege.

Legal Issues and Arguments: The core legal issue is whether the marital confession privilege under New Hampshire Rule of Evidence 504(b) bars the admission of a recorded, confidential spousal conversation when the spouse is not being called to testify. Furthermore, does the spousal privilege only protect a person from being forced to take the witness stand (*testimonial evidence*), or does it extend to physical, out-of-court recordings of private conversations (*non-testimonial evidence*)? The court ultimately determined that because the state was introducing an audio file (physical evidence) rather than forcing Bradley's husband to testify against her on the stand, the marital privilege did not apply.

Impact: This case provides a major victory for prosecutors and law enforcement by widening the pool of admissible digital evidence in domestic investigations. By drawing a sharp legal line between spoken human testimony and physical electronic recordings, the court established clear boundaries for police. The court held that the marital

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privilege did not bar admission of the recording under the circumstances of this case. If a smart device, security camera, or tablet records a couple discussing a crime, that file is treated as admissible physical evidence, not protected testimony. Investigators should consult prosecutors when electronic recordings of marital communications are discovered during a lawful search, as some recordings may be admissible as physical evidence rather than testimonial evidence. When executing a valid search warrant on family electronics (such as a shared iPad, cell phone, or smart device), review them for audio clips, memos, or recordings. If a suspect inadvertently records a private spousal discussion on an electronic medium, that file is fully admissible in a criminal prosecution. Officers must be sure to enter these as evidence in their reports.

State v. Robert Allore (March 18, 2025)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/inline-documents/sonh/20240396_statebrief.pdf

Facts: The defendant, **Robert F. Allore**, was a visiting home-care nurse who was criminally indicted. He faced multiple charges, including two counts of aggravated felonious sexual assault (AFSA) and four counts of misdemeanor sexual assault (MSA). The charges alleged that Allore engaged in unlawful sexual contact with a patient over the age of 13 while providing home health medical care. More specifically, it is alleged that the defendant, a 61-year-old male nurse, was caring for an 87-year-old female patient who had recently had surgery. Her care required him to go to her assisted living home and treat her there. On several occasions, he made advances, including a surprise kiss. The victim reported she felt she had no choice and had to participate in sex acts. Before trial, Allore notified the court of his intent to raise a formal statutory consent defense under RSA 626:6, I, arguing the sexual acts were consensual.

Legal Issues and Arguments: Is a victim's consent a legally recognized, valid defense to a charge of sexual assault by a medical provider under RSA 632-A:2, I(g)(1) or under RSA 632-A:2, I(i)? The Court ruled that under subsection I(g)(1), the legal focus is entirely on the *provider's* behavior and professional standards, not the patient's state of mind. Because state regulations (like the Nurse Practice Act) strictly prohibit sexual contact between nurses and active patients as unethical, patient consent cannot legalize or erase the underlying crime. Furthermore, the Court ruled that under subsection I(i), consent is not a statutory defense because "surprise" inherently implies a lack of advance agreement.

Impact: Investigators do not need to prove a lack of victim consent when building a sexual assault case against a medical professional acting in their official capacity.

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Proving the professional relationship and the sexual contact is legally sufficient. When handling sexual exploitation complaints involving home health aides, doctors, or nurses, officers can focus their interviews on establishing the professional boundary violation rather than aggressively vetting the victim's physical resistance or explicit non-consent. Officers should focus investigation on the Professional Relationship: Under RSA 632-A:2, I(g)(1), the state only needs to prove that a sexual act occurred and that the suspect used their position of authority as a medical provider to accomplish it. If these elements are met, consent does not legally negate the crime. When building a case against a licensed professional (such as a visiting nurse or doctor), coordinate with investigators to document how the suspect's conduct breached professional rules. Understand legal limits of "Surprise" attacks: For charges brought under alternative theories like sexual assault by concealment or surprise (RSA 632-A:2, I(i)), the court noted that consent is inherently impossible. Officers should gather detailed statements from the victim detailing the exact timeline and manner of the touch to substantiate the element of surprise

State v. Matthew Brousseau (March 13, 2026)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2026-03/2026010brousseau.pdf

Facts: Mr. Brousseau was convicted of several counts of felonious sexual assault and criminal threatening and appealed based on the fact that the Court allowed a child victim to testify via remote video and that it violated the defendant's state constitutional right to face-to-face confrontation. He asserted that the right to face-to-face confrontation is embedded within the Sixth Amendment, Part I, Article 15 of the New Hampshire Constitution, and is well settled within case law.

Legal Issues and Arguments: The primary legal question was whether allowing a child complainant to testify remotely via a two-way video system (outside the physical presence of the defendant) violates the defendant's right to face-to-face confrontation under Part I, Article 15 of the New Hampshire Constitution. The court ruled that Part I, Article 15 of the New Hampshire Constitution provides a stricter confrontation guarantee than the U.S. Constitution.

Impact: Officers and prosecutors can no longer rely on video links to shield vulnerable or traumatized victims from looking at a defendant during trial. Because child victims must physically face the defendant, police victim-witness advocates and investigators must re-evaluate how they prepare young or vulnerable witnesses for court, anticipating the severe psychological hurdles of a mandatory, face-to-face encounter.

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State v. Joshua Wells (March 3, 2026)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2026-03/2026008wells.pdf

Facts: Mr. Wells was convicted of an assault on a police officer and resisting arrest and appealed based on insufficiency of evidence. The defendant was one of three passengers in a vehicle in which the odor of alcohol was present. Each occupant was asked to provide identification. The defendant became uncooperative and kept interrupting the officer until he was finally asked to exit the vehicle. Upon exiting, he faced the officer in a confrontational manner and shoved his index finger into the officer's chest. He was told he was under arrest for assault. During the arrest, he pulled away and was charged with resisting arrest. The altercation was recorded on a cell phone by a passenger and introduced at trial, and the defendant was convicted.

Legal Issues and Arguments: Should an appellate court apply a different, independent (***de novo***) standard of review when evaluating a defendant's challenge to the sufficiency of the evidence if the critical event was captured on video? The defense argued that because a cell phone video of the confrontation was available, the appellate court could view the footage and judge the facts just as easily as the jury, meaning it did not need to defer to the jury's interpretation. The Court rejected the defense's argument that appellate judges should review video evidence from scratch under a different, independent standard. The defense asserted that the interaction captured on the video was minor or *de minimis* and failed to meet the strict legal definitions required to sustain the misdemeanor convictions. The Court threw out the defense's claim that Wells's physical scuffle was too minor (*de minimis*) to count as a crime, noting the argument was not properly preserved during the initial trial.

Impact: The ruling ensures that defense attorneys cannot bypass a jury's guilty verdict by asking an appellate court to independently re-interpret body-worn camera or cell phone footage. Also, because video footage will be viewed through the standard legal lens of whether a "rational trier of fact" could find guilt, officers must meticulously document what the video shows. Reports should explicitly detail the physical points of resistance, tension, and specific movements that a video captures, rather than relying on the footage to speak entirely for itself.

State v. Logan Clegg (March 17, 2026)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2026-03/2026011clegg.pdf

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Facts: At the time of the underlying case, Mr. Clegg was alleged to have shot and killed two people on a hiking trail. Early in the investigation, officers had identified him as the suspect and believed he had fled the area. Shortly afterward, police learned that he was booking a flight out of the country. Investigators searched for Clegg, bypassed standard procedures, and used Verizon's "exigent circumstances" safety protocol to ping his phone number and obtain live GPS tracking data without a search warrant. Police justified this by stating that acquiring a formal warrant could take days or weeks, making them fear that Clegg, a transient flight risk, would destroy the murder weapon or escape the country. Using the real-time data, police tracked Clegg to a public library in South Burlington, Vermont, where they arrested him with a fake passport, a 9 mm gun, and $7,000 cash

Legal Issues and Arguments: Did the police violate the defendant's privacy rights under Part I, Article 19 of the New Hampshire Constitution by bypassing the warrant requirement to obtain his real-time cell phone location and text data from Verizon? The state argued that "exigent circumstances" existed because Clegg was a high-risk homicide suspect preparing to flee the country to Germany, creating a critical risk that he would escape or destroy evidence. The supreme court had to decide if a third-party vendor's processing delays or a suspect's flight risk legally justified a warrantless digital tracking search. At the underlying trial, Clegg filed a pre-trial motion to suppress the cellphone evidence. The trial court denied the motion, ruling that the police actions fell under the exigent circumstances exception. Clegg was subsequently convicted of second-degree murder and sentenced to life in prison. The Supreme Court ruled that the warrantless search was unconstitutional. The court emphasized that an individual's constitutional rights cannot be compromised simply because a third-party provider might take time to fulfill a legal warrant. While Clegg was a serious flight risk, the state did not show that an immediate danger to public safety or imminent destruction of evidence existed at the exact moment the warrantless tracking data was requested.

Impact: The court’s decision significantly restricts how law enforcement agencies can track suspects using digital data. It sets a strict legal precedent regarding cellphone data, the definition of an emergency, and police accountability. The justices noted that detectives could have utilized Verizon’s emergency safety protocols while *simultaneously* applying for a formal search warrant. If police face an urgent situation requiring immediate cellular pings, they must run a parallel workflow. They can ask the carrier for emergency assistance, but they must also actively write and submit a search warrant application immediately, rather than relying solely on the carrier's emergency protocol. It is best that officers request emergency carrier assistance when necessary and simultaneously prepare and submit a search warrant application. Document specific articulable facts establishing immediate danger or evidence destruction. Officers should not rely solely on carrier emergency procedures.

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State v. Andrew Rodriguez (September 19, 2025)

https://www.courts.nh.gov/sites/g/files/ehbemt471/files/documents/2025-09/2025043rodriguez.pdf

Facts: Officers responded to a hotel for a report that a missing juvenile may be at that location in a specific room. They responded, and Mr. Rodriguez answered the door. The missing juvenile was in sight, lying unclothed on a bed with apparent abrasions on her wrists and ankles, and had admitted to the consumption of alcohol. There were empty beer bottles and other alcohol containers around the room. The defendant reported that he thought she was eighteen because they had been drinking at a bar. He was subsequently arrested for providing alcohol to a minor (NH RSA 179:5, I). A search of his person revealed a cell phone, which was seized. The juvenile was interviewed by the police twice, once before the incident and during. She disclosed that she met the defendant online and told him how old she was and that she had mental health issues. Based on that information, a search warrant was granted for the hotel room and cell phone. The phone revealed conversations and explicit photos and videos between the defendant and the juvenile. The defendant was charged with several offenses relating to the acts committed on the phone and those reported by the juvenile. The defendant's appeal stated that the original arrest was unlawful and, therefore, the search of his phone should be suppressed. The State admitted that the original arrest was unlawful at a suppression hearing.

Legal Issues and Arguments: The issue before the court was whether digital evidence retrieved from the phone must be suppressed as the "fruit of the poisonous tree," even though police had obtained a subsequent search warrant. The court held that the digital evidence was admissible because the search warrant for the phone's contents was supported entirely by untainted, independent information gathered by police prior to the unlawful arrest. Because the cell phone's data was not examined before the warrant was authorized, and the warrant affidavit did not rely on any information from the initial unlawful seizure, the independent source doctrine purged the taint of the illegal arrest.

Impact: The primary benefit to law enforcement is the confirmation that procedural errors or an unlawful arrest do not automatically ruin an entire case. If detectives gather sufficient probable cause from independent avenues (such as victim interviews or standard police department intelligence) before or alongside an unlawful arrest, that clean evidence remains viable. This allows separate, untainted investigative tracks to save critical evidence—like cell phone contents—from being thrown out under the exclusionary rule.

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