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United States v. Doble, No. 08-50044
Pregerson, J., dissenting:

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

I dissent. I agree with District Court Judge Andrew J. Guilford's reasoning that the public safety exception did not excuse the police officer's pre-*Miranda* interrogation of Doble regarding the location of the firearm because there was not an "objectively reasonable need to protect the police or the public from any immediate danger associated with [a] weapon." *United States v. Martinez*, 406 F.3d 1160, 1163 (9th Cir. 2005) (alteration in original) (quoting *New York v. Quarles*, 467 U.S. 649, 659 n.8 (1984)). I also agree with Judge Guilford that the emergency exception to the warrant requirement did not justify the police's search of Doble's residence because again there was not an "objectively reasonable basis for concluding that there was an immediate need to protect others or themselves from serious harm." *United States v. Snipe*, 515 F.3d 947, 952 (9th Cir. 2008).