

Barry H. Evenchick Quoted in Star-Ledger on Precedential Appellate Division Decision Applying Exclusionary Rule

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Barry H. Evenchick

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Barry H. Evenchick, partner at Pashman Stein Walder Hayden, was quoted in the *Star-Ledger* article, “Cops didn’t knock during search warrant, walked in on naked woman, so judge tosses evidence.” In a published opinion, the Appellate Court upheld the trial judge’s decision to suppress evidence in a case involving a “knock and announce” warrant. The Appellate Court concluded that New Jersey’s Constitution provides greater protection than the U.S. Constitution and that the exclusionary rule does apply, especially because the violation was “flagrant.”

And it’s important because the appellate judges, who heard the case as a “first impression” to make such a precedential decision, found greater protections in the state constitution versus the U.S. Constitution, said Barry H. Evenchick, who argued for the defense as a friend of the court, for the Association of Criminal Defense Lawyers of New Jersey.

New Jersey’s search and seizure protections, Evenchick said, can be seen as more “generous” than the protections on the federal level in such an instance.

Evenchick, a former prosecutor, said the decision also illustrates baffling police conduct and “the rather extreme consequences that can occur when the ‘knock and announce’ of a warrant is ignored.”

No reasonable person, Evenchick said, expects police to silently surface in their bedroom in their home.

For the full article, [click here](#).