THE SUPREME COURT OF NEW HAMPSHIRE

Merrimack
Case No. 2024-0034
Citation: State v. Clegg, 2026 N.H. 11

THE STATE OF NEW HAMPSHIRE

v.

LOGAN CLEGG

Argued: November 12, 2025
Opinion Issued: March 17, 2026

John M. Formella, attorney general, and Anthony J. Galdieri, solicitor general (Audriana Mekula, assistant attorney general, on the brief and orally), for the State.

Thomas Barnard, deputy chief appellate defender, of Concord, on the brief and orally, for the defendant.

PER CURIAM

[¶1] Following a jury trial in Superior Court (Kissinger, J.), the defendant, Logan Clegg, appeals his convictions on two counts of knowing second degree murder, see RSA 630:1-b, I(a) (2016), four counts of falsifying physical

evidence, see RSA 641:6, I (2016), and one count of being a felon in possession of a firearm, see RSA 159:3, I (2023), arising out of the fatal shooting of the two victims. On appeal, he argues that the trial court erred when it: (1) relied upon the exigent circumstances exception to the warrant requirement to deny his motion to suppress evidence obtained as a result of the warrantless searches of data from his cell phone carrier; (2) admitted at trial lay opinion testimony about certain photographs; and (3) struck certain testimony about the certification testing performance of a police dog trained to detect gunpowder. Because we agree with the defendant that the trial court erred in relying upon exigency grounds to deny his motion to suppress, we vacate the suppression ruling and remand.

I. Factual and Procedural Background

[¶2] For the purposes of reviewing the trial court's denial of the motion to suppress, we accept the trial court's findings where supported by the suppression record. See State v. Ruiz, 170 N.H. 553, 555 (2018). On the afternoon of April 18, 2022, the victims were fatally shot while walking on a trail in the Broken Ground Trail System (trail system) in Concord. The victims, who were husband and wife, were reported missing on April 20 and the Concord Police Department (CPD) began investigating their disappearance. During a search of the trail system and surrounding area on April 20, officers located a tent site that was occupied by a man who identified himself as Arthur Kelly. On April 21, officers discovered the victims' bodies hidden in a natural depression under leaves and other debris in a wooded area of the trail system.

[¶3] The next day, officers returned to the Arthur Kelly tent site and found that it had been "completely cleared." By reviewing surveillance footage from nearby businesses and through subsequent investigation, CPD concluded that the man who identified himself as Arthur Kelly was, in fact, the defendant. CPD also learned that the defendant had a criminal history, including an outstanding warrant for his arrest for absconding from probation in Utah, that he had been in possession of a firearm at the time of two prior arrests, and that he had previously traveled to Europe. After further investigation, CPD ultimately identified the defendant as the murder suspect based upon, among other things, his purchases at nearby businesses prior to and immediately following the victims' deaths, his provision of the false Arthur Kelly identity to officers while at a tent site near the crime scene, and an eyewitness description of the shooter that was consistent with the defendant's appearance.

[¶4] On October 3, 2022, CPD discovered that, on May 15, an "Arthur Kelly" had traveled to Burlington, Vermont. Despite an investigation of that area, CPD found no evidence of a person using either the defendant's name or his alias.

[¶5] As of October 11, CPD had not located the defendant. At approximately noon that day, a Utah police detective notified CPD that Homeland Security had informed him that the defendant had "booked a flight to Berlin, Germany from JFK airport in New York scheduled to depart on October 14, 2022 at 12:30 a.m." Homeland Security then sent CPD the defendant's flight booking information at 4:41 p.m. that afternoon. The booking information included an address of a Burlington post office and a phone number, which CPD confirmed belonged to a legitimate Verizon account.

[¶6] Believing that the defendant intended to leave the country in approximately 56 hours, CPD attempted to ascertain his location by requesting from Verizon location data connected to his phone number. CPD was "under the impression that a request to Verizon made with a warrant could take days or weeks to process before cell phone location data would be produced." (Emphasis added.) Consequently, CPD submitted three warrantless requests to Verizon through its exigency hotline over the next 17 hours.

[¶7] Within thirty minutes of learning of the phone number, CPD submitted an exigency request to Verizon for "ping" data connected to the phone number. Ping data provides "the radius from the phone to the cell tower it most recently connected to." Verizon approved the request and provided ping data showing that the phone was active in Burlington, Vermont in a wooded area near hiking trails. Verizon then sent CPD emails with updated ping data every fifteen minutes.

[¶8] CPD made a second exigency request to Verizon around 7:00 p.m., seeking "text messaging details" that would identify any phone numbers that texted, or received texts from, the defendant's phone number (historical data). At around the same time, CPD dispatched two officers to Burlington. The officers arrived there at 11:00 p.m. and searched certain locations for the defendant, including the bus station. The officers did not search in the wooded area, however, as such a search was deemed unsafe at that time. The officers then slept for "a few hours at a hotel." Also during the evening and late night hours of October 11, a detective applied for, and was granted, a search warrant to use a cell site simulator device belonging to federal law enforcement, which could help pinpoint the location of the defendant's phone. CPD ultimately never used that device.

[¶9] By the next morning, October 12, CPD had learned through the second exigency request that the defendant's phone had received a text message from an employee at a Burlington grocery store. Officers located the defendant at the grocery store at approximately 9:30 a.m. and, after tracking him, arrested him for the Utah probation violation. Meanwhile, also on the morning of October 12, CPD made a third exigency request to Verizon, this time for "Range to Tower" (RTT) data, to determine a more precise location for the phone. CPD did not use the RTT data to locate the defendant.

[¶10] The defendant was later arrested for the victims' murders and indicted on two counts of knowing second degree murder, two alternative counts of reckless second degree murder, four counts of falsifying physical evidence, and one count of being a felon in possession of a firearm. Prior to trial, the defendant moved to suppress all evidence obtained as a result of the warrantless ping, historical data, and RTT searches of data from his cell phone carrier. The trial court denied his motion following a three-day suppression hearing. It concluded that the searches were lawful pursuant to the exigent circumstances exception to the warrant requirement.

[¶11] Specifically, the trial court found that the police had probable cause to believe that the defendant's location "would be found from a search of cell phone location data of the phone number" and that the data would aid in the defendant's apprehension. It further determined that the State had proved that an exigency existed based on the following circumstances: the defendant was a "strong suspect" for the victims' murders; there was evidence that he would soon attempt to flee the country or otherwise continue to avoid apprehension; there was a substantial likelihood that the defendant would discard the murder weapon before fleeing; the defendant was likely armed; given the random nature of the murders, the defendant might "randomly endanger others"; the officers "acted reasonably leading up to the exigency requests" to Verizon; and the exigency was not foreseeable. Based upon these circumstances, the trial court ruled that "the police faced a compelling need for immediate action" and that "there was a grave risk that the delay of even a few hours caused by seeking a search warrant would create a substantial threat of imminent danger to life or public safety and a likelihood that evidence would be destroyed" or that the defendant would evade apprehension. Because the trial court relied upon exigency grounds to deny the motion, it did not address the State's alternative argument that the contested evidence was admissible under the inevitable discovery doctrine.

[¶12] At the subsequent jury trial, evidence obtained as a result of the defendant's apprehension was admitted, including a firearm found in the defendant's possession. The jury convicted the defendant of all charges. This appeal followed.

II. Appellate Arguments and Standard of Review

[¶13] The defendant argues that the trial court erred in denying his motion to suppress because no exigency existed to justify the warrantless searches of data from his cell phone carrier. Consequently, he contends that the searches violated his state and federal constitutional rights. See N.H. CONST. pt. I, arts. 2-b, 19; U.S. CONST. amend. IV. We first address the defendant's claim under the State Constitution and rely upon federal law only to aid our analysis. State v. Ball, 124 N.H. 226, 231-33 (1983). The defendant cites Part I, Article 19 and Part I, Article 2-b of the State Constitution in

support of his argument. Because we conclude that the defendant prevails under Part I, Article 19, we need not address his claim under Part I, Article 2-b.

[¶14] Part I, Article 19 provides that "[e]very subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions." N.H. CONST. pt. I, art. 19. Under this provision, a warrantless search or seizure is per se unreasonable, and evidence derived from such a search or seizure is inadmissible, unless the search or seizure falls within the narrow confines of a judicially crafted exception to the warrant requirement. See State v. Robinson, 158 N.H. 792, 797 (2009); State v. Gay, 169 N.H. 232, 240 (2016). The State bears the burden of proving by a preponderance of the evidence that a warrantless search or seizure falls within one of these exceptions. See Gay, 169 N.H. at 240. "One such exception exists for exigent circumstances that make it impracticable to obtain a warrant." State v. Graca, 142 N.H. 670, 673 (1998). This "exigent circumstances" exception has two elements: probable cause and exigent circumstances. Gay, 169 N.H. at 240. The defendant does not challenge the trial court's conclusion that the State satisfied the probable cause element. Accordingly, we need not address probable cause, and we instead focus upon whether exigent circumstances existed.[1]

[¶15] "Exigent circumstances exist where the police face a compelling need for immediate official action and a risk that the delay caused by obtaining a search warrant would create a substantial threat of imminent danger to life or public safety or likelihood that evidence will be destroyed." Id. at 241 (quotation and emphasis omitted). "Whether a situation is sufficiently urgent to permit a warrantless search depends upon the totality of the circumstances . . . ." Id. Our totality of the circumstances review includes an examination of how the exigency came about and the overall reasonableness of the officers' conduct prior to the search. See Robinson, 158 N.H. at 798. Other circumstances that may be especially relevant where, as here, the police conduct a warrantless search to apprehend a suspect include: the danger of imminent destruction of evidence; the gravity of the offense; the likelihood the suspect is armed; the need to prevent a suspect's escape; and the risk of danger to the police or other persons. See Gay, 169 N.H. at 241; see also Robinson, 158 N.H. at 799-801 (declining to adopt six-factor "fleeing suspect" exigency test but considering relevant factors as part of totality of the circumstances analysis). No single factor controls. See Gay, 169 N.H. at 241.

[¶16] As a threshold matter, the parties disagree about the standard of review we should apply in reviewing the trial court's ruling that exigent circumstances existed. The State contends that this court has long recognized

[1] It is worth noting that the State does not contest that, absent exigent circumstances, CPD was required to obtain a warrant to seek the defendant's cell phone data from Verizon.

that "[w]hether exigent circumstances exist is largely a question of fact to be determined by the trial court" and that we therefore will not disturb that finding "unless clearly erroneous." State v. MacDonald, 129 N.H. 13, 21 (1986). The defendant concedes that exigency is "largely" a question of fact but points out that this phrase implies that there is a legal component to the analysis. He asserts that our general standard of review for suppression decisions applies equally here and, accordingly, we should review the trial court's factual findings for clear error and its ultimate legal conclusion — that exigent circumstances existed — de novo.

[¶17] We first stated that exigency "is largely a question of fact" and applied the "clearly erroneous" standard of review to exigency determinations in MacDonald, relying upon federal law. Id. We subsequently reiterated that exigency is "largely a question of fact" and characterized MacDonald as "implying that determinations of whether exigent circumstances exist also involve questions of law." Graca, 142 N.H. at 673. We have since, however, never clarified whether and to what extent this determination involves a question of law, and we have, at times, inconsistently stated or applied the standard set forth in MacDonald. See, e.g., State v. Santana, 133 N.H. 798, 804 (1991) (omitting the word "largely"); State v. Pseudae, 154 N.H. 196, 201 (2006) (comparing "facts of this case" to "the level of urgency demonstrated in previous cases" in a manner akin to de novo review). We therefore take this opportunity to clarify our standard of review for exigency determinations.

[¶18] Although highly fact-specific, a determination of exigency ultimately requires the application of an objective legal standard to historical facts. See State v. Theodosopoulos, 119 N.H. 573, 580 (1979) (stating that a warrantless entry may be sustained under the exigency exception if "the officers' perception of the emergency was reasonably grounded in the facts known to them at the time" (emphasis added)); Morse v. Cloutier, 869 F.3d 16, 24 (1st Cir. 2017) (explaining that "bottom-line question" in exigency inquiry "is whether a reasonable officer would have thought, given the facts known to him, that the situation he encountered presented some meaningful exigency"). The exigency inquiry therefore presents a mixed question of fact and law. Cf. State v. Ford, 144 N.H. 57, 62-63 (1999) (clarifying standard of review applicable to custody determinations on similar grounds). Similar to our analysis of whether a person is in custody for Miranda purposes, see Miranda v. Arizona, 384 U.S. 436 (1966), whether exigent circumstances exist "is a law-dominated mixed question in which the crucial question entails an evaluation made after determination of the historical facts." Ford, 144 N.H. at 62-63 (quotation and brackets omitted). Accordingly, we will accept the trial court's factual findings unless they lack support in the record or are clearly erroneous, and we will now review de novo the trial court's ultimate determination of whether, based upon the totality of the circumstances, exigent circumstances existed. See Robinson, 158 N.H. at 795; cf. Ford, 144 N.H. at 62-63.

III. Analysis

[¶19] Having clarified the applicable standard of review, we turn to applying the legal standard of exigency to this case. The defendant argues that the totality of the circumstances does not support the trial court's exigency ruling; the State argues to the contrary. Because the trial court and the parties focused upon whether exigent circumstances existed at the time of CPD's initial exigency request to Verizon, we also examine the totality of the circumstances at that point in time. We agree with the defendant that the trial court erred in determining that the circumstances were exigent.

[¶20] We first consider the trial court's finding that CPD's conduct leading up to the initial exigency request was reasonable and the court's assessment of the delay that would have been caused by obtaining a warrant. The trial court explained that "[w]hile police could have applied for a warrant prior to making the exigency request, officers were under the impression that a request to Verizon made with a warrant could take days or weeks to process before cell phone location data would be produced." (Emphasis added.) Although the defendant argued that the officers' impression was mistaken because the officers "could have obtained a warrant and then made the same exigency requests," the trial court rejected that argument by saying that "it was reasonable for the officers to rely on their personal experience in determining how long it would take to receive location data from Verizon." The trial court thereby implicitly concluded that it was reasonable for CPD to believe that it could not make an exigency request while having a warrant and that the officers reasonably believed the delay caused by obtaining a warrant would have been days or weeks. The defendant argues that this reasoning was erroneous because there was no basis for CPD to believe that it could not utilize Verizon's exigency hotline if it first obtained a warrant. The State counters that such belief was reasonable based on the officers' personal experience. We agree with the defendant.

[¶21] The record reflects that CPD was aware that Verizon has a team of employees designated to respond to law enforcement requests for cell phone information, including an exigency hotline that is "staffed 24/7" and a separate process for responding to search warrants and subpoenas. The record supports CPD's belief that, if it had submitted a search warrant to Verizon through the ordinary search warrant process, Verizon would not have produced the ping data for days or weeks, whereas Verizon would respond to an exigency request almost immediately. Thus, it was reasonable for CPD to conclude that it was necessary under the circumstances presented to request data via the exigency hotline.

[¶22] There is not, however, an objective basis in the record for CPD's apparent belief that using the exigency hotline and obtaining a search warrant were mutually exclusive — that is, that officers could not request ping data via

the exigency hotline with a warrant in hand. The State has not demonstrated a reasonable basis for believing in the existence of a Verizon policy that would prioritize warrantless requests over those accompanied by a warrant. Furthermore, the CPD lieutenant who made the decision to forgo a warrant conceded that Verizon's guidelines for law enforcement do not expressly prohibit police from using the exigency hotline if they have a warrant. He testified that he believed that this limitation is "implied" by the fact that the guidelines describe separate processes for exigency requests and search warrants. The State did not, however, offer into evidence Verizon's guidelines for law enforcement and the version of the guidelines offered by the defendant and admitted as an exhibit, albeit outdated, neither states nor suggests that obtaining a warrant and then making an exigency request is prohibited. The CPD lieutenant also acknowledged that, although he had experience using Verizon's exigency hotline, he had never attempted to use the hotline while also having a warrant. Additionally, a CPD detective conceded that the Verizon form that CPD used to submit its exigency requests does not prohibit law enforcement from utilizing the exigency process if officers have a warrant, and the detective observed that the form states that Verizon will not provide location data for more than 48 hours without a warrant. Based on this information, a reasonable officer would have inferred that nothing prevented CPD from requesting data via the exigency hotline while in possession of a warrant. Accordingly, we conclude that the trial court erred when it determined that CPD's impression about Verizon's policy was reasonable.

[¶23] Moreover, the length of time it would take for Verizon, or any other cell phone carrier, to respond to a search warrant has no bearing upon our consideration of whether "the delay caused by obtaining a search warrant would" give rise to a substantial threat of imminent danger or a likelihood of destruction of evidence or a suspect's flight. Gay, 169 N.H. at 241 (emphasis added); cf. State v. Murphy, 292 A.3d 660, 675-76 (Vt. 2023) (observing that fact that it took cell phone carrier two weeks to respond to warrant for historical location data did not bear upon whether it would have been "impractical to obtain a warrant" for real-time location data police sought via exigency request). The exigency exception to the warrant requirement considers only the consequences of a delay in obtaining a warrant. See Gay, 169 N.H. at 241. It is immaterial to the application of the exception that a third party's response to the warrant may be delayed. Put another way, Part I, Article 19 protects against "unreasonable searches and seizures." N.H. CONST. pt. 1, art. 19. It is unreasonable that any individual's freedom from governmental intrusion might be curtailed by virtue of how long it may or may not take a third party to respond to a warrant.

[¶24] Setting aside the delay of days or weeks inherent in Verizon's ordinary search warrant process, the record reflects, as the trial court found, that the delay caused by obtaining a search warrant alone would have been "a few hours." Indeed, in less than six hours, an officer drafted an application for

a warrant to search for the phone using cell site simulator technology, submitted the warrant application, and received a decision from a court granting the warrant after business hours. The record also demonstrates that Verizon responded to CPD's request for ping data via the exigency hotline in less than thirty minutes.

[¶25] Notwithstanding the above-discussed error, the trial court's exigency analysis ultimately focused upon the delay of "a few hours" that would have been caused by obtaining a warrant. Because this timeframe was the focus of the court's analysis and is supported by the record, we review the remainder of the trial court's exigency reasoning with this timeframe in mind.

[¶26] We next consider the trial court's determination that there was a risk that the delay occasioned by obtaining a warrant would create a likelihood that the defendant would evade apprehension. The trial court reasoned that the defendant had a demonstrated history of evading apprehension, that he had booked an international flight leaving in approximately 56 hours, and that the delay of a few hours to obtain a warrant "could have permitted [the defendant] to escape [CPD's] reach" because the defendant could have disabled his phone "at any moment . . . making real-time location information impossible to collect." It also reasoned that, notwithstanding the defendant's upcoming flight, he had previously abandoned prior planned international travel, and he might therefore skip the flight and travel elsewhere. The trial court consequently concluded that "the fact that police could have potentially apprehended [the defendant] at JFK airport does not weigh strongly against a finding of exigency."

[¶27] We disagree with the trial court's reasoning and the weight it accorded these facts. From the perspective of a reasonable officer in CPD's position, there were two likely scenarios: either the defendant would attempt to board the international flight in 56 hours; or he would not appear at the airport, instead remaining at his current unknown location or traveling to another unknown location. There was not, however, an objective basis to believe that under either scenario a delay of a few hours would risk the defendant's evading apprehension. As to the first possibility, CPD had concrete information about the defendant's upcoming flight, which provided it an opportunity to work with federal or local law enforcement to apprehend him in the highly regulated setting of an international airport. There is no indication in the record that CPD needed the defendant's then-current whereabouts to facilitate his apprehension at the airport, so any delay to obtain a warrant for the cell phone data would not have frustrated the defendant's apprehension in this scenario.

[¶28] On the other hand, if the defendant did not appear for his flight, the critical urgency relied upon by the trial court and the State was the fact that the defendant could disable or discard his phone "at any moment." We

acknowledge that an individual can "disable" any cell phone for the purposes of preventing the collection of ping location data by simply turning off the phone. See Commonwealth v. Reed, 647 S.W.3d 237, 246 (Ky. 2022). However, the mere possibility that a suspect could disable or discard his cell phone is not sufficient to give rise to exigency. Cf. State v. Morse, 125 N.H. 403, 409 (1984).

[¶29] Moreover, the State has not identified any facts specific to this case that provided reasonable grounds to believe that the defendant would imminently disable or discard his phone. Although it was reasonable for CPD to believe that the defendant was on the run from Utah authorities on the probation violation, that he had presumably fled New Hampshire in relation to the murders, and that he was generally adept at evading apprehension, the State conceded at oral argument that the record contains no evidence that the defendant knew law enforcement had obtained his phone number. Accordingly, from a reasonable officer's perspective, there was no reason to believe CPD would lose the ability to collect ping data from the phone within the few hours needed to obtain a warrant and, therefore, the possibility that the defendant might not board his flight did not heighten the urgency of the situation. In short, we disagree with the trial court's conclusion that there was a risk that a few hours' delay to obtain a warrant would likely have allowed the defendant to continue to evade apprehension because such delay would not have prevented CPD from intercepting him at the airport or meaningfully frustrated its efforts to locate him elsewhere. A theoretical risk untethered from any specific circumstances demonstrating that it is likely to be realized will not support a finding of exigency.

[¶30] Also critical to the trial court's exigency ruling and to the State's argument is the trial court's implicit finding that the defendant still possessed the murder weapon and the court's determination that "there was a substantial likelihood" that the defendant would discard the gun prior to his scheduled flight. This reasoning gave insufficient weight to two important facts: the length of time that had elapsed between the murders and the initial exigency request; and how quickly the defendant had destroyed other evidence following the murders. Given that there was proof that the defendant destroyed other evidence shortly after the murders, the passage of five months made it objectively less likely that the defendant still had the gun at the time of the exigency request. Cf. Coolidge v. New Hampshire, 403 U.S. 443, 460, 464 (1971) (holding exigent circumstances did not justify warrantless search of a vehicle in part because defendant was aware he was a murder suspect and had "already had ample opportunity to destroy any" incriminating evidence), overruled on other grounds by Horton v. California, 496 U.S. 128, 137-41, (1990). Additionally, other than the fact that CPD had not recovered the gun during those five months, there appears no objective basis in the record to believe that the defendant still possessed it. Cf. Commonwealth v. Almonor, 120 N.E.3d 1183, 1188-89, 1198-1200 (Mass. 2019) (concluding warrantless ping of defendant's cell phone was justified by exigent circumstances where

witness told police that defendant still possessed the murder weapon when witness helped defendant flee the scene and police requested warrantless ping of defendant's phone approximately seven hours later). We thus determine that the trial court erred in concluding that, under these circumstances, there was a risk that a delay of a few hours would make it likely that the defendant would destroy or discard the murder weapon, even assuming he still had it.

[¶31] Finally, we conclude that the trial court improperly determined that a delay of a few hours under these circumstances would have posed an imminent and substantial threat of danger to life or public safety. We acknowledge that there was considerable evidence before the trial court that the defendant posed a substantial threat of danger to the public. It supportably found that there was probable cause to believe the defendant committed the victims' violent murders, that CPD reasonably believed the defendant might be armed, and that, because the murders appeared to have been a random act of violence, the defendant might engage in other unpredictable, violent behavior. Yet, the trial court did not address the fact that five months had elapsed between the murders and the initial exigency request and that there was no evidence that, during that time, the defendant, or a person using the alias Arthur Kelly, committed any crimes. This lapse of five months without any indication of further violent or dangerous behavior distinguishes this case from those involving a demonstrated immediate and ongoing threat to public safety. Compare Theodosopoulos, 119 N.H. at 577, 580-82 (affirming ruling that exigent circumstances justified warrantless entry of apartment when police were attempting to apprehend unidentified sniper who fired shots into police station two hours earlier and who they believed was in the immediate vicinity and could continue shooting), with People v. White, 512 N.E.2d 677, 686 (Ill. 1987) (concluding that in "this case, the lapse of nearly two weeks between the commission of the crime and the discovery of the suspect's whereabouts rendered it extremely unlikely that an additional several hours of delay to obtain a warrant would have . . . permitted [the defendant] to commit another serious crime").

[¶32] In sum, applying our exigency standard to the totality of the circumstances, we disagree with the trial court that exigent circumstances existed at the time of the first exigency request. As explained above, the trial court erred in treating as reasonable CPD's belief that the delay occasioned by obtaining a warrant would have been days or weeks due to Verizon's internal policy. Moreover, even after limiting the relevant delay timeframe to "a few hours," the trial court did not properly weigh the circumstances relevant to the risk of the defendant's escape or the risk that the defendant would destroy evidence or imminently endanger life or public safety. In short, the circumstances did not "make it impracticable to obtain a warrant." Graca, 142 N.H. at 673. Courts must exercise particular caution when applying the exigent circumstances exception to the warrant requirement because "it is an exception which by its nature can very easily swallow the rule unless applied in

only restricted circumstances." Santana, 133 N.H. at 804 (quotation omitted). For all these reasons, upon our de novo review of the trial court's ultimate determination of exigency, we conclude that it erred when it ruled that the circumstances were sufficiently exigent to justify the warrantless searches. See Pseudae, 154 N.H. at 200-01. Because the searches were unlawful under the State Constitution, we need not reach the federal issue. See Ball, 124 N.H. at 237.

IV. Conclusion

[¶33] We vacate the trial court's denial of the motion to suppress and remand this case to the trial court for the limited purpose of deciding whether the defendant's motion to suppress should have been denied on the basis of the inevitable discovery doctrine. See State v. Broadus, 167 N.H. 307, 313-15 (2015). On or before June 15, 2026, the trial court shall hold any further proceedings it deems necessary to resolve this issue and report its findings and rulings to this court. All further processing of this appeal is stayed until the trial court completes its review in accordance with this opinion. Any issues the defendant raised in the notice of appeal but did not brief are deemed waived. See Gay, 169 N.H. at 252.

So ordered.

MACDONALD, C.J., and DONOVAN, COUNTWAY, and GOULD, JJ., concurred.