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Fourth Circuit Court of Appeals

(Note: You may access the court's opinion by clicking on the case name)

Court Holds That Law Enforcement Officers Lacked Reasonable Suspicion to Detain Defendant

[United States v. Slocumb](#), ___ F.3d ___, 2015 WL 6388413 (4th Cir. October 22, 2015). The defendant was convicted in a Virginia federal district court of various drug offenses. The court reversed the defendant's convictions and held that law enforcement officers lacked reasonable suspicion to detain the defendant in a parking lot late at night where he apparently was helping a female companion whose car was disabled. The court concluded that the objective factors (high crime area, lateness of hour, businesses closed for many hours) considered by the district court in denying the defendant's suppression motion did constitute reasonable suspicion under the totality of circumstances in this case, even though these factors can contribute to a finding of reasonable suspicion. And the defendant's behavior, recounted by the officers as evasive (hurrying his female companion, low mumbled responses to questions, failure to make eye contact), which was the only substantial basis to support a particularized suspicion, was insufficient. The defendant did not, for example, walk away or attempt to leave. And the defendant's other conduct, including an officer's belief that the defendant was hurrying his female companion, was insufficient. In addition, the defendant gave answers consistent with his actions.

Court Holds That Officers' Warrantless Search of Defendant's Vehicle Violated Fourth Amendment

[United States v. Patiutka](#), ___ F.3d ___, 2015 WL 6405813 (4th Cir. October 23, 2015). The defendant was charged in a Virginia federal district court with fraud and identity theft based on evidence discovered during a warrantless search of his vehicle, as well as all statements and evidence that flowed from the search. The district court granted the defendant's motion to suppress the evidence and statements, and the government appealed. The fourth circuit affirmed the district court ruling. It rejected the government's proffered grounds on appeal to support the warrantless search: (1) the search of vehicle was incident to the defendant-occupant's arrest; and (2) the warrantless search was valid under the vehicle exception to the search warrant requirement.

The search incident to arrest justification failed because the government did not satisfy its burden of proving at the suppression hearing by a preponderance of evidence that there was probable cause to arrest the defendant for any offense at the moment the defendant had revoked consent to search (see the court's discussion of the facts).

The warrantless search justification failed because the facts showed only that officer A, for reasons unknown to officer B (the searching officer), requested a search be conducted of the vehicle after a search based on consent, later revoked, had discovered one bag with a credit card reader and a large suitcase with four new, unopened iPads. The court stated that this evidence may have provided reasonable suspicion but not probable cause. The court also held that the collective knowledge doctrine was inapplicable because the requesting officer did not have probable cause—the fourth circuit's case law requires that the instructing officer alone must have sufficient information to justify an arrest or search for the arresting or searching officer to benefit from the doctrine.