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# Case Summaries: Fourth Circuit Court of Appeals (June 3, 5, 18, & 23, 2025)

**Military search warrant plainly did not authorize seizure and search of defendant's cell phone and good faith exception did not apply**

U.S. v. Ray, 141 F.4th 129 (June 3, 2025). The defendant was employed as an engineer with the U.S. Navy. The Naval Criminal Investigative Service (NCIS) received a report that the defendant had sexually molested an 11-year-old autistic male child five to seven years earlier. According to the child, the defendant showed him pornographic videos on his phone and then had the child perform oral sex on him. An NCIS officer applied for a command authorization for search and seizure (CASS), the military version of a search warrant. The affidavit and a supporting attachment stated that probable cause existed to believe the defendant's phone had evidence of child sexual assault. It noted that officers planned to fully extract the data on the phone. However, the CASS failed to authorize a search of the cell phone and did not incorporate by reference the affidavit or supporting attachment. Instead, the CASS only authorized a search of the defendant for the presence of a cell phone. Ultimately, the CASS was executed and NCIS agents seized the phone. The phone extraction yielded no information relating to the original crime of investigation but revealed other child sexual abuse material. The forensic search also showed that the defendant had deleted information from his phone after his interview with NCIS officers. Agents applied for a new search warrant to examine the phone for other child sexual abuse material. That request was granted, and additional child sexual abuse material was found on the phone. The defendant was indicted in the Eastern District of Virginia for various child sexual abuse and child sexual abuse material offenses, along with destroying records. The defendant moved to suppress, arguing that the first CASS did not permit agents to search his phone and that all the other evidence in the case was the fruit of that illegal search. The district court granted the motion. It found that the CASS did not authorize agents to search the defendant's phone and that the good faith exception did not apply. The government appealed, and a divided panel of the Fourth Circuit affirmed.

Under *U.S. v. Leon*, 468 U.S. 897 (1984), when an officer reasonably relies on a search warrant in good faith, evidence seized pursuant to the warrant will not be suppressed, even if the warrant is later deemed defective. The good faith exception is not available to law enforcement in five situations:

> (1) where the magistrate issues a warrant based on a deliberately or recklessly false affidavit; (2) where the magistrate lacks neutrality and detachment; (3) where a warrant is based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; and (5) where police recklessly maintain or enter false information into a warrant database to enable a future arrest. *Ray* Slip op. at 10 (citation omitted).

On appeal, the government argued that the warrant was merely defective for a lack of particularity and that the good faith exception should apply. The court disagreed. "The CASS at issue suffers no particularity error, plain or otherwise. It simply did not authorize the NCIS to search Appellee's phone." *Id*. at 11. Assuming that there was a particularity problem with the CASS, then such problem was "the

gravest possible one: a total omission of the item to be searched. The level of deficiency certainly renders a warrant 'so facially deficient . . . that the executing officers [could not] reasonably presume it to be valid." *Id*. at 12. According to the court: "The CASS was not deficient. Law enforcement was. Accordingly, the good faith exception does not apply." *Id*.

*Maryland v. Garrison*, 480 U.S. 79 (1987), did not change the result here. There, officers obtained a search warrant for an apartment on the third floor of a building. Officers believed the floor contained only one apartment and the warrant authorized a search of the third-floor apartment. During execution of the warrant, officers discovered that the floor contained two apartments, ultimately finding contraband in a non-target occupant's apartment. While the search warrant was ambiguous according to the *Garrison* court, it was nonetheless valid based on the information provided to the magistrate by the officers at the time of its issuance. The execution of the warrant was also reasonable according to the Court, because officers had no information at the time indicating the two apartments were distinct from one another. The Fourth Circuit rejected the argument that *Garrison* somehow extended the *Leon* good faith exception. "Rather, *Garrison* establishes the more limited rule that there is no Fourth Amendment violation where officers reasonably interpret and reasonably execute a valid but ambiguous warrant." *Ray* Slip op. at 15. Here, the CASS was not ambiguous and plainly did not permit a search of the defendant's phone. "[T]he Government cannot fall back on the good faith exception when it unreasonably exceeds the scope of an unambiguous warrant." *Id*. at 20.

Judge Rushing dissented. She would have found that officers properly relied on the CASS in good faith and would have reversed the district court's grant of the suppression motion.

**Use of deadly force was not excessive under the circumstances and troopers were entitled to qualified immunity**

Benton v. Layton, 139 F.4th 281 (June 3, 2025). Around 4:30 a.m., Virginia state troopers were sitting in a patrol car in the median of a highway when the decedent drove by at a high rate of speed. The troopers pulled onto the highway and had to exceed 90 miles per hour to catch up to the passing car. Dash camera showed the decedent swerving between lanes, and the troopers quickly activated their blue lights. The car began to pull away from the troopers and turned its exterior lights off. The car suddenly slowed down and stopped before pulling onto the right side of the highway, where it stopped again. The decedent then u-turned and crossed the highway to the left embankment of the road. There, the vehicle slid down a hill and came to a stop at the bottom of a steep incline. The troopers parked and got out, while both drawing and pointing their firearms towards the car. One trooper shouted for the decedent to exit the car, while the other yelled for the decedent to put his hands up. The decedent responded that his car door did not open. The troopers continued approaching the car. The decedent placed his left arm outside of the driver side window, but not his right arm. One of the troopers shouted for the man to stop moving and to put his hands out of the car. The decedent immediately withdrew his left arm back inside the car. The troopers were now beside the car and continued instructing the decedent to put his hands outside of the car. One trooper shined a flashlight into the car and saw that the decedent had a gun. The troopers yelled for the man to stop reaching. The decedent can be seen on dashcam continuing to move inside the car around the center console and blocking the troopers' view of the passenger side of the car. The troopers then fired a total of four shots, killing the man. A gun was inside the car sitting on the passenger seat. The man's estate sued in the Eastern District of Virginia for excessive force and state tort claims. The district court granted the trooper-defendants summary judgment, finding both that the

officers' actions were reasonable and did not amount to excessive force, and that any constitutional violation was not clearly established on these facts.

On appeal, a unanimous panel of the Fourth Circuit affirmed. Applying the factors to evaluate an excessive force claim from *Graham v. Conner*, 490 U.S. 386, 395 (1989), the court first noted that the decedent was likely committing the state felony offense of eluding police at the point where the troopers began the encounter. The decedent's driving was obviously intended to flee from the troopers and put both them and any other drivers in the area at serious risk. There was also an immediate risk to the troopers when the decedent ignored commands to put both of his hands out the window, put one arm back inside the car, and continued moving and reaching for console despite the troopers' commands for him to stop. Even if the decedent was not holding a gun or pointing it at the troopers at this point, his repeated failure to comply with multiple orders and continued furtive movements after the troopers had noticed the gun could have reasonably led the troopers to believe that he held a gun and posed a threat. The fact that the decedent initially tried to escape from the troopers also weighed against the plaintiff. "Defendants only exited their police vehicle after [the decedent's] car become moored in the highway embankment—so [the decedent] did not so much stop so much as he was unable to continue evading by driving." *Hill* Slip op. at 16. Thus, the officers acted reasonably and were entitled to qualified immunity on the constitutional violation prong of the analysis. Further, no precedent existed to notify the troopers that their actions were potentially illegal. According to the court:

> [T]here are no cases that stand for the proposition that officers cannot objectively perceive an immediate danger where a suspect in the driver's seat of a vehicle fails to follow commands to show his hands and thereafter makes movements towards the center console and obscured the passenger side of his vehicle in defiance of those commands. *Id*. at 17-18.

The troopers were therefore also entitled to qualified immunity on the clearly established prong of the analysis. The district court's grant of summary judgment was consequently affirmed in both respects.

**Confession given to DEA and state police two days after the defendant was allegedly beaten by state prison guards was voluntarily given; denial of motion to suppress affirmed**

U.S. v. Purks, 139 F.4th 388 (June 5, 2025). While serving a state prison sentence in Florida, the defendant led a broad conspiracy to distribute methamphetamine in several states, including Virginia. After his indictment in the Western District of Virginia, an agent with the Drug Enforcement Administration (DEA) along with another DEA agent and a state police officer visited the defendant in prison to conduct an interview. After one of the agents read the defendant a *Miranda* warning, the defendant agreed to talk. He answered many of the agent's questions but refused to answer others. None of the law enforcement officers were armed at the time, and they did not touch or threaten the defendant during the interview. A DEA agent asked the defendant about a cell phone that state prison guards had recently discovered hidden in the defendant's rectum. The defendant claimed that the guards had beaten him to force him to give up the phone. The defendant was in a wheelchair during the interview and groaned with apparent pain throughout, but when the agents asked him if he wanted to continue talking, the defendant repeatedly agreed to continue speaking.

Prior to trial, the defendant sought to suppress his statements made during the interview. The main agent testified at the suppression hearing and described the defendant's demeanor as "very cordial [and] very respectful." *Purks* Slip op. at 3. According to the DEA agent, the defendant never asked for the interview to end and never asked for an attorney. The defendant also testified at suppression, largely corroborating the DEA agent's version of the interview. In addition, the defendant testified that he had been assaulted by the state prison guards a few days before the interview. He suspected that federal agents had instigated the state guards to attack him, but he was clear that only state prison guards were involved in the alleged assault (and not any of the state police officers or DEA agents involved in his interview). The defendant described the demeanor of the agents who interviewed him as "very friendly." *Id*. at 5. The defendant claimed that he eventually requested counsel during the process, and the agents then ended the interview.

The district court denied the motion. It found that the defendant was not in custody for purposes of *Miranda*. Alternatively, even if he was in custody, the court found that the defendant validly waived his *Miranda* rights and never invoked his right to an attorney. Without making findings on the issue of the alleged assault by the state prison guards on the defendant, the court found that this alone, even if true, did not render the statements of the defendant to the DEA agent two days later involuntary. The defendant was convicted at trial on all counts and sentenced to 300 months. He appealed, arguing in part that the district court erred in denying his motion to suppress.

On appeal, the defendant did not argue contest that the agents gave him a *Miranda* warning, that he agreed to speak with the agents after that warning or that he invoked his right to counsel before making statements. Instead, the defendant's argument focused on whether he was in custody at the time and whether his statements were rendered involuntary based on the alleged beating by state prison guards. Assuming without deciding that the defendant was in custody at the time, his *Miranda* waiver was still valid, and his statements were not involuntary. The U.S. Supreme Court has considered when a first coerced confession obtained in violation of *Miranda* can taint a later, properly obtained confession, rendering the second confession involuntary. In *Oregon v. Elstad*, 470 U.S. 298, 310 (1985), the Court identified several factors relevant to this inquiry: (1) the passage of time between the coerced statements and the subsequent confession; (2) any change in the location of the interviews; and (3) whether the same parties conducted both interrogations. While acknowledging that the defendant's situation was different than that in *Elstad*, the court found the factors relevant in assessing the defendant's claim that his statements were involuntarily made. Even assuming the defendant's version of the assault by state prison guards was true, his statements to the DEA agent occurred at least two days later. Further, the defendant acknowledged at suppression that, while he was in pain at the time, the pain was not so much as to prevent him from understanding his circumstances. The DEA agents who interviewed the defendant were not a part of the assault, there was no evidence that they orchestrated it, and state prison guards did not participate in the interview in any way. The interview also took place at an office within the prison, not in a cell or interrogation room, and lasted only about an hour. Finally, the defendant answered some of the agents' questions and not others. "The fact that [the defendant] answered some but not all of [the DEA's agent's] questions strongly suggests that his will was not overcome so as to render his statements involuntary." *Purks* Slip op. at 15. On balance, the *Elstad* factors weighed in favor of a finding that the defendant's statements were voluntarily made, and the district court correctly denied the motion to suppress.

A challenge to venue was similarly rejected and the district court's judgment was fully affirmed.

**Divided panel upholds federal age restriction on handgun purchases from licensed dealer against Second Amendment challenge**

McCoy v. ATF, 140 F.4th 568 (June 18, 2025). Under 18 U.S.C. 922(b)(1), a federally licensed firearms dealer is not permitted to sell handguns to any person under 21 years of age. Other firearms, like shotguns and rifles, may be sold to anyone 18 years old or older. The law does not prohibit people under 21 years old from possessing a handgun and does not impose any penalty on an underage buyer of a handgun, but the gun dealer can be fined and imprisoned for violations of the age restriction. The law also only applies to commercial firearms dealers—it does not regulate sales by private individuals or gifts of firearms. The plaintiffs were four individuals between 18 and 20 years old. They sued the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), arguing that the law violated the Second Amendment and seeking declaratory and injunctive relief against its application. The district court granted summary judgment to the plaintiffs, finding that no historical tradition of firearm regulation justified the age restriction on handgun purchases from gun dealers. On appeal, a divided panel of the Fourth Circuit reversed.

The court first determined that 922(b)(1) affected conduct protected by the Second Amendment. The court also assumed without deciding that 18–20-year-olds were among "the people" protected by the Second Amendment. Pointing to common law "infancy" rules, the court noted that contracts signed by people under 21 years of age were unenforceable at the time of the nation's founding. At that time, it was difficult or impossible for a minor under 21 years old to purchase a firearm, in part based on the credit-based economy in existence in the early days of American history. According to the court:

> In sum, the infancy doctrine demonstrates that there was an early American tradition of burdening the ability of 18- to 20-year-olds to purchase goods, including firearms. We now hold that § 922(b)(1) fits comfortably within this tradition because it is analogous in both 'how' it burdens their Second Amendment rights and 'why.' *McCoy* Slip op. at 14.

The district court found that the Militia Act of 1792 supported the notion that the Second Amendment protected the rights of minors to purchase handguns from licensed dealers because the act required that males 18 years old and older serve in the militia and provide himself a firearm within six months of enrollment. The court disagreed, noting that the Militia Act did not universally mandate militia service at age 18 and that its provisions did not conflict with the age limitation in 922(b)(1)—*providing* oneself with a firearm is not the same as *purchasing* a firearm.

Further, there was a widespread tradition among states to regulate firearms purchases by minors generally and handgun purchases by minors specifically from the mid-1850s forward. Prior to that time, handguns were not in common use. Further, many states continue to restrict handgun sales to minors under 21 to this day, demonstrating a "continuity of historical tradition" on the point. *Id*. at 19.

The ruling of the district court was therefore reversed, and the case was remanded with instructions to dismiss.

Judge Heytens concurred separately. According to him, the plaintiff's argument for handgun purchases by those 18 and older would apply in equal force to even younger categories of people. This was fatal to the plaintiffs' arguments, in his view.

Judge Quattelbaum dissented and would have affirmed the district court's ruling.

**Defendant entered guilty plea despite risk of separate murder prosecution; no evidence showed that the defendant would have gone to trial instead based on allegedly deficient attorney performance**

U.S. v. Yelizarov, 140 F.4th 597 (June 23, 2025). In this case from the District of Maryland, the defendant was charged with kidnapping, robbery, carjacking, and various conspiracy and firearms offenses stemming from jewelry store heist. As a part of his plea bargain, the government agreed that state prosecutors would not pursue any additional charges stemming from the incidents. After the parties agreed to the plea bargain but before the defendant accepted the plea, a prosecutor informed defense counsel that the defendant was suspected of a different, unrelated 2009 murder. Defense counsel inquired about the possibility of resolving the murder charge with the other charges, but the government would not agree. Defense counsel informed the defendant of this development and asked the defendant if he wanted defense counsel to continue seeking a global resolution of all of the charges. The defendant insisted that he could not be linked to the 2009 murder. Defense counsel proceeded to negotiate a new and more lenient plea bargain for the jewelry store offenses, which again contained the language prohibiting further prosecution by state authorities for those events. The defendant eventually entered the plea bargain and was sentenced to 360 months in prison, to run concurrently with a state prison sentence he was already serving.

Two months later, the defendant was indicted in federal court on the 2009 murder charge. The defendant plead guilty to that offense and received a 20-year consecutive sentence. Prior to the resolution of the murder charge, the defendant sought to set aside his plea in the jewlery store case, arguing that his attorney misadvised him about the potential for a later murder prosecution and his total sentencing exposure, and that the attorney should have investigated the murder case more. He claimed that he would not have pled guilty in the robbery case if he had been properly advised about his exposure for the murder charge. Both defense counsel and the defendant testified at an evidentiary hearing about the defendant's claims. The district court ultimately credited the defense attorney's claim that he properly advised the defendant and denied the motion to set the plea aside.

On appeal of that decision, the Fourth Circuit unanimously affirmed. Even if defense counsel's performance was defective, there was no evidence that the defendant would have gone to trial in the jewlery store case but for defense attorney error. The defendant knew at the time of his plea that the government was investigating him for the 2009 murder and that they felt that they had a strong case against him. He also expressly told his attorney not to seek a resolution of the murder charge alongside the other charges. Defense counsel advised the defendant that, while state authorities could not pursue additional charges stemming from the robbery case, the terms of the plea bargain in that case did not prevent the government from pursuing the unrelated murder case. According to the court:

> [T]here is no evidence in the record that [the defendant] expressed any surprise, asked to speak with his attorney, or took any other action to indicate that, at any point, he thought the plea agreement precluded charges on the 2009 murder or that he premised his guilty plea on the understanding that the second plea agreement included a global resolution of every possible future charge against him. [The defendant], therefore, cannot 'show the necessary causal link between counsel's error and his decision to plea guilty' to demonstrate that [defense counsel's] conduct prejudiced him. *Yelizarov* Slip op. at 15.

Because the defendant could not show prejudice, the court declined to consider whether defense counsel's performance was in fact deficient.

A separate challenge to the sentence in the case was likewise rejected, and the district court's judgment was affirmed in full.