

This is an important case from the Fourth Circuit Court of Appeals. The defendant appeals his convictions for Drug Trafficking and Possession of a Firearm on Fourth Amendment grounds. It is a good reminder of what constitutes reasonable suspicion on school grounds.

U.S. v. Coleman decided on November 9, 2021 by the Fourth Circuit Court of Appeals

Facts:

A School Resource Officer responded to a high school administrator's report that, as students were arriving that morning, an unknown man (who was plainly a non-student) was parked erratically in the campus parking lot, "asleep or passed out" in his vehicle with a crossbow visible in the backseat. Concerned for the school's safety and believing that possession of the crossbow was illegal under § 18.2-308.1, the officer pulled behind the defendant's vehicle. The defendant's vehicle was running, had its brake lights engaged, and was haphazardly positioned and impeding a travel lane. However, when the officer opened the door of his police cruiser, the defendant began to drive away, and the officer then engaged his emergency lights, stopping the defendant. The officer observed the defendant to be lethargic. The officer conducted a field sobriety test, while another officer searched the vehicle. That search revealed marijuana, crystal methamphetamine, individual baggies, a scale, a handgun, and the crossbow. The defendant moved to suppress, arguing that the officer did not have reasonable suspicion to perform the investigative stop, because possessing a crossbow on school property is not illegal under Virginia law. The trial court denied the motion.

Holding:

Affirmed the guilty finding of the trial court. The Court found that even if the defendant had not possessed the crossbow, the totality of the remaining circumstances nonetheless provided reasonable suspicion to conduct the investigative stop. The Court agreed that the presence of an unidentified individual on a school campus is a valid safety concern. The Court also agreed that a reasonable officer could suspect that the defendant was trespassing on school grounds, in violation of the school board policy and § 18.2-128(b). In addition, the Court noted that a reasonable officer could determine that the defendant was committing a parking violation. Lastly, the Court determined that a reasonable officer could suspect that the defendant was unlawfully operating his vehicle under the influence, as he remained "asleep or passed out" during the bustling morning hours at the school. Regarding the crossbow, the Court concluded that a reasonable officer could conclude that, though it may have been lawful, the defendant was in possession of a dangerous weapon on school grounds, which could be used to harm students, faculty, and/or staff at the school.

Bottom Line:

The Court examined the facts of the original Terry case and observed that an officer could reasonably suspect that the defendant presented a credible threat of physical harm to students, faculty, and/or staff at the school by possessing a dangerous weapon. The Court ended by quoting a 2003 federal case from California called *Aguilera*: "[S]chool officials, when faced with the credible threat of [weapon] violence, must have flexibility to respond in the manner most appropriate to protect the lives of students.

Full Case At: <https://www.ca4.uscourts.gov/opinions/204093.P.pdf>