

This is a Fourth Circuit Court of Appeals case that deals with using CI information in a search warrant and prolonging traffic stops. It is a good reminder of what is needed in a search warrant involving a CI and what actions prolong a traffic stop. The defendant appeals his convictions for Drug Trafficking and Firearms offenses on Fourth and Fifth Amendment issues.

**U.S. v. Hall, Fourth Circuit Court of Appeals - December 3, 2021**

***Facts:***

The defendant distributed drugs while possessing a firearm. Law enforcement arranged for an informant to purchase drugs from inside the residence. After apprising officers of drugs at the residence, the CI was searched prior to the controlled buy, and no drugs were on his person. Although the CI was not surveilled inside the residence, officers continuously surveilled his travels to and from the residence. Based on the drugs the CI purchased, officers obtained a search warrant for his residence. Inside his residence, police found drugs, money, and firearms.

While law enforcement prepared to execute the warrant, the defendant left the residence by car. Police followed the defendant and stopped him when he failed to use a turn signal. The officer asked the defendant to get out of the vehicle, took him to his patrol car, and gave him *Miranda* warnings. When questioned, the defendant stated that he lived at the residence subject to the search warrant and lived there alone.

Prior to trial, the defendant filed two motions to suppress. He first sought to suppress any evidence or statements obtained from the traffic stop. He also sought to have an evidentiary hearing and invalidate the search warrant under *Franks v. Delaware*, claiming that the investigator recklessly omitted material facts within his affidavit supporting the search warrant. He argued that various omissions about the CI negated a probable cause finding, including that he wanted to “work off” burglary charges, there was no audio or video of the drug purchase, and the CI purchased marijuana from an unidentified person within the residence. The trial court denied the motions and found the defendant guilty. Defendant appeals his convictions for Drug Trafficking and Firearms offenses on Fourth and Fifth Amendment issues.

***Holding:***

Affirmed the convictions. Regarding the search warrant, the Court repeated that, after a *Franks* hearing in the omission context, suppression is only warranted if a defendant demonstrates, by a preponderance of the evidence, that (1) the affiant’s omissions were made intentionally or recklessly; and (2) the omitted evidence is material. The Court noted that the CI’s possession of drugs only occurred upon the controlled buy’s completion establishes probable cause to search the residence when coupled with the CI’s initial tip. In this case, the Court concluded that the defendant did not show that the omitted facts negated probable cause by a preponderance of the evidence and affirmed the district court’s denial of the motion to suppress.

Regarding the affidavit, the Court noted that even if the officers believed that the CI was completing a controlled buy for the first time, there is no indication that the CI’s “first-time” status or assistance in another “incident” would undermine his reliability, nor is there any sign that the CI’s burglary charges would have done so either. Regarding omissions about the residence, the Court found that the defendant’s emphasis on the unknown identity of the drug seller neglected that the search warrant was also for a residence, not just a person. Regarding the lack of video, the Court insisted that neither the Court of Appeals nor the Supreme Court have ever held that the existence or non-existence of audio or video recordings is necessarily decisive to a probable-cause determination.

Regarding the traffic stop, the Court repeated that a traffic stop’s limited duration is determined by the seizure’s mission—to address the traffic violation that warranted the stop, meaning that it may last no longer than is necessary to effectuate that purpose. Nevertheless, during traffic stops, the Court also

allowed that officers may engage in unrelated activity as long as that activity does not prolong the roadside detention for the traffic infraction. Thus, the officer was permitted to ask about the defendant's residence during the traffic stop if his questions did not prolong the detention. The Court agreed that the defendant's failure to use a turn signal provided the officer with a sufficient justification, and even probable cause, to stop the vehicle. During the stop, the Court also agreed that it was constitutionally permitted to order the defendant out of the vehicle. Thus, even when ordered out of his own vehicle, the Court found that he was still only detained, not arrested, even though the officer cautiously provided *Miranda* warnings even though he was not yet required. The Court found that the officer's decision to offer *Miranda* is not necessarily a constitutional problem.

***Bottom Line:***

The search warrant used to seize evidence within the residence was valid because any omissions to the search warrant were immaterial. The traffic stop was independently justified by probable cause and therefore, any statements made to law enforcement during the traffic stop will be admitted. Reading *Miranda* warnings even when not required will not necessarily be a constitutional problem. During traffic stops, officers may engage in unrelated activity as long as that activity does not prolong the roadside detention for the traffic infraction.

***Full Case At:***

<https://www.ca4.uscourts.gov/opinions/204618.U.pdf>