Carjackings, Criminal Conflicts, and the Car Search Conundrum: Fourth Circuit Clarifies Gant in U.S. v. Turner

Description

The United States Court of Appeals for the Fourth Circuit recently issued a decision which considered the scope of law enforcement's authority to conduct a warrantless vehicle search incident to a lawful arrest based on a valid arrest warrant. The case, United States v. Turner, stems from several incidents that took place in North Carolina, over roughly two days in June of 2020. After receiving several criminal reports involving a missing handgun, gang-related tensions, and a carjacking allegation, law enforcement's focus turned to the defendant, Robert Turner.

The case began on June 1, 2020, when Turner's brother called local law enforcement to report that his Ruger Model SR45 was missing from the lockbox in his bedroom. Turner's brother told Officer Flores that Turner, the only other person aware of the gun's location, had stolen it. Turner's brother also explained that Turner was a gang member affiliated with the Folk Nation Gang, which was then in active conflict with another rival gang in the area. Based on that information, Officer Flores sought and obtained a warrant for Turner's arrest, emphasizing Turner's felony status and his known gang ties. The following night, Officer Flores responded to a reported carjacking, with the victim claiming that Turner had pointed a black and gray Ruger Model SR45 at him and threatened to shoot unless he surrendered his car keys. Although the victim later informed law enforcement that Turner had returned the vehicle, Flores initially sought a second warrant based on the carjacking allegations. The judge found that the matter required further investigation and declined to issue that additional warrant. Less than twenty-seven hours after the carjacking report, Flores responded to a shots-fired call at an EZ Mini Mart, a location known for gun-related incidents, gambling, and gang activity. When Flores arrived, he saw other officers already on scene and parked his patrol car a distance away. As he approached, his body-worn camera captured him recognizing Turner in the driver's seat of a stationary black Buick. After verifying Turner's identity, Flores asked him to exit the vehicle, handcuffed him on the basis of the outstanding arrest warrant, and placed him in the back of his patrol car.

Turner denied having any weapons on his person or in the car, but Flores proceeded to frisk him, finding no firearms. About two minutes after taking Turner into custody and placing him in his patrol car, Flores returned to the black Buick, to find his supervisor, Corporal Peterson, searching the vehicle. Flores joined in the search, and within a few seconds his supervisor discovered a handgun in the glove compartment. Officer Flores later confirmed that the gun in the black Buick was the gun stolen from Turner's brother. This discovery led to Turner's arrest for unlawful possession of a firearm by a convicted felon and possession of a stolen firearm. After charges were brought, Turner moved to suppress the handgun found during the warrantless vehicle search, alleging that the officers' warrantless search of the black Buick violated the Fourth Amendment. The government countered, maintaining that two warrant exceptions under the Fourth Amendment—the search-incident-to-arrest exception and the automobile exception—each applied and independently justified the search. The district court rejected the defendants' motion to suppress, leading Turner to challenge the ruling on appeal at the Fourth Circuit.

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A lawful search can sometimes be conducted without a warrant when it falls under an established exception to the Fourth Amendment's warrant requirement. One such exception is the search-incident-to-arrest exception, which the Supreme Court clarified in Arizona v. Gant.[1] According to Gant, officers may search a vehicle incident to the arrest of a recent occupant if it is reasonable to believe that the vehicle contains evidence of the crime of arrest.

In Turner's case, the district court relied on the Gant standard as the basis for its' denial of the defendants' motion to suppress. Applying Gant, the district court explained that this "reasonable to believe" standard is a less demanding threshold than probable cause. Considering all the facts and circumstances known to Officer Flores at the time of the search, the district Court upheld the warrantless search, finding that there was at least a reasonable belief that the car contained evidence related to the larceny of the firearm, making the search of the vehicle permissible under the search-incident-to-arrest doctrine. Turner's appeal challenged these findings.

When the case reached the Fourth Circuit, the Court affirmed the district court's denial of Turner's motion to suppress the gun and agreed with the lower court that the search of the black Buick was justified under Gant, finding no violation of Turner's Fourth Amendment rights. First, the Court of Appeals tackled Gant's search-incident-to-arrest exception. the Court was sure to note that, "neither the Supreme Court nor this Circuit has defined the exact level of certainty required under Gant's "reasonable to believe" standard." Despite this, the Fourth Circuit agreed with the district court that it is a standard lower than probable cause. This interpretation follows the approach adopted by the Seventh, Ninth, and D. C. Circuits. Citing Fourth Circuit Precedent, the Court explained that in United States v. Baker, (4th Cir. 2013), this Circuit distinguished the Gant *search-incident-to-arrest exception* with the *automobile exception*.[2] In Baker, this Court explained that the automobile exception is in some ways the broader of the two, allowing police officers to "search a vehicle for evidence of any crime, not just the crime of arrest" as permitted by Gant. But there is a catch: Under the automobile exception, police may search only on a showing of probable cause, rather than the mere reasonable belief that will justify a search incident to arrest under Gant. the Court reasoned that, if the Supreme Court in Gant had intended to set the bar at probable cause, it would have explicitly done so. Most obviously, because the automobile exception allows for a warrantless search of a vehicle for any contraband or evidence on a showing of probable cause, reading Gant also to require probable cause would render its search-incident-to-arrest exception largely redundant.

Next, turning to the facts of Turner's case, the Circuit emphasized all of the facts known to Officer Flores at the time of the arrest. Flores knew from his personal investigation that Turner had reportedly stolen his brother's gun for personal use, that Turner was affiliated with a street gang in conflict with another gang, and that he had been involved in a carjacking only the night before. When Flores responded to the shots-fired call in an area known for gang activity and encountered Turner who was weaponless, it was reasonable to infer that the stolen gun might be in the vehicle where Turner was sitting. Under Gant, that information is enough to permit a search of the passenger compartment of the black Buick incident to Turner's lawful arrest on the outstanding warrant for theft of a gun. The Circuit upheld the district court's denial of Turner's motion to suppress and affirmed Turner's conviction.

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