Pockets & Pat-Downs: Third Circuit Validates Plain-Feel in Williams

Description

The United States Court of Appeals for the Third Circuit recently analyzed United States v. Williams, where the Court considered the scope of traffic stops and the parameters implied when conducting a protective frisk under Terry v. Ohio.

Factual Background

A patrol officer observed a vehicle operated by Edwin Williams traveling on a public road with overly tinted windows. The officer, familiar from prior encounters, recognized Williams as the registered owner with a suspended driver's license and recalled having engaged in a vehicle pursuit with him several months earlier. The officer was also aware that Williams had a history of weapons and drug offenses, which heightened the officer's concern for safety. Acting on the window tint violation and the suspended license, the officer initiated a traffic stop. As he approached the passenger side of Williams's vehicle on foot, the officer carried a flashlight and shone it through the tinted window. He observed what appeared to be a clear plastic bag containing a white, powder-like substance being slipped into Williams's right front pants pocket. The officer noticed Williams's left hand moving down toward the driver's side door, despite repeated oral commands to keep both hands plainly visible on the steering wheel. Concerned that Williams might be concealing a weapon or discarding evidence, the officer ordered Williams to comply with his hand-placement instruction. Williams's partial compliance and continued reaching motions convinced the officer to call for backup before ordering Williams out of the vehicle. Once backup arrived, Williams was removed from the vehicle and placed in handcuffs to be frisked for weapons, based upon the officer's knowledge of past criminal history and his conduct following the stop. It was noted that during this handcuffing process that Willliams continued to reach towards his waistband area. During the frisk, the officer felt an object in the left pants pocket which he determined was not a weapon. As he frisked the front right pants area, he felt a small mass, which the officer associated with narcotics, in the small pocket located above the front right pocket. The officer removed the bag and continued the frisk. Additionally, he located a bag of marijuana in the front right large pants pocket. A search incident to arrest recovered heroin from Williams's crotch area and a large amount of cash.

Procedural Posture

The defendant was charged with possession with intent to distribute a substance containing a detectable amount of fentanyl and cocaine. Williams moved to suppress the evidence obtained after the frisk, arguing that the pat-down of the change pocket exceeded the permissible scope of a Terry frisk and that the plain-feel seizure of the powder violated the Fourth Amendment. The district court denied his motion, finding both the initial stop and the protective frisk lawful, and concluding that the officer's seizure of the powder was valid under the plain-feel doctrine. Williams then appealed to the Third Circuit, challenging only the scope of the frisk and the application of the plain-feel exception to the exclusionary rule.

United States Court of Appeals for the Third Circuit

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On appeal, the Third Circuit affirmed the decision of the lower court, finding that the officers' actions were permissible under the Fourth Amendment. The Court explained that it was undisputed that the officer had probable cause to stop the vehicle, and further undisputed that there were facts sufficient to suspect Williams was presently armed and dangerous. Williams did, however, contest that the frisk of his change pocket exceeded the scope of the frisk. The court reiterated that the officer testified a small knife could be hidden in that change pocket. During the protective pat-down in search of a possible weapon, the officer was able to feel in the defendant's right change pocket what felt like a small amount of powder substance. At that point, based on his experience and his earlier observations of the defendant in the vehicle, the officer identified what he believed to be narcotics. He retrieved it from his pocket and discovered the cocaine. The court found that this pocket was within the scope based upon the officer's experience, taken together with the other facts known to the officer that it was reasonable for him to believe it was cocaine. The court cited Minnesota v. Dickerson, in support of this finding, holding that an officer may seize evidence during a frisk where there is probable cause to believe the item is contraband, and where the officer is within the scope of a normal frisk. Where it is readily apparent by an object's shape or mass that the item is contraband, it is subject to seizure under the "plain-feel doctrine" and, as a result, the officer validly seized the drugs in the defendant's pants pocket in this case.

Key Takeaways

This case reminds our officers that during a lawful traffic stop grounded in probable cause or reasonable suspicion, an officer may conduct a protective frisk if there are reasonable grounds to believe the suspect is armed and dangerous. Officers should understand that the frisk must remain focused on weapons detection and not expand into a general search for evidence of criminal activity. When a lawful frisk reveals an object whose identity as contraband is immediately apparent and non-weapon natured, the plain-feel doctrine authorizes its seizure, provided the officer has probable cause to believe it is illicit. Officers should document their observations and articulate the specific facts supporting both the stop and the frisk, including any known criminal history, dangerous behavior, and indicators of concealed weapons.

United States v. Williams, No. 23-1494 (3rd Cir. 2025)

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