Seventh Circuit Clarifies Search-Incident and Automobile Exceptions in United States v. Davis

Description

The United States Court of Appeals for the Seventh Circuit recently rendered a decision in *United States v. Davis*, considering whether law enforcement officers had a sufficient constitutional basis to search a defendant's vehicle after he was pulled over in response to reports of domestic violence.[1]

In the early morning hours of February 22, 2022, a domestic disturbance unfolded at a family home in Gary, Indiana. The defendant, Michael Davis, arrived at the home of his former girlfriend, A.C., claiming he had come to retrieve clothes left in the back of A.C.'s minivan. When A.C. refused to return the clothes until Davis handed over some jewelry of hers, the encounter became heated. In response, Davis picked up a brick and made a threatening gesture toward A.C.'s vehicle, prompting her to call the police. The responding officer advised A.C. to file a formal report and left without facilitating the property exchange. Davis left shortly after the officer, but the incident was far from over.

Angered and unrelenting, Davis sent A.C.—who was pregnant—a text message threatening to kill her unborn child. Fearful for her safety and her children's, A.C. canceled plans to exchange the items later that day and warned her children to call 911 if Davis returned. Early that morning, as A.C. prepared her children for school, Davis returned to the family home. A.C.'s 15-year-old daughter called 911, reporting that a man was threatening to kill them. She urged the officer to "please hurry up," explaining that Davis had threatened her mother and had an assault rifle in his car.

Sergeant Manuel, responding to the call, was briefed via radio and written emergency notes about the severity of the situation, including the threats made to the family and the reported presence of the assault rifle. Dispatch relayed the information provided by A.C.'s daughter, including descriptions of Davis's clothing, his tan GMC Terrain, and his name. The sergeant also received word that A.C. and her family had left their home, heading toward the police station in a brown Honda Odyssey.

Within ten minutes, Sgt. Manuel spotted Davis's tan GMC driving behind A.C.'s brown Honda. After A.C. gestured toward Davis's SUV, the sergeant pulled them both over. He asked Davis to exit his vehicle, patted him down, confirmed his identity, and handcuffed him. Shortly after, Sgt. Manuel radioed for backup, to which Officers Vonbank and McCoy responded. The sergeant proceeded to search the defendant's vehicle, uncovering a loaded, AR-style shotgun with an obliterated serial number. As a result, Davis was charged with being a felon in unlawful possession of a firearm.

A conflict later arose in witness testimony regarding the precise timing of the search. Sgt. Manuel testified that he did not formally arrest Davis or search his car until after Officer Vonbank interviewed A.C. and confirmed the allegations in the 911 call. However, Officer Vonbank, Davis, and A.C. testified that Sgt. Manuel arrested Davis and searched his car before Vonbank completed his interview.

At the district court, Davis filed a motion to suppress the firearm and a subsequent post-arrest statement, arguing that the officers unlawfully searched his vehicle. After a two-day evidentiary hearing, the district court denied Davis's motion, finding that the warrantless search fell within both the search

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incident to arrest and automobile exceptions to the warrant requirement. Davis appealed to the Seventh Circuit, seeking recourse for the denial of his suppression motion and challenging the legality of the search as a violation of the Fourth Amendment.

The crux of his appeal presented two questions for the Court:
(1) Whether the officers had probable cause to arrest him, as required by the search incident to arrest exception, and
(2) Whether it was reasonable to believe his vehicle contained evidence of a crime, as required by both the search incident to arrest and automobile exceptions.

Warrantless searches are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions. This case concerned two such exceptions: the search incident to arrest and the automobile exception. Either exception, if applicable, would justify the warrantless search of the vehicle in this case. Law enforcement may search a vehicle incident to the lawful arrest of its occupant in two situations: (1) when the arrestee is within reaching distance of the passenger compartment at the time of the search, or (2) when it is reasonable to believe the vehicle contains evidence of the offense of arrest.2

When the case reached the Seventh Circuit, the Court affirmed the district court's denial of Davis's motion to suppress, holding that the search of Davis's vehicle was lawful under both the search incident to arrest and automobile exceptions. The Court found that the officers had probable cause to arrest Davis based on the credible 911 report and corroborating evidence. Additionally, the Court determined that it was reasonable to believe Davis's vehicle contained evidence of the crime, providing justification for the search.

First, the Court examined whether law enforcement had sufficient probable cause to arrest Davis, which was necessary to determine the validity of the subsequent search. Courts have previously held that eyewitness and victim reports establishing the elements of a crime, absent credibility concerns, almost always suffice to find probable cause for arrest. An officer may base a determination of probable cause on information from a victim if the officer reasonably believes the victim is telling the truth. Here, the teenage daughter established the elements of felony intimidation when she reported Davis's threats in her 911 call. The district court found her report credible, and Davis did not challenge that determination on appeal. Further, the officer did not rely solely on the 911 report—he corroborated it when he spotted a tan GMC Terrain following a brown Honda Odyssey a short distance from the caller's residence. A.C. waved him down, gesturing to the tan SUV behind her, indicating that Davis was the subject of the 911 call. Sgt. Manuel pulled both cars over, observed that Davis matched the description given in the 911 report, and confirmed Davis's identity. He then placed Davis in handcuffs. The Court explained that even assuming Sgt. Manuel arrested Davis when he handcuffed him—before Officer Vonbank completed his interview of A.C.—there was nonetheless probable cause to arrest him for felony intimidation.

Next, the Court considered Davis's challenge to the lawfulness of the search, which centered on the applicability of both the search incident to arrest and automobile exceptions to the warrant requirement. The dispatch report and quick corroboration of Davis's identity, vehicle, and proximity to A.C. established probable cause to believe that Davis's vehicle contained evidence of intimidation. The officers had probable cause to search the SUV for the assault rifle, as it was evidence that Davis had intentionally placed A.C. and her family in fear that he would fulfill his threat to kill her baby. The Court

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explained that a suspect need not brandish a firearm for it to serve as evidence of intimidation. The probable cause inquiry requires a commonsense examination of the totality of the circumstances. When a victim reports a threat of violence and expresses fear that the threat maker is armed, officers may reasonably infer that the suspect used the weapon to intimidate. Based on that inference, officers may conclude the weapon is evidence of intimidation.

The search of Davis's car was lawful, falling within both the search incident to arrest and automobile exceptions to the warrant requirement. Consequently, the Court affirmed the lower court's denial of Davis's motion to suppress the shotgun.

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