UNITED STATES V. COLEMAN

In *United States v. Coleman*,[1] convicted felon Steven Coleman moved to suppress admittance of "all evidence found in the search of his residence."[2] The United States District Court for the District of South Carolina granted Coleman's motion, holding that the search of the home and the seizure of evidence violated the Fourth Amendment.[3] The United States Court of Appeals for the Fourth Circuit reversed and remanded, emphasizing that a person consenting to a warrantless home search is responsible for limiting the scope of that search.[4]

In the fall of 2006, Coleman was living with his girlfriend, Amy Broome, at her home.[5] One night in late September, two male intruders hid in the garage of the home and attacked Broome when she "reached into the garage to push the opener button" so that Coleman—returning from an errand—could easily enter.[6] Coleman entered the open garage and "saw Broome in the house struggling with the men."[7] After Coleman pulled the intruders from Broome, one of the men shot Coleman twice—once in the hand and once in the chest—while Broome ran outside and called 911.[8] Coleman retreated to the master bedroom and retrieved a 9mm pistol that he kept in a nightstand, leaving a trail of blood.[9] By the time he returned, the intruders had fled the home through the front door.[10] Broome then reentered her home; Coleman handed her the gun, instructed her to "put it up," and left with his brother to meet an ambulance.[11] Broome responded by placing the gun under the mattress.[12] When Detective Michelle Horton, Detective Laura Grimes-Gould, and Sergeant Oscar McIntosh arrived at the scene,[13] Horton asked Broome to remain outside the house and then asked her to sign a consent form allowing police officers to search the house without a warrant.[14] The form stated, in pertinent part:

> I willingly give my permission to the above named officers to conduct a complete search of the premises and the property, including all buildings, [and] vehicles, both inside and outside of the property . . . .

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1. United States v. Coleman, 588 F.3d 816, 817 (4th Cir. 2009).
2. *Id.* at 819.
3. *Id.*
4. *See id.* at 820, 822.
5. *Id.* at 817.
6. *Id.*
7. *Id.* at 817–18.
8. *Id.* at 818.
9. *Id.*
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. Brief for the United States at 4–5, *Coleman*, 588 F.3d at 816 (No. 08-5038).

> The above said officers further have my permission to take from my premises and property, any letters, papers, materials or any other property or things which they desire as evidence for criminal prosecution in the case or cases under investigation.[15]

Broome signed the form, and Grimes-Gould and McIntosh searched the home.[16] During the search, the two officers followed blood trails from the kitchen into the master bedroom.[17] The blood on and near the bed indicated to McIntosh that "someone . . . [had] put something under there," so Grimes-Gould lifted the mattress to reveal Coleman's hidden pistol.[18] In subsequent interviews at the police station, Coleman and Broome confirmed that Coleman "grabbed the gun during the course of the home invasion."[19]

A grand jury indicted Coleman "for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1)."[20] The charge had a mandatory minimum prison sentence of fifteen years because of Coleman's previous convictions.[21] Coleman moved "to suppress all evidence found in the search of his residence,"[22] and the district court granted his motion for two reasons.[23] First, because neither intruder used the 9mm pistol, it was not evidence relevant to Coleman's shooting.[24] Second, the officers had no reason to search the master bedroom and their search exceeded the scope of Broome's consent.[25] The district court also excluded Coleman's and Broome's statements at the police station as "fruits of the . . . unlawful search and seizure."[26]

On appeal, the Fourth Circuit reversed the suppression of the evidence from the search, and Coleman's and Broome's subsequent statements.[27] The court held that the search of Broome's home and seizure of Coleman's gun were "objectively reasonable," and that the couple's admissions at the police station were "not fruit of any poisonous tree."[28]

Coleman argued that "the search of the master bedroom was beyond the scope of the consent Broome gave to police."[29] Specifically, he argued that "Broome only 'authorized the police to search the entire premises for any items relating to the crime against Broome and [Coleman] that had recently occurred'

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15. Brief of Appellee at 5, *Coleman*, 588 F.3d 816 (No. 08-5038) (emphasis omitted).
16. *Coleman*, 588 F.3d at 818.
17. *Id.*
18. *Id.* (alteration in original) (internal quotation marks omitted).
19. *Id.*
20. *Id.*
21. *Id.* at 818–19.
22. *Id.* at 819.
23. *See id.*
24. *Id.*
25. *Id.*
26. *Id.*
27. *Id.* at 822.
28. *Id.* at 819–21.
29. *Id.* at 819.

and that the search of the master bedroom was not related to that crime."[30] The Fourth Circuit began its analysis by asserting that "[t]he touchstone of the Fourth Amendment is reasonableness" and that "it is no doubt reasonable for the police to conduct a search once they have been permitted to do so."[31] Although the court recognized that involuntary consent would make a warrantless search unreasonable, it noted that no evidence "suggest[ed] that any coercive tactics were employed," and it continued its analysis by examining the scope of Broome's authorization.[32]

The standard that governs consent in warrantless searches is "objective reasonableness."[33] That is, "[W]hat would the typical reasonable person have understood by the exchange between the officer and the suspect?" [34] The court began its answer by noting that "the officers reasonably interpreted the scope of Broome's consent to search," given the language in the consent form.[35] The consent form authorized the police "to conduct a *complete search* of the premises and the property, including all buildings and vehicles, both inside and outside."[36] Moreover, the court reasoned that the "expressed object of the search . . . was evidence relating to an assault and shooting."[37] Not only was following a blood trail a reasonable action in view of this objective, but "the officers . . . would have been derelict in their duty not to follow [the] blood trail."[38] Although the court recognized that the search did not ultimately uncover evidence related to the intruders, it reasoned that the officers did not know they were following Coleman's blood trail at the time and that the blood could legitimately have served to corroborate the witnesses' statements, or to uncover a suspect or victim.[39] The court emphasized that the district court should not have determined the objective reasonableness of the search based on the ultimate relevance of the uncovered evidence.[40] Instead, it should have made its determination "as of the time when the search [took] place, based on the information available to officers *at that time*."[41]

Applying its reasoning regarding the investigation of the blood trail, the court held that Detective Grimes-Gould's decision to lift the mattress was also reasonable.[42] Broome's consent, coupled with the blood stains on and near the

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30. *Id.* (quoting Brief of Appellee, *supra* note 15, at 10).
31. *Id.* (quoting Florida v. Jimeno, 500 U.S. 248 (1991) (internal quotation marks omitted).
32. *Id.* at 819.
33. *Id.* (quoting *Jimeno*, 500 U.S. at 251) (internal quotation marks omitted).
34. *Id.* (quoting *Jimeno*, 500 U.S. at 521) (internal quotation marks omitted).
35. *Id.* at 820.
36. *Id.* (internal quotation marks omitted).
37. *Id.* (quoting U.S. v. Marshall, 348 F.3d 281, 287 (1st Cir. 2003)) (internal quotation marks omitted).
38. *Id.*
39. *Id.*
40. *Id.* at 819.
41. *Id.* (citing U.S. v. Di Re, 322 U.S. 581, 595 (1948)).
42. *Id.* at 820–21.

bed, made it reasonable for the officers to look under the mattress.[43] Holding otherwise would have required the detectives to abruptly end their investigation "at the very point when an objectively reasonable officer would surmise that fruitful evidence might be forthcoming."[44]

The final issues the court addressed were the seizure of Coleman's firearm and the suppression of Coleman's and Broome's admissions at the police station.[45] For the gun's seizure to have been reasonable, the "police must have [had] 'cause to believe that the evidence sought [would] aid in a particular apprehension or conviction.'"[46] The court found that the seizure here was reasonable for three reasons: the police were investigating a shooting, a blood trail led to the gun, and the officers did not know if the gun had been used to shoot Coleman or someone else.[47] Because the seizure and the search were reasonable, the court concluded that Broome's and Coleman's statements at the police station were "not fruit of any poisonous tree" and that the district court should not have excluded them.[48]

This case should give guidance to officers in conducting searches pursuant to consent. The Fourth Circuit reiterated that the notion of reasonableness, which permeates Fourth Amendment jurisprudence, should underlie any search and seizure analysis. The court also seemed conscious of practical concerns; it recognized that officers often must make split-second decisions and stressed that courts must evaluate decisions as of the time that they were made. While some may argue that *Coleman* gives too much deference to police, the decision brings welcome clarity to law enforcement officials who are regularly faced with the problem of defining the permissible scope of a consent search.

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43. *Id.* at 821.
44. *Id.*
45. *Id.*
46. *Id.* (quoting Warden v. Hayden, 387 U.S. 294, 307 (1967)).
47. *Id.*
48. *Id.*