

## U.S. v. Williams

(9th Cir. 2016) 837 F.3d 1016

### Issues

(1) Did officers have reasonable suspicion to detain the defendant? (2) As an incident to arrest, could they search the defendant's pockets and his car?

### Facts

At 4:40 A.M. a man phoned the Las Vegas Metropolitan Police Department's "hotline" and reported there was a car parked in the parking lot of an adjacent apartment building. The caller, who identified himself and provided his address and phone number, said that a man was sleeping in the car, which he described as a grey Ford Five Hundred, that the man did not live in the apartment building, and that he was "known to sell drugs in the area." The caller requested that officers remove the man from the parking lot. When the officers arrived, they found a Ford Five Hundred parked in the apartment's parking lot, so they stopped directly behind it, turned on their overhead lights and lit up the inside of the car with a spotlight.

Just then a man, later identified as Tony Williams, sat up in the driver's seat, looked to his left and right, started the car, and shifted it into reverse. The officers ordered him to turn off the engine and he complied. However, when Williams stepped out of the car, he ran. He was apprehended about a minute later and was pat searched. During the search, an officer found individually-wrapped packets of crack cocaine and \$1,165 in cash. The officers then returned to the Ford, searched it, and found a gun inside.

Williams was charged federally with being a felon in possession of a gun in the furtherance of drug trafficking, and possession of crack cocaine with intent to distribute. The trial court, however, granted Williams's motion to suppress the cocaine and gun on grounds that the officers did not have sufficient grounds to detain or search him. The prosecution appealed to the Ninth Circuit.

### Discussion

**GROUND TO DETAIN:** It was apparent that Williams was detained when the officers stopped their car behind the Ford, thereby blocking him in.<sup>1</sup> So, the question was whether the information provided by the caller was sufficiently reliable to constitute reasonable suspicion for a detention.<sup>2</sup> Although the caller did not phone 911 (which would have been another indication of reliability<sup>3</sup>), there were several circumstances that

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<sup>1</sup> See *People v. Wilkins* (1986) 186 Cal.App.3d 804, 809 [seizure resulted when the officer "stopped his marked patrol vehicle behind the parked station wagon in such a way that the exit of the parked station wagon was prevented."]; *U.S. v. Kerr* (9th Cir. 1987) 817 F.2d 1384, 1387.

<sup>2</sup> See *Alabama v. White* (1990) 496 U.S. 325; *Navarette v. California* (2014) \_\_ U.S. \_\_ [134 S.Ct. 1683].

<sup>3</sup> **NOTE:** If the caller had phoned 911 instead of the hotline, this circumstance would have added to his credibility because the courts view 911 callers as having some built-in reliability since it is common knowledge that 911 calls may be traced and recorded, and therefore people who phone 911 are (at least to some extent) leaving themselves exposed to identification even if they gave a false name or refused to identify themselves. See *Navarette v. California* (2014) \_\_ U.S. \_\_ [134 S.Ct. 1683, 1689]; *People v. Brown* (2015) 61 Cal.4th 968, 982 [a call to 911 constitutes "[a]nother indicator of veracity"].

made it reasonable for the officers to trust the caller's tip, at least for purposes of conducting a temporary detention.

First, the caller identified himself and provided his phone number and address. Second, he provided details and specific information that a certain car was parked at a certain location, that a man was sleeping inside, and that the caller was aware that the man did not live in the apartment building. Third, the incident occurred around 5:00 A.M. in a high-crime area, including gang activity. Fourth, when officers arrived, they found the situation exactly as the caller had described it.<sup>4</sup> (While Williams's attempt to drive away and subsequent flight constituted strong corroboration of the caller's reliability, it did not technically count because the detention occurred seconds earlier when the officers blocked his path.)

The court ruled that the information known to the officers (or to the police operator if the details were not transmitted to the officers) was sufficiently reliable to warrant a detention. Said the court, "[T]he tip in this case not only provided an accurate description of the suspect, but it also alleged ongoing, observable criminal activity—trespass. [The caller] identified Williams's location, car, and appearance and also stated that Williams was sleeping in a car in an adjacent apartment building's lot, even though Williams did not live there."

**THE SEARCH OF WILLIAMS'S POCKET:** The search of Williams's pocket was clearly lawful as a search incident to his arrest for fleeing the officers pursuant to a Nevada statute which, like California Penal Code section 148, makes it unlawful to delay or obstruct an officer in the performance of his duties.<sup>5</sup> Said the court, "[T]he officers had probable cause to arrest Williams and performed a valid search incident to arrest of Williams's person—which lawfully extended to the insides of Williams's pockets."

**THE SEARCH OF WILLIAMS'S CAR:** Although the officers did not have a warrant to search Williams's car, there is a well-known exception to the warrant requirement that allows officers to search a vehicle in a public place if they have probable cause to believe it contains evidence of a crime.<sup>6</sup> And such probable cause may be based on an officer's inference that a vehicle occupant who has just been arrested for a crime may have kept evidence of the crime in the vehicle if the crime was one in which the perpetrator ordinarily possesses evidence.<sup>7</sup>

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<sup>4</sup> See *Massachusetts v. Upton* (1984) 466 U.S. 727, 734 ["Lieutenant Beland noted that the caller 'admitted she was the girl I had named'"]; *Navarette v. California* (2014) \_\_\_ U.S. \_\_\_ [134 S.Ct. 1683]; *Illinois v. Gates* (1983) 462 U.S. 213, 245, fn.13; *People v. Brown* (2015) 61 Cal.4th 968, 972.

<sup>5</sup> See *United States v. Robinson* (1973) 414 U.S. 218, 234; *Knowles v. Iowa* (1998) 525 U.S. 113, 116.

<sup>6</sup> See *United States v. Ross* (1982) 456 U.S. 798, 809 ["[A vehicle] search is not unreasonable if based on facts that would justify the issuance of a warrant, even though a warrant has not actually been obtained."]; *People v. Carpenter* (1997) 15 Cal.4th 312, 365 ["The police had probable cause to search the vehicle. Under the 'automobile exception' to the warrant requirement, they did not need a warrant at all."].

<sup>7</sup> See *People v. Senkir* (1972) 26 Cal.App.3d 411, 421 ["[R]easonable inferences may be indulged as to the presence of articles known to be usually accessory to or employed in the commission of a specific crime."]; *People v. Farley* (2009) 46 Cal.4th 1053, 1099 [because there was probable cause to believe the suspect shot and killed fellow employees at his workplace, it was reasonable to infer the existence of "photographs and documents" related to the business, and documents "concerning his employment at [the business]."]; *U.S. v. Spilotro* (9th Cir. 1986) 800 F.2d 959, 964 [proper for

While trespassing and running from officers are not crimes for which there are usually fruits or instrumentalities, drug trafficking is. Consequently, the court ruled that the vehicle search was lawful because, based on the officers' discovery of crack cocaine wrapped in individual packets plus the cash, they reasonably believed that Williams's vehicle would contain more drugs and things that are commonly used by drug traffickers; e.g., weapons. As the court explained, "The crack cocaine provided the officers with the probable cause necessary to arrest Williams for drug possession and drug dealing, two crimes in which a vehicle could reasonably contain further evidence."

For these reasons, the Ninth Circuit ruled the district court judge should not have granted Williams's motion to suppress the evidence and, accordingly, it sent the case back to the district court for trial. [POV](#)

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warrant to seek evidence that "one commonly expects to find on the premises used for the criminal activities in question"].