

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States v. Derrick Kim Patterson

United States v. Patterson, 885 F.2d 483 (8th Cir. 1989) · No. 88-5262 · Decided January 8, 1990

SUMMARY

**\*\*Fourth Amendment – Terry Frisk / Execution of Search Warrant\*\*** The Eighth Circuit held that a pat-down search of a defendant who arrived in a known drug suspect’s van at a residence being searched for narcotics was constitutional under *\*Terry v. Ohio\**, because the officers had specific articulable facts (recent drug activity, high call volume, and the defendant’s connection to the location) creating reasonable suspicion of danger. **\*\*Sentencing Guidelines – Acceptance of Responsibility\*\*** The court also upheld the denial of a sentencing reduction for acceptance of responsibility, finding that the defendant’s justification for carrying a firearm (self-protection) was a factual determination not clearly erroneous. **\*\*Key Distinction\*\*** The case was distinguished from *\*United States v. Clay\** (8th Cir. 1981) because the defendant was not ordered in at gunpoint and had a pre-existing connection to the premises.

CASE DETAILS

|                       |                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Eighth Circuit                                                                                                                                          |
| WRITING FOR THE COURT | Beam; Wollman; Bright                                                                                                                                                                          |
| JURISDICTION          | Federal                                                                                                                                                                                        |
| DECIDED               | January 8, 1990                                                                                                                                                                                |
| DOCKET                | 88-5262                                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Appeal from the United States District Court for the District of Minnesota                                                                                                                     |
| STANDARD OF REVIEW    | The district court's factual finding on acceptance of responsibility is reviewed for clear error. The denial of a motion to suppress is reviewed de novo but factual findings for clear error. |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                      |
| PARTIES               | Derrick Kim Patterson v. United States of America                                                                                                                                              |

TOPICS

- criminal procedure
- constitutional law
- evidence
- appellate procedure

## PRACTICE AREAS

Criminal Law

Appellate Practice

## QUESTIONS PRESENTED

1. Whether the district court erred in denying the motion to suppress the firearm because the pat-down search violated the Fourth Amendment.
2. Whether the district court abused its discretion in denying a reduction in sentencing guidelines points for acceptance of responsibility.

## HOLDINGS

1. The seizure of the firearm was constitutional because the officer had reasonable suspicion based on specific articulable facts and the need to ensure officer safety while executing a search warrant.
2. The district court's finding that Patterson did not accept responsibility was not clearly erroneous.

## KEY QUOTATIONS

*“The specific articulable facts of a given situation taken together with rational inferences to be drawn from facts already known warrant an investigatory search.” (485)*

*“In this case, the officer was rightfully in the presence of Patterson and was armed with sufficient facts to be concerned about his safety and that of his fellow officers.” (485)*

## FACTUAL BACKGROUND

Police in Bloomington, Minnesota, investigated a residence owned by Frank Williamson, a person with a lengthy criminal history. They observed a blue van associated with the premises. After obtaining a search warrant, they searched the residence and found drug paraphernalia. During the search, Patterson arrived in the blue van. He was asked to come inside, told about the search, and explained he was purchasing the van from Williamson. The officer then conducted a pat-down search and found a firearm. Patterson was detained and later charged with being a felon in possession of a firearm.

## PROCEDURAL HISTORY

Patterson was convicted in the district court for being a felon in possession of a firearm. He appealed, arguing that the district court erred in denying his motion to suppress the firearm and in denying a reduction in sentencing guidelines points for acceptance of responsibility.

## DISPOSITION

affirmed

## CASES CITED

- United States v. Clay, 640 F.2d 157 (8th Cir. 1981)

- Terry v. Ohio, 392 U.S. 1 (1968)
- Anderson v. City of Bessemer City, 470 U.S. 564 (1985)

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