

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Alston

No. 25-cr-249 (TSC) (D.D.C. Mar. 5, 2026) · No. No. 25-cr-249 (TSC) · Decided March 5, 2026

SUMMARY

The United States District Court for the District of Columbia grants Defendant Judge Alston’s motion to suppress tangible evidence in a prosecution under 18 U.S.C. § 922(g)(1). The court holds that a deputy marshal’s conceded illegal search of Alston’s vehicle preceded and tainted his subsequent consent, which was involuntary and not sufficiently an act of free will to purge the taint. The court therefore suppresses the firearm discovered in the vehicle.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Tanya S. Chutkan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 5, 2026
DOCKET	No. 25-cr-249 (TSC)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to suppress a firearm seized during a warrantless vehicle search. After an evidentiary hearing, the district court granted the motion.
STANDARD OF REVIEW	The court assessed the voluntariness of consent and whether the Government proved attenuation of the taint from the prior unlawful search by the applicable burdens of proof. The Government bore the burden of proving voluntary consent and, after a prima facie causal showing, proving by a preponderance of the evidence that the evidence was sufficiently attenuated from the illegality.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive within the jurisdiction but not binding on the D.C. Circuit or other courts.
PARTIES	United States v. Judge Alston

TOPICS

- suppression of evidence
- fourth amendment
- search and seizure
- exclusionary rule
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

remedies

QUESTIONS PRESENTED

1. Whether the Government proved that Alston's consent to the warrantless search was voluntary when officers had already illegally searched his car and thereby implied that his consent was unnecessary.
2. Whether Alston's consent was an intervening act of free will sufficient to purge the taint of the initial illegal search under the fruit-of-the-poisonous-tree doctrine.
3. Whether the firearm discovered during the subsequent search had to be suppressed as the fruit of the initial Fourth Amendment violation.

HOLDINGS

1. Consent is involuntary when it is given in submission to an express or implied claim of police authority, including when officers have already begun searching the same place without consent and thereby create the impression that the suspect has no meaningful right to refuse.
2. When consent follows an illegal search of the same location in virtually immediate succession, the Government must show that the consent was sufficiently an act of free will to break the causal chain; consent given under the impression that police may search with or without permission does not purge the taint.
3. The firearm discovered in Alston's center console must be suppressed because the Government failed to establish a valid consent exception or sufficient attenuation from the initial illegal search.

KEY QUOTATIONS

“Here, the voluntariness inquiry and the fruits-of-the-poisonous-tree inquiry independently lead to the same conclusion: Alston’s consent constituted mere surrender to an implied claim of police authority and thus cannot justify the warrantless search of his car.” (7)

“But Deputy Lozada’s initial illegal search significantly changes the calculus because it put Alston under the false impression that he had no right to resist the search.” (10)

“In short, Alston’s consent to a search that had already begun—consent that was given under highly coercive circumstances and under the false impression that police had the authority to search—was not “an intervening act of free will that broke the causal link” between the initial illegal search and the subsequent discovery of the gun.” (16)

FACTUAL BACKGROUND

Seven U.S. Marshals partially surrounded Alston's double-parked car during a high-visibility federal law-enforcement operation. Before Alston gave consent, Deputy Marshal Lozada entered the vehicle and searched the front passenger area, rummaging through a bag and personal effects without consent, a warrant, or a justification advanced by the Government. While Alston was being frisked and threatened with possible arrest for driving without a valid license, an officer asked whether it was acceptable to search the car; Alston replied,

"Go ahead," explaining that he believed he had no choice because officers were already searching. Lozada then resumed the search and discovered a handgun in the center console.

PROCEDURAL HISTORY

The Government indicted Alston for unlawful possession of a firearm by a person convicted of a felony under 18 U.S.C. § 922(g)(1). Alston moved to suppress the firearm, arguing that a Marshal's initial warrantless search violated the Fourth Amendment, tainted his later consent, and rendered that consent involuntary. The court held an evidentiary hearing on February 6, 2026, and granted the suppression motion.

DISPOSITION

other

CASES CITED

- United States v. Maynard, 615 F.3d 544, 566 (D.C. Cir. 2010)
- United States v. Glover, 144 F.4th 336, 339-41 (D.C. Cir. 2025)
- Katz v. United States, 389 U.S. 347, 357 (1967)
- Schneckloth v. Bustamonte, 412 U.S. 218, 222, 228, 233 (1973)
- United States v. Hall, 969 F.2d 1102, 1106, 1108 n.7 (D.C. Cir. 1992)
- United States v. Powell, 483 F.3d 836, 838 (D.C. Cir. 2007)
- United States v. Jackson, 415 F.3d 88, 92 (D.C. Cir. 2005)
- United States v. Holmes, 505 F.3d 1288, 1292-95 (D.C. Cir. 2007)
- Brown v. Illinois, 422 U.S. 590, 599, 602-04 (1975)
- United States v. Melendez-Garcia, 28 F.3d 1046, 1053-54 (10th Cir. 1994)
- Wong Sun v. United States, 371 U.S. 471, 488 (1963)
- People v. Clark Mem'l Home, 252 N.E.2d 546, 549 (Ill. App. Ct. 1969)
- State v. Gorup, 782 N.W.2d 16, 28, 30 (Neb. 2010)
- State v. Cates, 522 A.2d 788, 792 (Conn. 1987)
- United States v. Green, 149 F.4th 733, 743 (D.C. Cir. 2025)
- Bumper v. North Carolina, 391 U.S. 543, 548-50 (1968)
- United States v. Washington, 387 F.3d 1060, 1073-74 (9th Cir. 2004)
- United States v. Haynes, 301 F.3d 669, 683 (6th Cir. 2002)
- State v. Garcia, 461 N.W.2d 460, 465 (Iowa 1990)
- United States v. Robinson, 698 F.2d 448, 455 (D.C. Cir. 1983)
- United States v. Collins, 510 F.3d 697, 701 (7th Cir. 2007)
- United States v. Simpson, 439 F.3d 490, 495 n.3 (8th Cir. 2006)
- United States v. Robeles-Ortega, 348 F.3d 679, 683-84 (7th Cir. 2003)
- United States v. Brandwein, 796 F.3d 980, 986 (8th Cir. 2015)

- United States v. Conrad, 673 F.3d 728, 733 (7th Cir. 2012)
- United States v. Robertson, 736 F.3d 677, 680 (4th Cir. 2013)
- Berkemer v. McCarty, 468 U.S. 420, 438-39 (1984)
- Sherrod v. McHugh, 334 F. Supp. 3d 219, 246 (D.D.C. 2018)

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