

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States v. Mark Eggerson

No. 19-3742 · No. 19-3742 · Decided June 7, 2021

SUMMARY

The United States Court of Appeals for the Eighth Circuit affirmed Mark Eggerson’s conviction for being a felon in possession of a firearm. The court held that search warrants authorizing the seizure and search of his cell phone were supported by probable cause, were not facially deficient, and were relied upon in objective good faith. The court therefore upheld the denial of Eggerson’s motion to suppress evidence, including video found on the phone.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Kobes, Circuit Judge; Shepherd, Circuit Judge; Stras, Circuit Judge
JURISDICTION	Federal
DECIDED	June 7, 2021
DOCKET	19-3742
DISPOSITION	affirmed
PROCEDURAL POSTURE	Eggerson appealed his conviction for being a felon in possession of a firearm and the district court’s denial of his motion to suppress evidence obtained from his cell phone under two state search warrants.
STANDARD OF REVIEW	The court reviewed factual findings for clear error and legal conclusions de novo. Probable-cause determinations were reviewed de novo, with great deference to the issuing magistrate or judge and inquiry into whether there was a substantial basis for finding probable cause.
PRECEDENTIAL VALUE	published
PARTIES	Mark Eggerson v. United States of America

TOPICS

- fourth amendment
- search and seizure
- warrant requirement
- exclusionary rule
- suppression of evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the first state search warrant was so general, overbroad, or unsupported by probable cause that no objectively reasonable officer could rely on it in good faith.
2. Whether the second state search warrant authorizing a search of the seized cell phone and its contents was valid or, alternatively, covered by the good-faith exception.
3. Whether the warrants violated the Fourth Amendment and the warrant requirement recognized in *Riley v. California*.

HOLDINGS

1. The first warrant was not so facially deficient that an objectively reasonable officer could not rely on it. The warrant's authorization to search for items tending to show firearm possession, computers, cellular telephones, and electronic communications, together with the investigator's testimony that Eggerson had recently brandished a firearm, permitted reasonable reliance on the warrant to search the phone for evidence of illegal firearm possession.
2. The warrants were not impermissibly general in a manner that defeated the good-faith exception. A reasonable officer could read the first warrant as limiting the search and seizure of cell phones to devices tied to Eggerson and the drug- and firearm-related crimes under investigation, and the second warrant was even less suspect because it was limited to the contents of the already-seized phone.
3. There was a substantial basis for the state magistrate's probable-cause determination that the cell phone would contain evidence of drug trafficking and firearm possession. Even if probable cause were lacking, the good-faith exception would independently prevent suppression.
4. *Riley v. California* did not require suppression because the officers obtained warrants before searching the phone and its contents, and the warrants were supported by probable cause, were not facially deficient, and were relied on in objective good faith.

KEY QUOTATIONS

“Leon establishes that if an officer (1) obtains a search warrant (2) that appears properly issued on its face and (3) executes it within its scope and with objective good faith reliance on the warrant’s validity, then a defect in the probable cause analysis undergirding that warrant will not cause evidence to be suppressed.” (at 3)

“These warrants were supported by probable cause, were not facially deficient, and were relied on in objective good faith.” (at 8)

FACTUAL BACKGROUND

After Eggerson sold heroin to a confidential informant in a controlled buy, a Wisconsin investigator obtained a warrant to search Eggerson's house and car, including cell phones and items tending to show firearm possession and drug trafficking. Officers seized a cell phone containing videos of Eggerson shooting a gun near a barn.

After guns were later found in a relative's barn, the investigator obtained a second warrant to search the phone and its contents, including text messages. Eggerson moved to suppress the phone evidence, arguing that both warrants were facially deficient and overbroad.

PROCEDURAL HISTORY

After two state search warrants were executed, a federal grand jury indicted Eggerson under 18 U.S.C. §§ 922(g)(1) and 924(e)(1). A magistrate judge recommended denying suppression based on the good-faith exception and concluded that the second warrant was valid even if the first was defective. The district court adopted the recommendation, and a jury convicted Eggerson after a three-day trial. The Eighth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Stevenson, 727 F.3d 826, 829 (8th Cir. 2013)
- United States v. Leon, 468 U.S. 897, 906, 922-25 (1984)
- Riley v. California, 573 U.S. 373, 395, 403 (2014)
- United States v. Williams, 976 F.3d 807, 810 (8th Cir. 2020)
- United States v. Denson, 967 F.3d 699, 703 (8th Cir. 2020)
- United States v. Fuentes Torres, 529 F.3d 825, 827 (8th Cir. 2008)
- United States v. Griffith, 867 F.3d 1265, 1272-79 (D.C. Cir. 2017)
- United States v. Hessman, 369 F.3d 1016, 1020 (8th Cir. 2004)
- United States v. Tracey, 597 F.3d 140, 154 (3d Cir. 2010)
- United States v. Roberts, 975 F.3d 709, 713 (8th Cir. 2020)
- United States v. Brackett, 846 F.3d 987, 992 (8th Cir. 2017)