

# THE FEDERAL LAW ENFORCEMENT —INFORMER—

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ENFORCEMENT OFFICERS AND AGENTS

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## The Informer – September 2026

### Circuit Courts of Appeals

#### [First Circuit](#)

**United States v. Gonzalez-Arocho**: Whether the good-faith exception to the Fourth Amendment exclusionary rule permits admission of evidence obtained from a phone when agents searched that phone under a warrant that expressly authorized the search of a different device.....3

#### [Fourth Circuit](#)

**United States v. Williams**: Whether officers unlawfully seized a driver when they positioned marked patrol vehicles around his parked vehicle but lacked reasonable suspicion of criminal activity.....4

#### [Sixth Circuit](#)

**United States v. Hoffpawier**: Whether officers were reasonable when handcuffing a suspect during an investigatory stop because they suspected he would be a flight risk, and whether the officers were reasonable when they conducted a warrantless search of his vehicle.....6

#### [Seventh Circuit](#)

**United States v. Erving**: Whether a frisk under the driver’s seat of a vehicle was reasonable under the Fourth Amendment when an officer had reasonable suspicion that a suspect was dangerous and could access a weapon in the vehicle if released.....7

#### [Eighth Circuit](#)

**United States v. Debevec**: Whether it is entrapment when a defendant initiated contact with a person he thought was a 15-year-old girl but was actually an undercover agent.....9

# CASE SUMMARIES

## Circuit Courts of Appeals

### **First Circuit**

#### **United States v. Gonzalez-Arocho**, No. 25-1041 (1st Cir. 2026)

Homeland Security Investigations (HSI) agents in Puerto Rico discovered evidence of a T-Mobile device connected to a user in a child pornography chat room and promptly served a summons on the carrier. When T-Mobile identified Miguel Gonzalez-Arocho (Gonzalez) as the registered user, they also provided details about the device, which was a gray Apple iPhone 6s 64GB, and its unique International Mobile Equipment Identity (IMEI).

For devices on cellular networks, an IMEI uses 15 digits to encode origin, model, and serial number of the device and provides the mechanical equivalent of a fingerprint, which is a clear way to describe a device with particularity. An agent with nearly ten years of experience used the IMEI provided by T-Mobile to describe the device in the warrant along with its nexus to criminal activity, and request a warrant based on "probable cause to believe that evidence of [child pornography] . . . [was] located in the Apple iPhone 6S 64GB cellular phone" with that particular IMEI.

A week later, the affiant and another agent encountered Gonzalez, informed him of the warrant's existence, and seized an iPhone 13 Pro Max in his possession. Despite the affiant's earlier assurances he had extensive knowledge of Apple devices and obvious physical size differences in the devices, the agents took the iPhone 13 from Gonzalez.

After giving him Miranda warnings in Spanish, and without asking Gonzalez whether he understood or could read English, the agents gave him an English-language copy of the search warrant and demanded his passcode. Gonzalez provided the passcode and agents searched the phone only to find an empty app for the child pornography chatroom. The agents then took the phone to a forensics team, which found over 100 files of child pornography on it.

Gonzalez was indicted and moved to suppress any evidence found on the iPhone 13 as being outside the scope of the warrant. The government opposed the motion, asserting that Gonzalez consented to the search. The government also argued that even if Gonzalez's consent was not voluntary, the warrant covered the iPhone 13 and, in any event, the agents acted in good faith.

The magistrate judge issued a report recommending the denial of the motion to suppress and went as far as to explain the agents could have reasonably deduced that Gonzalez recently upgraded his iPhone and that he transferred his relevant data to the new device. However, the district court granted the suppression motion and the government appealed.

The First Circuit Court of Appeals found that the government lacked objective good faith because: (1) the warrant unambiguously described the iPhone 6s as the device to be searched; and (2) the

agents realized immediately that they had seized a different model iPhone but made no effort to resolve the discrepancy between the device they seized and the device listed in the warrant.

In its opinion, the court noted the agents knew – or should have known – as soon as they seized the phone from Gonzalez that it was different from the one identified in the warrant and proceeded to search the wrong device even when they knew the difference between the two iPhone models. In addition, the agents confirmed this knowledge on the day of the search when they documented the iPhone 13 model designation on the inventory form.

As a result, the First Circuit found the government had not met its burden of establishing objective good faith and affirmed the district court's order granting Gonzalez's motion to suppress.

For the court's opinion: <https://cases.justia.com/federal/appellate-courts/ca1/25-1041/25-1041-2026-07-09.pdf>

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## **Fourth Circuit**

**United States v. Williams**, No. 24-4512 (4th Cir. 2026)

A 911 operator received a call reporting a white Mercedes sedan parked in an apartment complex parking lot with multiple subjects inside, including a light-brown-skinned male with either dreads or twists, possibly selling or possessing narcotics. The caller, who stated he lived in the neighborhood, wished to remain anonymous and therefore did not provide his number or name. Police officers responded in two separate marked police vehicles and drove down the apartment complex roadway at normal speeds, without lights or sirens, encountered the Mercedes, and immediately smelled the odor of marijuana.

The driver, Kevin Williams, admitted to smoking marijuana, and the officers directed all the occupants to exit the vehicle so the officers could conduct a search. The officers discovered a handgun, determined Williams had a prior felony conviction for domestic violence, and charged Williams with possessing a firearm as a convicted felon.

Williams moved to suppress the evidence obtained during the search of his car, arguing that officers violated his Fourth Amendment rights when they stopped their vehicles in front of him. At the suppression hearing, there was testimony that the officers only responded based on the Computer Aided Dispatch (CAD) report and they intended to “look for the vehicle” and “make voluntary contact” to speak with the occupants about why they were in the parking lot. Williams argued he was blocked in by other vehicles, he was not free to leave the encounter, and he was seized for purposes of the Fourth Amendment.

After hearing this testimony, watching the officers’ body-worn camera videos, and considering the parties’ arguments, the district court denied Williams’s motion to suppress, finding there was room for Williams to drive out, both to the left and to the right.

The Fourth Circuit Court of Appeals disagreed, noting that the spacing between the vehicles was so limited that Williams may have needed to perform a multipoint turn to clear the space and

Williams would have had to drive towards police vehicles in the middle of the roadway and maneuver in close proximity to them or risk a collision. The following pictures illustrate the positioning of the vehicles:



Citing to some of its own cases, the Fourth Circuit explained that a seizure occurs when the totality of the circumstances surrounding the encounter would lead a reasonable person to believe that he was not free to leave. Furthermore, when a vehicle is blocked in, even if not completely constrained by the police, a reasonable person would not feel free to attempt the available means to exit. However, the court noted that if it is readily apparent that there is “more than enough room” to drive away without any “special maneuvering,” then a person has not been blocked in and is thus free to leave.

The court held Williams was “blocked in” because a reasonable person would not have felt free to attempt his available means to exit, the police parked perpendicular to Williams’ car to send a

message of seizure to Williams, and the CAD report lacked any information to suggest the existence of a dangerous, urgent, or fleeting situation that would justify immediate police intervention.

As no reasonable suspicion that Williams was engaged in criminal activity existed and the police blocked Williams in, the Fourth Circuit held he was unlawfully seized and the handgun discovered in the search of his vehicle should be suppressed.

For the court's opinion: <https://cases.justia.com/federal/appellate-courts/ca4/24-4512/24-4512-2026-07-08.pdf>

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## **Sixth Circuit**

### **United States v. Hoffpowier, 25-5327 (6th Cir. 2026)**

In February 2024, Detective Talbot met with the victim, B.H., to discuss a situation regarding her estranged husband, Michael Hoffpowier. According to B.H., Hoffpowier had used a false name and scheduled an appointment for the next day at B.H.'s place of work, a healthcare facility in Farragut, Tennessee, and she did not want him to visit her.

The next day, an employee at the healthcare facility observed Hoffpowier's vehicle, a GMC with Pennsylvania tags, at the facility. Officer Collins responded to the scene, but by then Hoffpowier was gone. Several minutes later, Collins saw Hoffpowier's vehicle in a nearby grocery store parking lot, and after reviewing the dispatcher's "call notes" and talking to Talbot, he realized it was a possible domestic situation and stalking could be a factor at issue. The call notes stated that Hoffpowier had followed B.H. all over the country, had just been outside her workplace, and that he would flee if he saw officers.

As Collins and his partner approached the vehicle, Hoffpowier put the vehicle in reverse and the vehicle inched back for a moment before he stopped. Collins's partner stood next to the driver's side door and told Hoffpowier to exit the vehicle, to which Hoffpowier complied. Collins stood near the bed of the truck, and over about eight seconds told Hoffpowier to come to him three times, and Collins placed Hoffpowier in handcuffs when he did not comply.

While officers investigated B.H.'s allegations, Hoffpowier allowed the officers to review text messages between him and B.H. where B.H. told him to stay away from her and to go home. During this investigation, Hoffpowier admitted to officers that he had previously showed up at B.H.'s workplace in Texas.

Around 25 minutes after Hoffpowier was handcuffed, Collins informed him that he was under arrest for stalking. With Hoffpowier's permission, Collins entered Hoffpowier's vehicle to retrieve some of his personal items and to secure it. While in there, he noticed a gun magazine and binoculars lying on the center console. The officers then searched the vehicle and found two firearms, one of which had a silencer that was unregistered.

Hoffpowier was charged with stalking and possessing an unregistered firearm silencer and moved to suppress the evidence seized from his vehicle. He claimed: (1) the handcuffing was an unlawful arrest; and (2) officers did not have a reasonable belief that evidence of stalking might be found in the vehicle. The motions were denied, Hoffpowier pled guilty to one count of possession of an unregistered firearm silencer, and he appealed.

The Sixth Circuit disagreed that the handcuffing was an unlawful arrest. The court found that the use of handcuffs was justified during the investigatory stop because Hoffpowier was a flight risk. Officer Collins had learned, through conversations with Detective Talbot and reviewing the dispatcher's notes, that there was a possibility of stalking involved, which justified the stop. The call notes indicated that the subject would flee if he saw the police, which would justify the use of reasonable force to effectuate the stop. Additionally, Collins had observed Hoffpowier begin backing up his vehicle when the officers had approached him, and Hoffpowier did not immediately comply with Collins's commands to come closer to him. As such, the Sixth Circuit found that the handcuffing was a reasonable use of force that did not transform the stop into an arrest.

Next, the court turned to whether it was reasonable to believe that Hoffpowier's vehicle contained evidence of stalking. After Hoffpowier was arrested, Officer Collins began securing the vehicle and saw binoculars on the center console of the vehicle; he also saw a gun magazine and, thus, searched the vehicle. Based on the binoculars alone, it was reasonable for Officer Collins to believe the truck contained additional evidence of stalking. Also, the proximity of the binoculars to the driver's seat and the timing of their discovery further suggested evidence of stalking.

As a result, the Sixth Circuit affirmed the lower court's decision.

For the court's opinion: <https://cases.justia.com/federal/appellate-courts/ca6/25-5327/25-5327-2026-08-28.pdf>

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## **Seventh Circuit**

### **United States v. Erving**, 23-2828 (7th Cir. 2026)

At approximately 2:45 a.m. while on patrol by himself, City of Peoria, Illinois Police Department Lieutenant Barisch saw an SUV parked at the rear of a closed, secluded, dark parking lot in Peoria's River Front Park. Shining lights through the SUV's rear, darkly tinted windows, Lt. Barisch could see two people in the back seat. Walking toward the SUV, Lt. Barisch saw a man, ultimately identified as Erving, make "furtive movements" consisting of "a quick, sudden movement leaning down and then toward the rear door of the back driver's seat toward the floorboard." Because he expected that the movements of trying to get dressed would have been significantly longer and different and more of an up-and-leaning-back movement, Lt. Barisch did not believe that Erving's motion was associated with getting dressed, but rather, thought that Erving was hiding something.

When Erving thereafter opened the SUV's rear passenger door, Lt. Barisch smelled the "lingering odor of burnt cannabis" as his flashlight illuminated Erving, partially undressed, and a disheveled

female companion. After a criminal history check showed that Erving was twelve days into a newly imposed federal term of supervised release for a weapons charge and that the woman supplied false identifying information, Lt. Barisch ordered the couple out of the SUV and to stand unhandcuffed at the vehicle's rear. Thereafter, Lt. Barisch "poked his head into" the SUV, looked under the driver's seat, saw a firearm, and terminated the frisk. Leaving the firearm in place, Lt. Barisch waited until a backup officer arrived before seizing the firearm, arresting, and Mirandizing Erving, who admitted that the gun was his.

During the ensuing firearm prosecution and supervised release revocation proceedings, Erving moved to suppress the firearm as fruits of an unlawful *Terry* frisk because the record was insufficient to support a reasonable suspicion that he was dangerous.

Acknowledging that the conclusory term "furtive movements" is not "a magic incantation that permits police to justify a vehicle search at every traffic stop," the court nonetheless rejected Erving's argument. Noting Lt. Barisch's testimony distinguishing Erving's motions from movements consistent with dressing, the court considering the movements in light of the totality of the circumstances, which included the late hour, the isolated location, the officer's solo status, the smell of burnt marijuana, the possibility that Erving and his companion could be intoxicated, and Erving's status as a supervised releasee recently convicted of a weapons charge. Consequently, the court found the facts more than sufficient to support a reasonable inference that Erving was dangerous.

Second, Erving argued that the frisk was unconstitutional because he could not reasonably access the firearm under the SUV's front driver's seat from a position at the rear of the SUV. Recognizing that clearly established law authorizes frisking a vehicle if a dangerous suspect is likely to be released or permitted to gather belongings inside it, the court found that because Lt. Barisch would have released Erving had the officer not found the gun, and because Erving would have been able to gain control of the firearm upon release, the gun was reasonably accessible to Erving within the meaning of the clearly established law.

Finally, Erving maintains that because Lt. Barisch let Erving remain in the Durango while he ran Erving's information, let Erving retrieve belongings from the vehicle, did not handcuff Erving until backup arrived, and searched only under the driver's seat – rather than conducting a full frisk of the vehicle or physically restraining either Erving or the female passenger – it shows Lt. Barisch was not concerned for officer safety, and thus not permitted to conduct a frisk. However, the Seventh Circuit found that this argument was not persuasive for a variety of reasons and noted that its focus under the Fourth Amendment is objective; as such, the court was unconcerned with officers' subjective motivations.

The Seventh Circuit concluded that the district court was correct in denying Erving's motion to suppress the evidence obtained from the search of the vehicle, and the search was justified by the protective search exception to the Fourth Amendment's warrant requirement.

For the court's opinion: <https://cases.justia.com/federal/appellate-courts/ca7/23-2828/23-2828-2026-01-20.pdf>

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## **Eighth Circuit**

### **United States v. Debevec**, No. 25-1843 (8th Cir. 2026)

In March 2024, Jayden Debevec messaged a user named “Zoe” on MeetMe, an adult dating app. Zoe’s profile indicated she was 18 but, when Debevec asked her age, she revealed that she was actually 15-years-old. Unbeknownst to Debevec, “Zoe” was really an undercover agent with U.S. Department of Homeland Security posing as the minor.

Debevec continued contact, acknowledged her age, directed the conversation to sexual topics, and later arranged for an in-person meeting. The day of the meetup, when pressed for his intentions, Debevec stated he would rather tell her in person, and he did not want to be labeled “a child molester.” He then further explained how he would perform oral sex on the minor. Debevec expressed some concern that Zoe might be a cop and that the situation “sounds like a trap” but continued the sexually explicit messages. Upon arriving at the location of the meeting, Debevec was arrested.

At trial, the district court denied a motion for judgment of acquittal and a jury later found him guilty of attempted enticement of a minor using the internet. Debevec appealed his conviction arguing that he had provided sufficient evidence that the government entrapped him.

The Eighth Circuit Court of Appeals disagreed. If the defendant establishes inducement, the government has the burden to prove beyond a reasonable doubt that the defendant is predisposed to commit the crime. Citing to its own precedent in [United States v. Young](#), the court noted that inducement exists when the government implanted the criminal design in the defendant’s mind. As such, four factors are relevant: (1) whether the government initiated the contact; (2) the effect of the photos sent by the government; (3) whether the government introduced the topics of meeting and sex; and (4) the degree to which the government influenced the behavior of the defendant by portraying the minor as sexually precocious.

Applying the factors to this case, the court found that Debevec contacted Zoe first. Second, the photos sent by the government included three photographs of a clothed girl, and while one photo did show Zoe in a sports bra, the court noted that far more revealing images had been held insufficient to demonstrate inducement. Third, whether the government introduced the topics of meeting and sex, the court noted that Debevec, even by his own admission, broached the topic of meeting for sex within 14 hours of initially messaging the minor. In addition, while some of Zoe’s messages may have been suggestive, the references to sex were created by Debevec. Finally, turning to the degree to which the government influenced the behavior of the defendant by portraying the minor as sexually precocious, the court found the references of past sexual activity by the undercover officer were only to a minor degree.

After rejecting Debevec’s argument that he was induced, the court stated that, even if inducement had been shown, Debevec was predisposed for the commission of the offense. Citing to a U.S. Supreme Court case, [Matthews v. United States](#), when a defendant responds immediately and enthusiastically to his first opportunity to commit a crime, without any period of government prodding, his criminal disposition is readily apparent. As such, the Eighth Circuit found sufficient evidence for a reasonable jury to conclude that Debevec was not induced and, if he had been, he was predisposed to commit the offense.

For the court's opinion: <https://cases.justia.com/federal/appellate-courts/ca8/25-1843/25-1843-2026-06-02.pdf>

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