

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. RAYMOND IDEMUDIA AIGBEKAEN,
Defendant - Appellant.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
943 F.3d 713; 2019 U.S. App. LEXIS 34659
No. 17-4109

November 21, 2019, Decided
May 8, 2019, Argued

Editorial Information: Subsequent History

Rehearing denied by, En banc, Rehearing denied by United States v. Aigbekaen, 2020 U.S. App. LEXIS 5588 (4th Cir., Feb. 24, 2020)

Editorial Information: Prior History

{2019 U.S. App. LEXIS 1}Appeal from the United States District Court for the District of Maryland, at Baltimore. James K. Bredar, Chief District Judge. (1:15-cr-00462-JKB-2).United States v. Aigbekaen, 720 Fed. Appx. 156, 2018 U.S. App. LEXIS 10330 (4th Cir. Md., Apr. 24, 2018)

Disposition:

AFFIRMED.

Counsel ARGUED: Michael Lawlor, BRENNAN, MCKENNA & LAWLOR, CHTD., Greenbelt, Maryland, for Appellant.

Matthew James Maddox, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

ON BRIEF: Robert K. Hur, United States Attorney, Ayn B. Ducao, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Judges: Before MOTZ, WYNN, and RICHARDSON, Circuit Judges. Judge Motz wrote the majority opinion, in which Judge Wynn joined. Judge Richardson wrote an opinion concurring in the judgment.

CASE SUMMARYWarrantless nonroutine forensic searches of defendant's devices at an international airport violated the Fourth Amendment because agents had probable cause to suspect that defendant had previously committed grave domestic crimes, but these suspicions were entirely unmoored from sovereign interests applicable to border search exception.

OVERVIEW: HOLDINGS: [1]-Warrantless forensic searches of defendant's devices in May of 2015 lacked the requisite nexus to the recognized historic rationales justifying the border search exception to the warrant requirement because agents had probable cause to suspect that defendant had previously committed grave domestic crimes, but these suspicions were entirely unmoored from the sovereign interests applicable to the border search exception; [2]-Where a search at the border was so intrusive as to require some level of individualized suspicion, the object of that suspicion had to bear some nexus to the purposes of the border search exception in order for the exception to apply. The warrantless, nonroutine forensic searches violated the Fourth Amendment; [3]-Given the uniform body of precedent that permitted warrantless searches at the border in May of 2015, the good-faith exception applied.

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Defendant - Appellant
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
2020 U.S. App. LEXIS 5588
No. 17-4109
February 24, 2020, Filed

Editorial Information: Prior History

{2020 U.S. App. LEXIS 1}(1:15-cr-00462-JKB-2).United States v. Aigbekean, 943 F.3d 713, 2019 U.S. App. LEXIS 34659 (4th Cir. Md., Nov. 21, 2019)

Counsel For United States of America, Plaintiff - Appellee: Ayn Brigoli Ducao, Robert K. Hur, U. S. Attorney, Matthew James Maddox, Assistant U. S. Attorney, Jason Daniel Medinger, Assistant U. S. Attorney, Office of The United States Attorney, Baltimore, MD.

For Raymond Idemudia Aigbekean, Defendant - Appellant: Raymond Idemudia Aigbekean, Fci Fort Dix, Federal Correctional Institution, Joint Base MDL, NJ.

Judges: panel: Judge Motz, Judge Wynn, and Judge Richardson.

Opinion

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Motz, Judge Wynn, and Judge Richardson.

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OUTCOME: The judgment of the district court was affirmed.

LexisNexis Headnotes

Constitutional Law > Bill of Rights > Fundamental Rights > Search & Seizure
Criminal Law & Procedure > Appeals > Reviewability

When a Fourth Amendment case presents a novel question of law whose resolution is necessary to guide future action by law enforcement officers and magistrates, there is sufficient reason for a court to decide the violation issue before turning to the good-faith question.

Criminal Law & Procedure > Appeals > Standards of Review > Clearly Erroneous Review > Findings of Fact

The United States Court of Appeals for the Fourth Circuit reviews a district court's legal conclusions *de novo* and its factual findings for clear error, considering the record evidence in the light most favorable to the Government. When the Government conducted the challenged searches without warrants, it bears the burden of proving, by a preponderance of the evidence, that an exception to the warrant requirement applies.

FILED: February 24, 2020

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No. 17-4109
(1:15-cr-00462-JKB-2)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RAYMOND IDEMUDIA AIGBEKAEN

Defendant - Appellant

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Motz, Judge Wynn, and Judge Richardson.

For the Court

/s/ Patricia S. Connor, Clerk

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Clerk's Office.**