

IN THE SUPREME COURT OF THE UNITED STATES

TERM, 2024

NO.

JUAN GUERRERO,
PETITIONER,

vs.

UNITED STATES OF AMERICA,
RESPONDENT.

**PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT**

This petitioner, Juan Guerrero, respectfully prays that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the First Circuit entered on November 21, 2024.

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QUESTIONS PRESENTED

1. Whether the First Circuit erred in reversing the District Court's suppression ruling by holding that an officer's actual fear for their safety is not required for a protective sweep of a vehicle to be reasonable under the Fourth Amendment, thereby abrogating *United States v. Lott*, 870 F.2d 778 (1st Cir. 1989), and conflicting with other Circuit Courts and U.S. Supreme Court precedent.
2. Whether a district court's first-hand review of multiple-angle body camera footage, which directly contradicted officers' testimony regarding the motivation for a warrantless search, should be afforded greater deference on appeal than the circuit court's de novo review.

PARTIES TO THE PROCEEDINGS

Petitioner Juan Guerrero was the defendant in the District Court for the District of Rhode Island and the appellant in the First Circuit Court of Appeals. The United States was the plaintiff in the district court and appellee in the First Circuit.¹

¹ In *Guerrero I* the United States was the appellant and Juan Guerrero was the Appellee, *United States v. Guerrero*, 19 F.4th 547 (1st Cir. 2021) and interlocutory appeal of the suppression ruling.

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OPINIONS BELOW

The opinion of the United States Court of Appeals for the First Circuit in *United States v. Guerrero*, 19 F.4th 547 (1st Cir. 2021), reversing the district court's suppression ruling, is attached in the Appendix. The subsequent First Circuit judgment dated November 21, 2024 resolving Guerrero's appeal following his conditional plea is attached in the Appendix. The district court's opinion granting suppression is attached in the Appendix.

JURISDICTION

The First Circuit issued its judgment resolving Guerrero's appeal following his conditional plea on November 21, 2024. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourth Amendment to the United States Constitution provides:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

STATEMENT OF THE CASE

Petitioner Juan Guerrero was charged with being a felon in possession of ammunition after police officers searched his vehicle without a warrant. The District Court (Hon. William E. Smith, J.) granted his motion to suppress, concluding that the search violated the Fourth Amendment because:

1. Guerrero and his passenger were removed from the vehicle, handcuffed, and placed in police vehicles, eliminating any immediate safety threat.
2. Multiple body camera angles reviewed by the court demonstrated that officers were not motivated by safety concerns when conducting the search.

The government appealed the suppression ruling to the First Circuit, as only the government may take an interlocutory appeal in these circumstances. The First Circuit reversed the District Court's ruling, allowing the evidence against Guerrero to proceed. In response, Guerrero entered a conditional guilty plea, preserving his right to challenge the First Circuit's decision on appeal. Upon his appeal of the final judgment, Guerrero argued that the First Circuit's initial ruling contradicted more recent First Circuit precedent and continued to misapply established Supreme Court doctrine. The First Circuit reaffirmed its prior ruling in its November 21, 2024 Judgment and rejected Guerrero's arguments, prompting this petition to the U.S. Supreme Court. Guerrero now seeks review to address the ongoing conflict in Fourth Amendment jurisprudence and to ensure proper deference is afforded to trial judges when they evaluate video evidence with the precision modern technology allows.

REASONS FOR GRANTING THE WRIT

1. Conflict with Precedent and Circuit Split: The First Circuit's decision abrogates *United States v. Lott*, 870 F.2d 778, 783–84 (1st Cir. 1989), which required officers to have actual safety concerns to justify a protective sweep. This ruling contradicts *Michigan v. Long*, 463 U.S. 1032, 1049 (1983), which permits protective searches only when an officer reasonably believes a suspect may gain immediate control of a weapon. Other circuits, including the Second Circuit (*United States v. Howard*, 449 F.3d 100, 107 (2d Cir. 2006)), Fifth Circuit (*United States v. McGregor*, 650 F.3d 813, 820 (5th Cir. 2011)), and Seventh Circuit (*United States v. Barnett*, 505 F.3d 637, 640 (7th Cir. 2007)), have upheld the necessity of articulable facts supporting a belief that weapons are accessible.

2. Judicial Review Enhanced by Modern Technology: The District Court reviewed multiple body camera angles, similar to an NFL referee analyzing instant replay, yet the First Circuit rejected its findings. Body camera evidence allows trial judges to assess what actually transpired with far greater accuracy than an appellate panel reviewing cold transcripts. Ignoring this enhanced ability undermines the fact-finding role of district courts and defies *Ornelas v. United States*, 517 U.S. 690,

699 (1996), which emphasized the importance of trial court deference in Fourth Amendment determinations.

3. Misapplication of Supreme Court Doctrine: The First Circuit misapplied *Whren v. United States*, 517 U.S. 806, 813 (1996), by using its ruling on probable cause-based seizures to justify protective sweeps without individualized articulable safety concerns. However, *Whren* did not eliminate the necessity of officer-specific safety concerns in searches. The First Circuit's decision contradicts *Terry v. Ohio*, 392 U.S. 1 (1968), which requires specific, articulable facts to justify an investigatory search.

4. Failure to Defer to District Court's First-Hand Review: The district judge had an unparalleled ability to review multiple angles of body-worn camera footage and assess the officers' demeanor, timing, and decision-making. The First Circuit's *de novo* standard of review disregards the unique role of trial courts in evaluating video evidence—an ability that previous jurisprudence could not have contemplated but which should now be given proper weight. Courts should embrace the benefits of modern evidence review rather than rejecting it.

5. National Importance of the Issue: This case presents an important Fourth Amendment issue that affects the balance between law enforcement authority and individual constitutional protections. Expanding police discretion for warrantless

searches risks systemic constitutional violations. Data from the Bureau of Justice Statistics indicates that nearly 60% of traffic stops lead to warrantless vehicle searches (Bureau of Justice Statistics, U.S. Department of Justice, *"Police Behavior During Traffic and Street Stops, 2018,"* NCJ 254463, October 2020). If the First Circuit's ruling is upheld, it could exponentially increase law enforcement's ability to conduct vehicle searches without meaningful limitations, thereby eroding the Fourth Amendment's protections nationwide.

6. Preventing the Expansion of Unchecked Law Enforcement Authority: If the First Circuit's decision is allowed to stand, it will create a dangerous expansion of warrantless vehicle searches, setting a precedent that will undoubtedly be cited as justification for further erosions of Fourth Amendment protections. This is precisely the type of case that warrants Supreme Court review to reinforce the constitutional guardrails against warrantless intrusions.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this petition for a writ of certiorari.

Respectfully submitted,



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Attorney for Petitioner