No. 24-7014

IN THE SUPREME COURT OF THE UNITED STATES

SCOTT ANTHONY WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether the court of appeals permissibly relied on an alternative ground of exigent circumstances, which the government had raised in the district court and which the court of appeals found to be supported by the record, to affirm the denial of petitioner's suppression motion.

2. Whether the court of appeals permissibly declined to remand for the district court to revise petitioner's sentence based on a retroactive amendment to the Sentencing Guidelines, where the amendment postdated the sentence and could independently be raised in the district court as a basis for a post-judgment sentence reduction under 18 U.S.C. 3582(c)(2).

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OPINION BELOW

The opinion of the court of appeals (Pet. App. A1-A17) is reported at 130 F.4th 177.

JURISDICTION

The judgment of the court of appeals was entered on March 4, 2025. The petition for a writ of certiorari was filed on April 14, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a jury trial in the United States District Court for the District of Maryland, petitioner was convicted of

conspiracy to distribute cocaine and marijuana, in violation of 21 U.S.C. 846; possessing cocaine and marijuana with intent to distribute, in violation of 21 U.S.C. 841(a); possessing 500 grams or more of methamphetamine with intent to distribute, in violation of 21 U.S.C. 841(a); and conspiring to conceal or destroy evidence, in violation of 18 U.S.C. 1512(k). See C.A. App. 2486-2493. He was sentenced to 276 months of imprisonment, to be followed by five years of supervised release. Id. at 2573-2576. The court of appeals affirmed. Pet. App. A1-A17.

1. Petitioner and his son Taeyan operated a large-scale drug distribution enterprise selling drugs to college students. Pet. App. A3. Noah Smothers was the primary drug supplier to petitioner and his son. Ibid. When Smothers disappeared, state officers investigating his disappearance suspected that petitioner and his son might have kidnapped and murdered Smothers to obtain his marijuana. Id. at A3-A4; Gov't C.A. Br. 6. The officers obtained a state search warrant to search petitioner's residence in Maryland for Smothers, his remains, or his personal property. Pet. App. A4.

The warrant affidavit explained that the officers were investigating the sudden disappearance of Smothers, who disappeared after he had accessed a storage facility where he kept large quantities of marijuana. C.A. App. 58. It recounted that Smothers's parents had told investigators that Smothers was

supposed to meet "Tae" and "Tae's" uncle before he disappeared. Id. at 58-59. It also reported that on the night of Smothers's disappearance, a car rented by petitioner was observed following Smothers's vehicle into a parking lot in Baltimore, sometime after Smothers's alleged last contact with petitioner and his son. Ibid.

According to the affidavit, someone from that car had entered Smothers's storage facility and stolen drugs from it. C.A. App. 58. The affidavit stated that officers had later located Smothers's own car and found a large amount of blood in it. Id. at 59-60. Smothers's car appeared to have been wiped down in an attempt to conceal the blood. Id. at 59. The affidavit also noted that a private investigator hired by Smothers's family contacted Taeyan about Smothers's disappearance, but Taeyan denied knowing Smothers. Id. at 60. And the affidavit explained that the last known "ping" of Smothers's cell phone showed GPS coordinates near petitioner's residence. Ibid.

On June 6, 2018, state police officers executed the search warrant at petitioner's residence. Gov't C.A. Br. 6; Pet. App. A4. Smothers's body was never found, but agents discovered $213,000, four firearms, 72.93 pounds of marijuana, 245.83 grams of cocaine, 546.93 grams of methamphetamine, and a drug ledger found under the mattress in petitioner's room. Pet. App. A4. In a closet outside the basement bedroom, officers discovered a pistol

on a shelf, along with a large bag of methamphetamine pills and 16 bags of marijuana. Gov't C.A. Br. at 7.

Petitioner was arrested on the scene, and subsequently charged with a variety of offenses relating to drug distribution, kidnapping with death resulting, and obstruction of justice. See Gov't C.A. Br. 7-8.

2. Petitioner filed a pretrial motion to suppress the evidence seized from his residence. Pet. App. A8. Petitioner argued, among other things, that the state officers had entered his residence without first knocking and announcing their presence, in violation of the Fourth Amendment and 18 U.S.C. 3109. See ibid.; see also 18 U.S.C. 3109 (allowing an officer authorized to execute a search warrant to "break open any outer or inner door or window of a house, or any part of a house, or anything therein, * * * if, after notice of his authority and purpose, he is refused admittance"). The government agreed that the police officers did not knock and announce before entry, but the government maintained that exigent circumstances nonetheless permitted a no-knock entry, and also, in the alternative, that suppression is not a remedy for a knock-and-announce violation under either the Fourth Amendment or Section 3109. C.A. App. 122-127.

The district court denied petitioner's motion. Pet. App. A9; C.A. App. 129-130. The court observed that under Hudson v. Michigan, 547 U.S. 586 (2006), violations of the Fourth Amendment's

knock-and-announce rule do not require suppression of the evidence obtained during the search. See Pet. App. B1. And the court reasoned that the same outcome was appropriate under 18 U.S.C. 3109, which incorporates the same background principles, and warrants the same remedies. See id. at B2 n.1. The court did not address the government's exigent-circumstances argument.

3. A jury found petitioner guilty of conspiring to distribute cocaine and marijuana, possessing cocaine and marijuana with intent to distribute, possessing 500 grams or more of methamphetamine with intent to distribute, and conspiring to conceal or destroy evidence. C.A. App. 2486-2493. The jury found him not guilty of the remaining charges, including offenses charging the death-results kidnapping of Smothers, plus the use of a firearm in furtherance of a crime of violence or drug-trafficking crime. Ibid.

On August 22, 2023, the district court sentenced petitioner to 276 months of imprisonment, to be followed by five years of supervised release. C.A. App. 2494, 2566. On November 1, 2023, more than two months after petitioner was sentenced, the Sentencing Commission promulgated Sentencing Guidelines § 4C1.1(a), Adjustment for Certain Zero-Point Offenders, which permits a sentencing court to decrease the defendant's offense level by two levels if certain conditions are met. See United States Sentencing Commission, Amendment 821. Also on November 1, 2023, the

Sentencing Commission proposed to apply Sentencing Guidelines § 4C1.1(a) retroactively to sentencing hearings before November 1, 2023, effective on February 1, 2024. See United States Sentencing Commission, Amendment 825.

4. On appeal, petitioner did not renew his claim that the officers' no-knock entry of his residence violated the Fourth Amendment, but did renew his claim that the entry violated 18 U.S.C. 3109. Pet. App. A9. The government continued to maintain, as it had in the district court, that Section 3109, like the Fourth Amendment, does not provide a suppression remedy for a no-knock violation. Gov't C.A. Br. at 21. The government also continued to maintain, as it had in the district court, that the record established the no-knock entry was justified by exigent circumstances, and it observed that the court of appeals could affirm on that alternative ground. Id. at 19-21.

Petitioner separately argued that the court of appeals should remand the case to the district court for it to consider resentencing him in light of Guidelines § 4C1.1(a). Pet. App. A12-A13. The government argued a remand would be inappropriate because the district court had properly applied the Sentencing Guidelines at the time of petitioner's sentencing, and that any relief should instead come through a motion in the district court under 18 U.S.C. 3582(c)(2), which permits a defendant to move for

a reduced sentence where his Guidelines range "has subsequently been lowered by the Sentencing Commission." Gov't C.A. Br. 27-29.

The court of appeals affirmed. Pet. App. A1-A17. The court of appeals observed that it is "not limited to the district court's reasoning" and may "affirm on any ground supported by the record." Id. at A9-A10. It accordingly declined to address whether suppression is a remedy for a knock-and-announce violation under Section 3109, and instead found that the no-knock entry into petitioner's residence was justified by exigent circumstances. Id. at A10-A11. The court found "the need for law enforcement to pursue Smothers' potential kidnappers and prevent the potential destruction of a large amount of stolen drugs" was more than enough to "establish[] exigent circumstances." Id. at A12. And because "[t]here was no violation" of Section 3019 "to begin with," the court had no need to address the remedy for a violation. Ibid.

The court of appeals separately rejected petitioner's argument that it should use its discretionary authority to remand the case to the district court under 28 U.S.C. 2106, to consider the impact of Guidelines § 4C1.1(a) on his sentence. Pet. App. A12-A14; see 28 U.S.C. 2106 ("The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such

further proceedings to be had as may be just under the circumstances."). The court observed that the district court properly applied the Guidelines in effect at the time of petitioner's sentencing, and that post-sentencing Guidelines amendments do not make a pre-amendment sentence unreasonable. Id. at A13. And it explained that "we need not remand for [petitioner] to pursue relief in the district court; he can seek relief on his own." Ibid. Specifically, the court of appeals observed that petitioner could "seek [the] benefit" of the Guidelines amendment "by moving for a sentence reduction 18 U.S.C. 3582(c)(2)," which would "allow the district court to assess in the first instance whether and how the amendment may impact [petitioner's] sentence." Ibid.

ARGUMENT

Petitioner contends that the court of appeals erred in affirming the district court's denial of his suppression motion on an alternative ground (Pet. 4-9), and also that the court of appeals was obligated to remand for application of the retroactive amendment to Sentencing Guidelines § 4C1.1 (Pet. 10-16). Those contentions lack merit and do not warrant this Court's review.

1. The court of appeals' factbound decision to affirm on an alternative ground was consistent with the longstanding practice of this Court and every court of appeals. This Court has frequently made clear that it reviews judgments, and that a

prevailing party may defend a "judgment on any ground properly raised below whether or not [it] was relied upon, rejected, or even considered." 14 Penn Plaza LLC v. Pyett, 556 U.S. 247, 273 (2009); see also, e.g., United States v. Tinklenberg, 563 U.S. 647, 661 (2011); Washington v. Confederated Bands and Tribes of Yakima Nation, 439 U.S. 463, 476 n.20 (1979). So long as the existing record is adequate to decide the issue, a remand for further development is not required. See, e.g., Thigpen v. Roberts, 468 U.S. 27, 32-33 (1984).

Following this Court's example, the courts of appeals uniformly follow an approach under which they regularly affirm district court judgments based on alternative grounds. See, e.g., United States v. George, 886 F.3d 31, 39 (1st Cir. 2018); United States v. Flores-Granados, 783 F.3d 487, 491 (4th Cir.), cert. denied, 577 U.S. 893 (2015); In re Pilgrim's Pride Corp. 706 F.3d 636, 640 (5th Cir. 2013); United States v. Harden, 893 F.3d 434, 451 (7th Cir.), cert. denied, 586 U.S. 951 (2018).

The court of appeals permissibly followed that approach here. Even though the district court did not address the government's exigent-circumstances argument, the government raised that argument in the district court; supported that argument with undisputed evidence from the search warrant affidavit about the then-understood state of the facts; and pressed that argument as an alternative basis for affirmance before the court of appeals.

See Gov't. C.A. Br. at 19-21. The court of appeals was therefore well within its discretion to affirm the district court's denial of petitioner's suppression motion on that alternative ground.

The court of appeals' decision does not conflict with any case from this Court or another court of appeals. Petitioner's suggestion (Pet. 7-9) of a circuit conflict relies on decisions in which an appellate court declined to review an exigent-circumstances argument not passed on below. But declining to address an argument is not the same as disclaiming the authority to do so. While the Fifth and Tenth Circuit decisions that petitioner cites presented circumstances in which further factual development in the district court was deemed to be required, nothing in either decision would preclude reliance on the undisputed record, including the warrant affidavit, in this case. See United States v. Beene, 818 F.3d 157, 159-160, 163-165 (5th Cir.) (warrantless search of a vehicle), cert. denied, 580 U.S. 580 (2016); United States v. Maez, 872 F.2d 1444, 1452 (10th Cir. 1989) (warrantless search of home). And the decisions he cites from this Court were either similar to those, see Murray v. United States, 487 U.S. 533, 543 (1988) (ordering remand where court of appeals' ruling not "supported by adequate findings" from existing factual record), or instances where this Court declined to reach an argument on the ground that it was not raised below, see Wilson

v. Arkansas, 514 U.S. 927, 937 (1995); Steagald v. United States, 451 U.S. 204, 209-210 (1981).

In any event, this case would be a poor vehicle to address the first question presented, because the officers' execution of the search warrant provides no basis for suppressing the evidence that they found. First, petitioner identifies no sound reason why the circumstances would have obviated a readily apparent concern about harm, concealment, or removal of Smothers if he were indeed petitioner's captive, or the destruction of drugs that the officers had probable cause to believe were present, had they knocked at the door and waited to be admitted. See Pet. App. A11-A12. Second, even if the officers were required to knock and announce, the same principles that foreclose a suppression remedy under the Fourth Amendment, see Hudson, 547 U.S. at 591-599, would apply to 18 U.S.C. 3109, which has similar roots, see United States v. Banks, 540 U.S. 31, 42 (2003); United States v. Ramirez, 523 U.S. 65, 73 (1998). Indeed, every court of appeals to address the issue has recognized as much. See United States v. Bruno, 487 F.3d 304, 306 (5th Cir.), cert. denied, 552 U.S. 936 (2007); United States v. Acosta, 502 F.3d 54, 61 (2007), cert. denied, 552 U.S. 1154 (2008); United States v. Southerland, 466 F.3d 1083, 1085-1086 (D.C. Cir. 2006), cert. denied, 549 U.S. 1241 (2007).

2. The court of appeals' decision not to remand for consideration of a Sentencing Guidelines amendment that was not in

effect at the time of petitioner's sentence likewise does not warrant this Court's review. Sentencing courts must apply the version of the Guidelines in effect at the time of sentencing. See 18 U.S.C. 3553(a)(4)(A)(ii); Sentencing Guidelines § 1B1.11(a); e.g., United States v. Descent, 292 F.3d 703, 707 (11th Cir. 2002), cert. denied, 537 U.S. 1132 (2003) (per curiam). Guidelines § 4C1.1 did not exist when petitioner was sentenced; instead, it was adopted after, and given retroactive effect. The district court thus did not commit any error when it initially sentenced petitioner. And even assuming the court of appeals' general remedial authority under 28 U.S.C. 2106 encompasses a remand on direct appeal for the district court to consider whether to apply the revised Sentencing Guideline, nothing would obligate the court of appeals to take that course.

Instead, as the court of appeals recognized (Pet. App. A13), petitioner can file a motion under 18 U.S.C. 3582(c)(2), which allows a defendant to directly move the district court to "reduce the term of imprisonment" when he was "sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." Petitioner suggests (Pet. 15-16) a remand is preferable to a Section 3582(c)(2) motion, because the right to counsel does not apply in Section 3582(c)(2) proceedings. But that is not a sound reason why a defendant on whom a sentence has been imposed would invariably be entitled to

a remand, rather than the normal Section 3582(c)(2) proceeding that Congress has provided for ameliorating a final sentence based on a retroactive Sentencing Guidelines amendment, based simply on the happenstance that the amendment was enacted while his case was on appeal.

Although petitioner identifies (Pet. 12-14) some decisions by some courts of appeals that have chosen to remand rather than require the defendant to file a separate Section 3582(c)(2) motion, none holds that a remand is invariably necessary.* And any procedural differences would not create a conflict in need of this Court's resolution. Courts of appeals have broad powers to adopt procedural practices governing the management of litigation. See Thomas v. Arn, 474 U.S. 140, 146-147 (1985); see also Joseph v. United States, 574 U.S. 1038, 1038-1041 (2014) (statement of Kagan, J., with whom Ginsburg, J., and Breyer, J. join, respecting the

* See United States v. Claybron, 88 F.4th 1226, 1230-1231 (7th Cir. 2023) (invoking "discretionary authority" under Section 2106); United States v. Jackson, 678 F.3d 442, 443-446 (6th Cir. 2012) (similarly noting exercise of "discretion"); United States v. Whiting, 522 F.3d 845, 851-853 (8th Cir. 2008) (explaining remand "may" be an available option); United States v. Vazquez, 53 F.3d 1216, 1228 (11th Cir. 1995) (finding it "unnecessary" to have defendant take "additional step" of filing motion); United States v. Marcello, 13 F.3d 752, 756-757 761 (3d Cir. 1994) (remanding without considering issue); United States v. Carter, 981 F.2d 645, 648-649 (2d Cir. 1992) (remanding where government did "not oppose"); United States v. Wales, 977 F.2d 1323, 1328 n.3 (9th Cir. 1992) (declining to "force" defendant to take "additional step"); United States v. Connell, 960 F.2d 191, 197-198 (1st Cir. 1992) (similar).

denial of certiorari). So long as a defendant retains a path to pursue substantive relief -- as petitioner does here, see Pet. App. A13 -- it is appropriate for the appellate courts to adopt different procedural means for reaching those substantive ends.

In all events, this case would be a poor vehicle to address the second question presented, because petitioner would not be entitled to any relief under Guidelines § 4C1.1(a) in the first place. In this case, petitioner received a sentencing enhancement under Sentencing Guidelines § 2D1.1(b)(1) for possessing a firearm "in connection" with his offense. C.A. App. 2532-2533. The text of that enhancement mirrors the text of an exclusion in Sentencing Guidelines § 4C1.1(a)(7), which states that a defendant is ineligible for § 4C1.1(a)'s two-level reduction if he "possess[ed]" a "firearm * * * in connection with the offense." Given that overlap, every court of appeals to address the issue has held that if a defendant received a firearm enhancement under Guidelines § 2D1.1(b)(1), he is ordinarily ineligible for a reduction under Guidelines § 4C1.1(a)(7). See, e.g., United States v. Utnick, 2025 WL 1157025 *2-*3 (11th Cir. 2025) (per curiam); United States v. Olivares, 2025 WL 1135015 *1 (5th Cir. 2025) (per curiam); United States v. Bernal-Salazar, 2024 WL 4603965, at *3 (10th Cir. 2024).

Petitioner suggests (Pet. 10 n.4) that his original enhancement under Guidelines § 2D1.1(b)(1) is no longer valid,

because the Guidelines have since added § 1B1.3(c), which prohibits district courts from considering "acquitted conduct," and here, the jury found petitioner not guilty of possessing a firearm "in furtherance" of a drug trafficking crime. 18 U.S.C. 924(c). But as the district court observed (C.A. App. 2532-2533), petitioner's enhancement for possessing a firearm "in connection" with an offense has a broader scope from what was required for the jury to find him guilty of a charge under 18 U.S.C. 924(c), which required proof that the firearm was used "in furtherance" of a predicate crime. Thus, "even under the same standard of proof," "finding the enhancement is not inconsistent with the jury verdict." C.A. App. 2533. And in turn, petitioner would be ineligible on remand for any of the relief he seeks.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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