

IN THE SUPREME COURT OF THE UNITED STATES

DUSTIN SHANE SANDIFORD, PETITIONER

v.

UNITED STATES OF AMERICA

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

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTION PRESENTED

Whether petitioner's unconditional guilty plea relinquished his right to claim on appeal that the district court erred in denying his motion to suppress evidence.

ADDITIONAL RELATED PROCEEDINGS

United States District Court (M.D. Fla.):

United States v. Sandiford, No. 21-cr-1 (Sept. 18, 2023)

United States Court of Appeals (11th Cir.):

United States v. Sandiford, No. 23-13131 (July 1, 2025)

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No. 25-6562

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. A1-A19) is available at 2025 WL 1808182. The order of the district court (Pet. App. G1-G3) is available at 2021 WL 2688715. The report and recommendation of the magistrate judge (Pet. App. E1-E7) is available at 2021 WL 2689773.

JURISDICTION

The judgment of the court of appeals (Pet. App. D1-D2) was entered on July 1, 2025. A petition for rehearing was denied on October 23, 2025 (Pet. App. C1-C2). The petition for a writ of

certiorari was filed on January 8, 2026. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a guilty plea in the United States District Court for the Middle District of Florida, petitioner was convicted of producing child pornography, in violation of 18 U.S.C. 2251(a) and (e) and 2. Judgment 1. The district court sentenced petitioner to 360 months of imprisonment, to be followed by ten years of supervised release. Judgment 2-3. The court of appeals affirmed. Pet. App. A1-A19.

1. In 2020, FBI agents executed a search warrant for petitioner's cellphone. Presentence Investigation Report (PSR) ¶ 14. The warrant authorized forensic examination of the cellphone to identify electronically stored information, including "any and all computer software, including programs to run . . . applications . . . including, but not limited to . . . software, that may be or are used to: visually depict child pornography or child erotica." Gov't C.A. Br. 4 (quoting D. Ct. Doc. 39-1, at 29 (Apr. 20, 2021)) (brackets omitted). The agents located petitioner at his workplace and seized the cellphone from his person. PSR ¶ 14.

Installed on petitioner's cellphone was an application called "Mega," which is a cloud storage and file-hosting service. PSR ¶ 15. Agents reviewed the files in petitioner's Mega account and discovered that most of the 137 gigabytes of data consisted of videos and images of child pornography. PSR ¶ 16. During the

investigation, agents further learned that another individual, Ashley Hilligoss, had produced a sexually explicit image of a four-year-old female relative and sent the image to petitioner. Gov't C.A. Br. 3; see PSR ¶¶ 18, 21. Review of petitioner's Mega account revealed several photographs of Hilligoss's minor female relative that focused on the minor's genitalia, as well as a screenshot showing that petitioner had sent Hilligoss a video of himself masturbating to one of the sexually explicit photographs of the minor. Gov't C.A. Br. 3-4; PSR ¶¶ 21-22. In total, agents recovered more than 8500 videos and more than 60,000 images of child pornography stored by petitioner using Mega. Gov't C.A. Br. 4.

2. A grand jury in the Middle District of Florida charged petitioner with one count of possessing child pornography, in violation of 18 U.S.C. 2252A(a) (5) (B) and (b) (2); one count of producing child pornography, in violation of 18 U.S.C. 2251(a) and (e) and 2; and one count of receiving child pornography, in violation of 18 U.S.C. 2252A(a) (2) and (b) (1). Superseding Indictment 1-3.

a. Petitioner moved to suppress the evidence obtained from his cellphone, arguing that the agents exceeded the scope of the search warrant because they seized him at his workplace rather than at his residence. D. Ct. Doc. 37, at 2-4 (Apr. 6, 2021). In a subsequent filing that the magistrate judge construed as a reply, petitioner raised additional arguments, including that the search

warrant was not sufficiently particularized. D. Ct. Doc. 40, at 9 (Apr. 26, 2021); see Pet. App. E1 n.2.

Following a hearing, the magistrate judge issued a report and recommendation that recommended denial of petitioner's motion to suppress. Pet. App. E1-E7. The district court adopted the report and recommendation and denied the motion. Id. at G1-G3. The court found that the cellphone seized by the agents met the description provided in the warrant because it had a unique call number and was in petitioner's possession. Id. at E5. The court also rejected petitioner's contention -- raised for the first time at the motion hearing -- that the warrant did not authorize the search of the Mega application, finding that the warrant "broadly covered the search of applications that inter alia may be used to display, distribute, or access child pornography." Id. at E5-E6; see id. at G2.

b. Petitioner then pleaded guilty, pursuant to a written plea agreement, to the count in the superseding indictment charging him with producing child pornography, in violation of 18 U.S.C. 2251(a) and (e) and 2. Plea Agreement 1; Pet. App. A2. As part of the plea agreement, the United States agreed to dismiss the two other charges. Plea Agreement 3. And the United States Attorney's Office for the Middle District of Florida agreed that it would not prosecute petitioner for other "offenses known to the United States Attorney's office at the time of the execution of this agreement, related to the conduct giving rise to this plea agreement." Ibid.

The plea agreement provided that petitioner "is pleading guilty freely and voluntarily," with "understanding of the nature of the offense or offenses to which [he] is pleading guilty and the elements thereof, including the penalties provided by law." Plea Agreement 15. It also provided that petitioner "understands that [he] has the right to plead not guilty" and to assert various rights at trial, "but, by pleading guilty, [petitioner] waives or gives up those rights and there will be no trial." Id. at 15-16. Both petitioner and his counsel signed the agreement. Id. at 17.

At the plea hearing, the magistrate judge engaged in a colloquy pursuant to Federal Rule of Criminal Procedure 11. See Plea Tr. 2-23. Petitioner swore to tell the truth and stated that he understood the proceedings. Id. at 2-5. The court advised petitioner of rights that he relinquished by pleading guilty, including trial rights. Id. at 6-7. Among other things, the magistrate judge explained to petitioner: "You might have defenses to the charge against you, but if you plead guilty you'll waive and give up your right to assert those defenses." Id. at 7. The magistrate judge further advised petitioner: "You also waive and give up your right to challenge the way that the government obtained the evidence it has against you, including any statements or confessions you may have made. And by pleading guilty you may lose the right to challenge on appeal rulings the Court has made in your case." Ibid.

Petitioner confirmed that he understood those consequences of his guilty plea. Plea Tr. 7-8. Petitioner also acknowledged that he understood the charge against him, the elements of the offense, and the potential penalties. Id. at 12. Petitioner confirmed that he had reviewed the plea agreement with his attorney, that he had no questions about the agreement, and that he had signed the agreement. Id. at 15. The magistrate judge reviewed several provisions of the agreement, and petitioner affirmed that he understood those provisions. Id. at 15-18. And after the magistrate judge had gone over the terms of the plea agreement, petitioner entered his guilty plea to the single agreed-upon count out of the three charged. Id. at 18-20.

Petitioner confirmed that he was "freely and voluntarily" pleading guilty, Plea Tr. 20, and that he had told the truth throughout the hearing, id. at 21. The magistrate judge found that petitioner was "alert and intelligent," that he understood the nature of the charge and possible penalties, and that he "appreciate[d] the consequences of pleading guilty." Id. at 22. The magistrate judge further found that there was a factual basis for the plea; that petitioner's decision to plead guilty was "freely, voluntarily, knowingly, and intelligently made"; and that petitioner had had the advice and counsel of a competent attorney. Ibid. Petitioner agreed with those findings. Ibid.

The district court adopted the magistrate judge's report and recommendation concerning petitioner's guilty plea and accepted

the plea, finding that petitioner “knowingly, intelligently and voluntarily entered a plea of guilty.” D. Ct. Doc. 103, at 1 (Oct. 4, 2021).

c. Following petitioner’s guilty plea, the district court held a sentencing hearing over several days, spread over an 18-month period. See Pet. App. A8-A13. During those proceedings, petitioner (then proceeding pro se) filed a motion for reconsideration of the denial of his motion to suppress. See id. at A12-A13. The court denied the motion for reconsideration at the sentencing hearing. Ibid. “When denying the motion, the court mentioned that [petitioner] would ‘have a chance’ to seek further review and that this issue would ‘be resolved at some point relatively early-on in [his] sentence,’” and “[t]hat will be for the appellate court.” Id. at A13 (quoting D. Ct. Doc. 284, at 50-51 (Sept. 12, 2023)) (second set of brackets in original). Petitioner “then began to discuss how he would be able to challenge the denial of his motion to suppress on appeal even though he pleaded guilty because he did not believe that he had waived his right to appeal this issue.” Ibid. The court interjected, “explaining, ‘I’m not going to get into that. That will be for the appellate court.’” Ibid. (quoting D. Ct. Doc. 284, at 51).

The district court sentenced petitioner to 360 months of imprisonment, to be followed by ten years of supervised release. Judgment 2-3.

3. Notwithstanding his guilty plea, petitioner appealed his conviction. The court of appeals affirmed in an unpublished per curiam opinion. Pet. App. A1-A19.

The court of appeals found that petitioner's "guilty plea, which was knowing and voluntary, waived his right" to claim on appeal that "the district court erred in denying his motion to suppress" before he pleaded guilty. Pet. App. A2. The court observed that petitioner's "plea agreement did not include language preserving [his] right to appeal the denial of the motion to suppress"; that the agreement "recited that [petitioner] 'freely and voluntarily' entered a guilty plea"; and that "[b]y signing the plea agreement, [petitioner] and his counsel certified that [petitioner] had read the plea agreement and 'fully underst[ood] its terms.'" Id. at A4-A5 (quoting Plea Agreement 15, 17) (sixth set of brackets in original).

The court of appeals also observed that at the plea hearing, the magistrate judge had "carefully reviewed the plea agreement," "reviewed the rights that [petitioner] was waiving by pleading guilty," and "warned that by pleading guilty [petitioner] was giving up his 'right to challenge the way that the government obtained the evidence it has against [him], including any statements or confessions [he] may have made,' as well as his 'right to challenge on appeal' the district court's rulings." Pet. App. A5-A6 (quoting Plea Tr. 7) (third and fourth sets of brackets in original). The court noted that when the magistrate judge had done so, petitioner

"indicated that he understood that he was waiving these rights." Id. at A6. And it found that petitioner validly "waived his right to challenge the denial of his motion to suppress when he pleaded guilty." Id. at A14.

The court of appeals rejected petitioner's contention that his plea was not knowing and voluntary because he believed that he had preserved the denial of his motion to suppress for appellate review. Pet. App. A14-A15. It emphasized that, at the plea hearing, "the magistrate judge reviewed with [petitioner] the rights that he was waiving by pleading guilty, including the right to challenge on appeal the denial of his motion to suppress," and that petitioner "indicat[ed] at [that] hearing that he understood he was waiving his right to appeal the denial of his motion to suppress." Ibid. The court further observed that while petitioner "point[ed] to isolated statements the district court made during his lengthy sentencing proceedings about the possibility of appellate review," those statements "were made after he pleaded guilty." Id. at A15. And it found that "[n]one of the statements he points to show that he believed at the time of his guilty plea that he was retaining the right to challenge the suppression issue on appeal." Ibid.

ARGUMENT

Petitioner renews his contentions that he may appeal the denial of his motion to suppress notwithstanding his unconditional guilty plea (Pet. 8-10), and that the district court erred in

denying his motion to suppress (Pet. 11-14). The court of appeals correctly rejected petitioner's first contention and therefore did not reach his second contention. Petitioner does not assert that the court's factbound and unpublished decision conflicts with any decision of another court of appeals. Further review is unwarranted.

1. The court of appeals correctly found that petitioner's guilty plea relinquished his right to challenge on appeal the district court's denial of his motion to suppress.

a. A "valid guilty plea 'forgoes not only a fair trial, but also other accompanying constitutional guarantees.'" Class v. United States, 583 U.S. 174, 182 (2018) (quoting United States v. Ruiz, 536 U.S. 622, 628-629 (2002)). The plea "renders irrelevant -- and thereby prevents the defendant from appealing -- the constitutionality of case-related government conduct that takes place before the plea is entered." Ibid.

In particular, "when a defendant is convicted pursuant to his guilty plea rather than a trial, the validity of that conviction cannot be affected by an alleged Fourth Amendment violation because the conviction does not rest in any way on evidence that may have been improperly seized." Haring v. Prosise, 462 U.S. 306, 321 (1983); see Class, 583 U.S. at 182 (citing Haring). "Because the defendant has admitted the charges against him," his plea renders any such "case-related constitutional defects that occurred prior to the entry of the guilty plea * * * irrelevant to the

constitutional validity of the conviction.” Class, 583 U.S. at 181 (citations and internal quotation marks omitted).

To be valid, a “guilty plea must be voluntary and related waivers must be made knowingly, intelligently, and with sufficient awareness of the relevant circumstances and likely consequences.” Class, 583 U.S. at 177 (quoting Ruiz, 536 U.S. at 629) (brackets and internal quotation marks omitted). But that standard “does not require complete knowledge of the relevant circumstances, but permits a court to accept a guilty plea, with its accompanying waiver of various constitutional rights, despite various forms of misapprehension under which a defendant might labor.” Ruiz, 536 U.S. at 630. As the Court has made clear, “conscious waiver * * * with respect to each potential defense relinquished by a plea of guilty” is “not required.” United States v. Broce, 488 U.S. 563, 573 (1989). “Relinquishment derives not from any inquiry into a defendant’s subjective understanding of the range of potential defenses, but from the admissions necessarily made upon entry of a voluntary plea of guilty.” Id. at 573-574; see Ruiz, 536 U.S. at 630-631 (collecting cases upholding guilty pleas notwithstanding defendants’ misapprehensions of various issues).

b. The court of appeals correctly applied those principles to find that on the facts of this case, petitioner’s guilty plea barred his appeal of the district court’s order denying petitioner’s motion to suppress. The court of appeals, district court, and magistrate judge all found that petitioner’s guilty plea was

knowing and voluntary, as petitioner expressly stated both in the plea agreement and at the plea hearing. See pp. 5-9, supra. Under this Court's precedents, that alone sufficed to relinquish petitioner's challenge to his motion to suppress. And this Court is "particular[ly]" reluctant to grant review of a factbound issue "when district court and court of appeals are in agreement as to what conclusion the record requires." Kyles v. Whitley, 514 U.S. 419, 456-457 (1995) (Scalia, J., dissenting) (citing Graver Tank & Mfg. Co. v. Linde Air Prods. Co., 336 U.S. 271, 275 (1949)).

Petitioner does not appear to "question the voluntary and intelligent character of [his] plea[]" as a general matter. Broce, 488 U.S. at 574. Instead, petitioner contends only (Pet. 9) that he did not "understand the full consequences" of the plea, asserting that he believed that he retained a right to appeal the denial of his motion to suppress. But as this Court has held in precedents that petitioner does not address, a defendant need not have a "subjective understanding of the range of potential defenses" in order to enter a valid guilty plea relinquishing those defenses. Broce, 488 U.S. at 573; see Ruiz, 536 U.S. at 630-631; Tollett v. Henderson, 411 U.S. 258, 266 (1973) (facts underlying claim were "unknown to both respondent and his attorney"); Brady v. United States, 397 U.S. 742, 746, 749-758 (1970) (no requirement that defendant be aware of constitutional invalidity of statutory procedure).

Moreover, the court of appeals also correctly found on the facts of this case that petitioner did "underst[and] he was waiving his right to appeal the denial of his motion to suppress," Pet. App. A15, even though that level of "conscious waiver * * * is not required," Broce, 488 U.S. at 573. Petitioner points (Pet. 9) to the magistrate judge's statement during the plea colloquy that by pleading guilty, petitioner "may lose the right to challenge on appeal rulings the [district court] has made in your case." Plea Tr. 7 (emphasis added). But that statement was accurate because an unconditional guilty plea does not relinquish a narrow category of claims, not presented here, that "challenge the Government's power to criminalize [a defendant's] (admitted) conduct." Class, 583 U.S. at 181. As the magistrate judge specifically explained, immediately before the statement on which petitioner relies, the "right to challenge the way that the government obtained the evidence it has against you" is one of the broader category of rights that petitioner did "waive and give up" by pleading guilty. Plea Tr. 7.

Based on the full colloquy at the plea hearing, the court of appeals found that petitioner specifically understood at the time of his plea that he thereby waived his right to challenge the motion to suppress, while rejecting petitioner's reliance on "isolated statements" from another, post-plea hearing. Pet. App. A15.

That finding independently defeats petitioner's contention that he did not relinquish his claim.*

2. Because petitioner's guilty plea relinquished his right to challenge the denial of his motion to suppress, the court of appeals correctly declined to address the merits of petitioner's contention (Pet. 11-14) that the district court erred in denying that motion. This Court is "a court of review, not of first view," Cutter v. Wilkinson, 544 U.S. 709, 718 n.7 (2005), and petitioner identifies no sound reason for the Court to address his relinquished claim in the first instance. And petitioner's challenge to the district court's suppression ruling on this case's "specific facts," United States v. Johnston, 268 U.S. 220, 227 (1925), concerning a particular warrant's terms, does not warrant this Court's review. See Sup. Ct. R. 10.

* This Court granted a writ of certiorari in Hunter v. United States, No. 24-1063 (argued Mar. 3, 2026), to consider potential circumstances under which a defendant may appeal his sentence notwithstanding an appeal waiver in his plea agreement, and the effect, if any, of an alleged misstatement about the appeal waiver at sentencing. Unlike in Hunter, petitioner here "d[id] not appeal his sentence," and the court of appeals expressly did not rely on a "sentence appeal waiver" in the plea agreement. Pet. App. A6 n.3. Accordingly, it is unnecessary for the Court to hold this case pending its disposition of Hunter.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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