



FOURTH AMENDMENT · RESOURCES

United States v. Coleman: Fourth Amendment Guidance on Scope of Consent and Shared Authority

By Daigle Law Group

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United States v. Coleman: Fourth Amendment Guidance on Scope of Consent and Shared Authority

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The Seventh Circuit recently released a decision in *United States v. Coleman*. This case serves as a crucial exploration of Fourth Amendment boundaries, specifically the scope of consent and who can give it.

Summary of the Facts

On April 20, 2023, around 4:00 a.m., Marshfield Police Officer Jamie Kizer responded to a 911 domestic-violence call. A child in the home reported that Jaison Coleman had threatened to kill Lisa and that he was still inside the residence. When Officer Kizer arrived, he encountered Lisa on the front porch rather than inside, indicating to Officer Kizer that something was wrong inside the home. He began by trying to assess whether there was an immediate danger to anyone inside. Lisa responded hesitantly and evasively, indicating only that the children were in her bedroom and offering ambiguous reassurance about their safety. She stated that she hoped they were okay rather than affirming that they were safe.

As the conversation continued, Officer Kizer requested permission to enter the home so that he could check on the children himself. Lisa initially told him that she would prefer that he not come into the house. Lisa then stepped back into the house briefly to get her shoes, leaving the officer outside. When she returned to the doorway, she reported that the children were okay but still did not give Officer Kizer clear assurance that there was no danger. In response, he stated that they “almost need to come inside to make sure of that.” Lisa then opened the door wider, moved her dogs out of the way, and assured him that the dogs would not bite. She then indicated where her children were and that Coleman was likely in one of the back bedrooms.

Once inside, the officers first went to the area where Lisa said the children were and confirmed their apparent safety. They then moved toward the back of the house to find Coleman in the bedroom where Lisa said he was likely to be. When they located him, they conducted a protective pat-down to ensure he did not have a weapon on him. During this time, the officers also spoke with the children about what had happened that evening. The children reported that Coleman had brandished a firearm at Lisa, had threatened to kill her, and had threatened to burn the house down. The children also reported that they did not know where the gun was.

After securing the scene and gathering these statements, the officers did not immediately conduct an evidentiary search for firearms. Instead, they used what they had learned during the consent entry to obtain a search warrant. Upon executing the warrant, officers discovered several guns in the home.

Procedural Posture

The search led to Coleman's federal indictment as a convicted felon in possession of prohibited firearms. Coleman moved to suppress the discovery of the firearms. He argued that Lisa's consent to enter was not voluntary and that even if it was, the officers exceeded the scope of whatever consent she gave. He stated that the alleged unlawful entry tainted the subsequent warrant, rendering the firearms the fruit of a Fourth Amendment violation. The district court rejected his arguments and denied the motion to suppress, and Coleman appealed to the Seventh Circuit.

The Seventh Circuit's Ruling

On appeal, the Seventh Circuit ultimately affirmed the district court's denial of Coleman's motion to suppress. The court first looked to whether Lisa's consent to the officer's entry was voluntary. There has long been a recognized exception to the Fourth Amendment: consent to search. It has also been recognized that a defendant is not the only person who can give consent. In *United States v. Matlock*, the Supreme Court held that a third party can also give consent to search a place where the third party and the defendant both have a legitimate expectation of privacy.

Consent also must be given voluntarily and not as a result of threats, pressure, or force. Voluntariness is determined by examining the totality of the circumstances. In the Seventh Circuit, factors that determine voluntariness include, "(1) the person's age, intelligence, and education; (2) whether he was advised of his constitutional rights; (3) how long he was detained before he gave his consent; (4) whether his consent was immediate or was prompted by repeated requests by the authorities; (5) whether any physical coercion was used; and (6) whether the individual was in police custody when he gave his consent."

Here, Lisa initially declined entry. In response, Officer Kizer continued to calmly talk with her about the safety of her children and the seriousness of the threats reported in the 911 call. His body camera footage of the conversation showed an absence of threats, display of overwhelming force, or other coercive tactics. Rather, Officer Kizer's tone and demeanor reflected concern.

After the continued interaction, Lisa affirmatively agreed that the officers could come into the house. Coleman argued that Officer Kizer coerced consent by saying, "I'm sensing that we almost need to come inside to make sure [the kids are okay]." He argued that the word "need" is coercive.

The court disagreed. Since Officer Kizer was asking to enter based on concern for the safety of Lisa's children, the court found that the use of "need" conveyed urgency. Moreover, Lisa responded in the affirmative, informed the officers where the children were, and informed them that the dogs would jump but not bite. Therefore, the court concluded that the use of the word "need" was not coercive and that Lisa's consent was voluntary.

The court found that the body camera footage also demonstrated that Lisa knew she could deny consent since she originally denied Officer Kizer's request to enter. Thus, the court found that Lisa's change of mind reflected her own decision, considering concern for safety, rather than submission to coercion. Therefore, the Seventh Circuit ultimately concluded that Lisa's consent was voluntary and not coerced.

The court also addressed whether the officers stayed within the reasonable scope of Lisa's consent once they were inside the residence. In this case, the officers' purpose was to check on the welfare of Lisa's children and to confirm that Coleman did not present a danger to them or anyone else. Once inside, the officers followed Lisa's directions to where the children were, ensured the children were safe, and found Coleman in the residence. Thus, the Seventh Circuit held that these actions fell within the bounds of what Lisa had authorized and that they were closely tied to the safety-related purpose that had prompted the consent in the first place.

Because the initial entry was lawful and within the scope of valid consent, the Seventh Circuit concluded that the information gathered during that entry was not tainted by any constitutional violation. Therefore, the Seventh Circuit held that the firearms were admissible evidence, affirmed the district court's denial of the motion to suppress, and upheld Coleman's conviction.

Key Takeaways

- When a co-occupant with a legitimate privacy interest voluntarily consents to officers entering a residence, evidence discovered after entry and a subsequent warrant will generally be upheld.
- Officers should carefully document who gave consent, the circumstances demonstrating that person's authority over the premises, and the absence of coercion.
- Consent should be obtained calmly and clearly so it does not appear coerced.
- Recording consent through body-worn cameras, written forms, or clear verbal acknowledgments helps create reliable documentation.
- Officers must operate strictly within the scope of the consent provided and avoid broader exploratory searches.

- Once lawfully inside based on valid consent, observations made in plain view may help establish probable cause for a search warrant.
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United States v. Coleman, No. 24-3051 (7th Cir. 2025)

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