

United States v. Ronquillo: Tenth Circuit Affirms Conviction and Defines Curtilage in Fourth Amendment Search

Description

In the United States Court of Appeals for the Tenth Circuit, the case of *United States v. Ronquillo* recently considered officers' actions during the execution of a search warrant. The Tenth Circuit was tasked with confronting the parameters of what constitutes curtilage for purposes of defining the permissible boundaries of a Fourth Amendment search. The aftermath of a SWAT raid authorized by warrant resulted in the defendant, Ronquillo, facing charges for possession with intent to distribute. The district court denied the defendant's motion to suppress the evidence found during the raid. The defendant, dissatisfied with the outcome at the district court, challenged the court's findings and appealed to the Tenth Circuit. The Tenth Circuit affirmed, upholding Ronquillo's conviction and sentence.

The Denver Police Department (DPD) received information from a confidential informant (CI) that an individual was selling methamphetamine out of a personal residence located at 836 North Linley Court. The DPD began its investigation into the tip, and while conducting surveillance, observed several individuals coming in and out of the home, noting that all of these visits were suspiciously short, lasting only about 5-10 minutes. Utilizing the help of the CI, the DPD initiated two separate controlled drug transactions, both of which resulted in the CI entering the residence and purchasing methamphetamine. Based on this information, the DPD obtained a search warrant for the location. The specifics of the location are critical for this case, as the center of the legal debate hinged on the specifications included within the warrant.

The warrant described the place to be searched as, "836 North Linley Court, a single-family structure with green siding and trim on the east side of North Linley Court with a black metal security door with the numbers "836" to the right of the door in black." Importantly, the property at issue encompassed two structures: the main residence and a detached garage. A brick and wrought iron fence lined the property's front perimeter, and a chain link fence extended from the sides of the detached garage and lined the property's back perimeter. The detached garage stood about twenty-five feet away from the residence with a walkway connecting the two structures. The detached garage had two boarded-up windows, a door facing the backyard and the residence, and a sealed and inoperable garage door that faced the public alleyway.

In October 2018, the DPD Special Weapons and Tactics (SWAT) team executed the warrant, securing the residence, the occupants, and the backyard. At the time of the raid, the SWAT team had no visibility into the detached garage because of the boarded-up windows. The SWAT team breached the detached garage to secure the interior. In doing so, SWAT personnel found the defendant sleeping on a bed and ordered him to exit.

Complying with the SWAT officers' commands, Ronquillo stood up and quickly concealed a plastic bag into his back pocket. After exiting the detached garage, the DPD SWAT team briefly detained the defendant. The SWAT officers executed two pat-downs on the defendant, leading to the discovery of cocaine, methamphetamine, and heroin. After facing charges for possession with intent to distribute the

three substances, the defendant moved to suppress the evidence found on his person on the grounds of an illegal search. Unpersuaded, the district court denied the motion to suppress, finding that the search warrant authorized entry into the detached garage because it fell within the curtilage of the home. Facing conviction by jury, the defendant appealed, insisting that the Tenth Circuit consider the validity of the district court's denial of the motion to suppress.

The basis of Ronquillo's appeal rested on the argument that the warrant did not authorize the DPD's search of the detached garage because the warrant and supporting affidavit contained no reference to the detached structure. On appeal, the key question for the Tenth Circuit centered on whether the detached garage fell within the curtilage of the property.

The Tenth Circuit affirmed the district court's denial of the motion to suppress. The court held that the detached garage fell within the curtilage of the property being searched, and therefore, the search warrant rendered the search and entry into the garage permissible.

The Fourth Amendment requires that warrants "particularly describe the place to be searched, and the persons or things to be seized." Known as the "particularity requirement," this safeguard attempts to guarantee that any search will be carefully limited and tailored to match the specific justifications for the search. The overall question for determining curtilage asks, "whether the area in question is so intimately tied to the home itself that it should be placed under the home's umbrella of Fourth Amendment protection." The court has consistently reminded law enforcement that curtilage and the home receive the same Fourth Amendment protections because "the curtilage is the area to which extends the intimate activity associated with the 'sanctity of a man's home and the privacies of life.'" As established by the seminal decision in *United States v. Dunn*, the Supreme Court created a four-factor framework that guides our analysis for determining the curtilage of the residence.^[1] These factors include proximity of the area claimed as curtilage; whether the area is included within an enclosure surrounding the home; the way in which the area is typically used; and the steps taken by the resident to protect the area from observation by people passing by.

The court's opinion emphasized an important principle: police may search a detached structure not directly referenced in a warrant if the curtilage contains the detached structure. Courts have consistently held that a search warrant authorizing a search of a certain place includes any detached structures and vehicles located within its curtilage.

The basis of the court's decision was rooted in its application of the four-factor *Dunn* framework. First, the court found that the garage was close to the main residence, as the two structures were only 25 feet apart and included a walkway through the backyard connecting the main residence to the garage. Next, the garage was fully enclosed by a chain link fence, which required any person who wished to access the garage to enter the fence. Additionally, the garage was used for intimate activities associated with home life as evidenced by the bed, clothes, mouthwash, mirrors, lamps, and beverages found inside the structure. Lastly, the garage was shielded from public view, as the structure consisted of two boarded windows and one door, all facing the main residence and positioned away from the public alleyway. Therefore, the garage was part of the curtilage of the property, and the search was lawful.

The defendant also argued that he was unreasonably detained because he was outside the immediate vicinity of the premises to be searched. Striking down this claim, the court concluded that because the warrant authorized the search of the garage, the immediate vicinity included the detached garage and

anyone inside it. As such, the defendant's detention was reasonable under the Fourth Amendment.

United States v. Ronquillo reinforces the importance for officers to understand how detached structures like garages, when closely tied to a residence, can fall under the scope of a search warrant if they meet certain criteria related to proximity, use, enclosure, and privacy. The court's analysis here was pivotal for law enforcement, as it clarified the extent to which officers within the Tenth Circuit can consider outbuildings as part of the primary residence when executing a search warrant. This decision is a crucial reminder for officers of the importance of understanding the scope of search warrants and the concept of curtilage to ensure that searches are conducted within the bounds of the Fourth Amendment.

[1] *United States v. Ronquillo*, No. 22-1247 (10th Cir. 2024)

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