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# United States v. Thomas: When a Consensual Encounter Becomes Probable Cause

By **Daigle Law Group**

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# United States v. Thomas: When a Consensual Encounter Becomes Probable Cause

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The Eleventh Circuit's decision in *United States v. Thomas* highlights the critical distinction between a consensual police encounter and a Fourth Amendment seizure. The case arose from an officer's response to a minor complaint in a fast-food parking lot that ultimately led to the discovery of significant criminal evidence. In affirming the denial of a motion to suppress, the court emphasized that officers may approach individuals, ask questions, and request identification without triggering Fourth Amendment protections so long as the encounter remains voluntary. The ruling underscores how probable cause arising during a consensual interaction can lawfully support an arrest and subsequent search warrant.

## Summary of the Facts

In January 2023, Officer Anthony Kaiser was dispatched to the McDonald's parking lot in DeFuniak Springs, Florida, responding to an employee's complaint that a man in a grey Acura was littering in the parking lot. Upon arrival, he saw a gray Acura that matched the description with trash on the ground next to the driver's door. Officer Kaiser informed John Thomas, the driver, about the complaint. Thomas admitted that he had littered and stepped out of the car to pick it up. He then returned to the driver's seat and closed the door.

Officer Kaiser then requested Thomas's identification, and he produced a Louisiana driver's license for someone with a different name who was born in 1947. Since Thomas did not appear to be in his mid-70s, Officer Kaiser suspected that he was given a fake ID and stepped away from the car to ask the dispatcher to run both the license plate and the driver's license number. The dispatcher confirmed that the license number did not match the name and birthdate on the ID that Thomas provided.

Officer Kaiser returned to Thomas's car, and Amanda Breaux, a female passenger from the car, approached. Officer Kaiser had a separate conversation with her, became suspicious that she was involved in criminal activity, and had her move towards his police car. Officer Kaiser then opened Thomas's car door, grabbed Thomas, and told him to "come on out". Thomas refused, and Officer Kaiser informed him that he was being detained for giving false identification. Since Thomas refused to comply, Officer Kaiser returned to his police car and retrieved his taser. Upon his return to Thomas's car, Thomas pepper-sprayed Officer Kaiser and fled, eventually abandoning his car in a nearby

neighborhood.

Several hours later, Thomas was found by a canine tracking unit with several cans of pepper spray on him. Investigators later obtained a search warrant for Thomas's car based on an affidavit that described his use of a fake ID and assault on Officer Kaiser. The affidavit also contained a statement from Breaux that Thomas possessed a firearm. Upon execution of the warrant, officers found methamphetamine, counterfeit money, multiple false identification documents, stolen mail, and a laptop containing images of personal identification materials belonging to other individuals.

Thomas was indicted for multiple federal crimes, including identity theft, access device fraud, mail theft, and possession with intent to distribute methamphetamine. Thomas filed a motion to suppress the evidence obtained from the search, asserting that it stemmed from an illegal stop since littering was not a criminal offense under Florida law and, therefore, could not justify detention. The government argued that it was a lawful, consensual encounter. The government further argued that even if a detention occurred, it was supported by probable cause based on the false identification and deployment of pepper spray.

The district court ultimately denied the motion, finding that Officer Kaiser had legal authority to conduct an investigatory stop of Thomas to investigate the littering complaint and to request identification, and also that Thomas's use of a fake ID provided sufficient cause to search the vehicle.

## **Eleventh Circuit's Ruling**

The Eleventh Circuit affirmed the district court's denial of the motion to suppress, holding that the initial interaction between Officer Kaiser and Thomas was a consensual encounter and that Thomas's later arrest for possession of a false identification was supported by probable cause.

The court first examined whether the initial encounter constituted a seizure under the Fourth Amendment. The court cited the holding of *United States v. Knights*, in which it held, "A consensual encounter between police and a citizen does not implicate the protections of the Fourth Amendment." The court defined a consensual encounter as one where the liberty of a citizen is not restricted by either means of physical force or show of authority. To determine whether a citizen's liberty is restrained by an officer, the court applies a test to determine whether "a reasonable person would feel free to terminate the encounter" by examining the circumstances of the encounter. Factors can include "whether a citizen's path is blocked or impeded; the length of the detention and questioning; the number of police officers present; whether the officers displayed their weapons; any physical touching of the suspect; and the language and tone of voice of the police." However, an officer is still allowed to request identification and ask questions so long as cooperation is not coerced.

Here, Officer Kaiser parked his vehicle a few spaces away and did not block Thomas's car from exiting. Thomas voluntarily exited the car to pick up the trash and throw it out. He also voluntarily provided Officer Kaiser with the fake ID and remained at the vehicle when Officer Kaiser stepped away. Further, the video evidence showed no indication that Officer Kaiser used physical force, displayed a weapon, or indicated that Thomas was not free to go before the arrest. Since no evidence indicated that Thomas was compelled to answer any questions or give Officer Kaiser the fake ID, the Eleventh Circuit therefore concluded that the initial interaction between Officer Kaiser and Thomas was a consensual encounter.

The court then looked to see whether probable cause existed when Officer Kaiser told Thomas to exit the car and placed him under arrest. In the Eleventh Circuit, the court has held that "Probable cause for an arrest exists when, at the moment the arrest was made, the facts and circumstances within the officers' knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the suspect had committed or was committing an offense."

Here, it is a felony to knowingly possess or display a fake driver's license under Florida Statutes § 322.212(1)(a). When Thomas gave Officer Kaiser the license, it was clear that he did not appear to be in his seventies as the ID indicated. Moreover, the license number did not match the name on the ID when it was run by the dispatcher. Therefore, Officer Kaiser had sufficient grounds to believe that Thomas possessed a forged identification card. Consequently, the arrest was lawful, and information obtained from it was not tainted by illegality. Thus, the court concluded that the search warrant issued based on the information from Officer Kaiser was valid, and the evidence seized under the warrant was admissible.

The Eleventh Circuit concluded that the initial contact was consensual, that probable cause existed to arrest Thomas for possessing a fake driver's license, and that the search warrant based on that lawful arrest was valid. As a result, the denial of Thomas's motion to suppress was affirmed, and his conviction was upheld.

## Key Takeaways

- **Consensual vs. Seizure:** The case highlights the distinction between a consensual encounter and a seizure under the Fourth Amendment. An officer approaching a parked vehicle, speaking with the driver, and requesting identification can remain a consensual encounter if the individual is free to leave.
- **Show of Authority:** Officers should avoid blocking the vehicle or using a show of authority that would convert the interaction into a seizure.

- **Probable Cause Threshold:** Once an officer places someone under arrest and uses physical contact, the interaction must be supported by probable cause.
- **Warrant Documentation:** Careful documentation is critical when seeking a warrant. A detailed warrant affidavit that clearly connects specific facts to the vehicle can help uphold the search and prevent suppression of evidence.

### **United States v. Thomas, No. 24-11427 (11th Cir. 2025)**

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