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United States v. Watkins a/k/a Crazy Gun: Fourth Amendment Limitations for Public Walkways and Plain View

By **Daigle Law Group**

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United States v. Watkins a/k/a Crazy Gun: Fourth Amendment Limitations for Public Walkways and Plain View

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The Tenth Circuit's decision in *United States v. Watkins* examines the limits of Fourth Amendment protections in the context of motel rooms and publicly accessible walkways. The case focuses on whether an officer's observation through a small gap in motel room curtains constituted an unlawful search. Ultimately, the court concluded that observations made with an officer's natural senses from a publicly accessible walkway do not violate the Fourth Amendment. The *Watkins* ruling highlights the distinction between protected curtilage and common areas open to the public.

Summary of the Facts

In October 2021, three police officers went to an Oklahoma City motel looking for a man connected to a violent carjacking and kidnapping that had occurred there a few hours earlier. Fortunately, the victim managed to escape and provided the officers with the kidnapper's description: "a short, Black man with dreadlocks and a goatee, who was wearing black jeans." After talking with the motel manager, the officers were informed that the man staying in room 231 matched the description.

Due to the motel's layout, the rooms were accessible only by open-air walkways that surrounded the courtyard. Room 231 was on the second floor, located at the end of one of the walkways. The walkway extended a few feet beyond its door and faced another walkway running perpendicular to it. One of the room's windows, located above an air-conditioning unit, overlooked the short extension, which was bordered on two sides by a low railing. Room 231 was accessible from the parking lot only by an exterior staircase.

The officers climbed the stairs and went to room 231. One of the officers, Officer Michael McNally, noticed that the curtains of the window above the AC unit were open "about an inch." When he looked into the room, he saw "a short, Black man with dreadlocks and a goatee, sitting on a bed without pants on." On the bed next to him were a handgun and an extended magazine.

The officers knocked and announced their presence, leading to a three-hour standoff, which ended with Cameron Watkins, the man in the room, emerging and being arrested. The officers then showed

photographs of Watkins to the victim, who identified him as the man who had carjacked and kidnapped her. Based on Officer McNally's view of the firearm, the victim's story, and her positive identification of Watkins, police were able to obtain a search warrant for room 231. Inside the room, "[t]hey discovered a loaded 9mm Glock handgun stashed inside a vacuum cleaner; an extended magazine stuffed into a hole for an electrical outlet; and 28 rounds of Luger-caliber ammunition inside the magazine, including WIN-brand and FC-brand ammunition."

Procedural History

In August 2022, Watkins was indicted on one count of being a felon in possession of a firearm. In a superseding indictment, he was charged with being a felon in possession of ammunition. Watkins filed a motion to suppress, arguing that Officer McNally's observation through the gap in the curtains was an unconstitutional search and that all evidence derived from that observation should be excluded. The district court denied the motion, and Watkins entered a guilty plea to the firearm count, reserving the right to appeal the suppression decision. At trial on the ammunition count, a jury found him guilty. Watkins appealed to the Tenth Circuit, challenging the denial of suppression and, in some versions of the litigation history, raising additional issues related to his convictions or sentence.

Tenth Circuit Court of Appeals

On appeal, the Tenth Circuit affirmed the district court's denial of the motion to suppress, holding that the firearm and ammunition recovered following Officer McNally's initial observation were admissible evidence.

The court first considered whether the motel's exterior walkway, the location from which Officer McNally peered into the room, was part of the room's curtilage or a public, non-protected area. The court explained that the home is not the only area that enjoys strong protections from unwarranted searches and seizures. The court cited the 2013 ruling in *Florida v. Jardines*, where the Supreme Court of the United States held that curtilage, or the area immediately surrounding the home and associated with it, does as well. Under precedent, curtilage can include "a home's 'front porch,' 'side garden,' and the area 'just outside of the front window.'"

However, the Tenth Circuit clarified that not all property near a dwelling is curtilage. Public places and open fields are not afforded the same constitutional protections. Any unaided observation made by a police officer in a public place or open field is not considered a search under the Fourth Amendment, "even if the objects he [or she] observes lie within an area protected by the Fourth Amendment."

In this case, Officer McNally made the unaided observation of Watkins's firearm and magazine from the walkway that was accessible from the motel parking lot. Using the Seventh Circuit's holding in *United States v. Lewis* as guidance, the Tenth Circuit found that "[T]he exterior hallway of a hotel adjacent to a parking lot is much closer" to a "public setting[]" than a home's "front porch." Although Watkins argued that it was similar to the front porch of a house and a dead end, the court found that the walkway was not only for the occupant in room 231. Specifically, anyone could stand on it to get fresh air, smoke, or check on their car in the parking lot.

Watkins also asserted that *Jardines* defines the area "outside of the front window" as part of curtilage. The Tenth Circuit emphasized the difference between the area outside a home's front window and the area outside a motel room's window. The court concluded that motels are held to a different standard than homes because the areas outside motel rooms are typically common areas rather than intimate spaces reserved for each room's occupant.

Therefore, the Tenth Circuit held that the officer's observation through the gap, using only his unaided senses from the motel's exterior walkway, did not constitute a search under the Fourth Amendment.

The court then addressed whether Officer McNally's conduct in looking through the curtain gap constituted a search under the Fourth Amendment. Watkins claimed that, because the window curtains were open only about an inch, Officer McNally's conduct was a highly intrusive snoop that violated his reasonable expectation of privacy and, therefore, his Fourth Amendment rights.

The court first emphasized that an officer's observations of what occurs inside a dwelling could still be considered a search under the Fourth Amendment. The court cited the Supreme Court case *Kyllo v. United States*. In *Kyllo*, a thermal-imaging device was used to detect relative amounts of heat emanating from a private home, leading to the discovery of marijuana growing inside. The Supreme Court ultimately held that when extraordinary means are used to explore details of a home that would previously have been unknowable without physical intrusion, it constitutes an unreasonable search in violation of the Fourth Amendment. However, the Supreme Court emphasized that unaided observations made with someone's natural senses in a public place still do not constitute a Fourth Amendment search.

Here, Officer McNally's observations relied on his natural sense of sight while he was in a public place rather than within the curtilage of the motel room. Therefore, the Tenth Circuit found that Officer McNally's observation was not a search under the Fourth Amendment. Because there was no Fourth Amendment violation, the court concluded that the district court properly denied the motion to suppress and affirmed Watkins's convictions.

Key Takeaways

The decision highlights the distinction between curtilage and public areas and how different Fourth Amendment protections apply to each.

Curtilage is considered part of the home and is afforded the same Fourth Amendment protections as the dwelling itself.

Officers may observe what is in plain view from an open field or public area, but curtilage generally cannot be searched without a warrant.

In the context of motels, areas outside the room are typically considered public walkways where occupants have a limited expectation of privacy.

Officers should ensure that any observations are made from locations that are accessible to the public and should avoid entering protected areas without proper legal authority.

United States v. Watkins a/k/a Crazy Gun, No. 23-6210 (10th Cir. 2025)

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