

Waffle House, Warrants, and a Weak Nexus: What Wilson Means for Fifth Circuit Officers

Description

The United States Court of Appeals for the Fifth Circuit recently decided *United States v. Wilson*, a case emphasizing that a search warrant affidavit must establish probable cause specifically tied to the place to be searched, and that assumptions or mere proximity alone are insufficient to justify a search.

Summary of Facts

In April 2023, Ricky Wilson was allegedly eating at a Waffle House on Behrman Highway and got into a verbal altercation with another customer. Wilson reportedly opened his backpack and then brandished a distinctive green pistol fitted with a drum magazine, placing the victim in fear for his life. Following the altercation, the victim was interviewed and identified Wilson in a photo array. The victim also identified Wilson's vehicle and firearm in the interview. A detective investigating Wilson for an unrelated matter came across the Waffle House incident police report. He learned that Wilson's girlfriend rented an apartment at 212 Central Avenue. In May 2023, the detective noticed that Wilson's car was parked at the apartment. Based on these observations and incident reports, the detective sought and obtained an arrest warrant for Wilson and a search warrant for the Central Avenue apartment to recover evidence related to the Waffle House assault.

The affidavit supporting the search warrant described the apartment's location, noted that Wilson's girlfriend rented the unit, and claimed that witnesses had confirmed Wilson's presence there. It also stated that items related to the aggravated assault, including ammunition, drum magazines, firearms, backpacks containing firearms, and other criminal evidence, were believed to be located at the apartment. However, the affidavit primarily relied on the earlier Waffle House incident and police surveillance observations without providing concrete evidence directly linking the Waffle House assault to the apartment. After a state judge issued the warrant, officers searched the Central Avenue apartment and found ammunition, marijuana, and a firearm. Based on the evidence discovered and the original incident, Wilson was charged with multiple offenses, including possessing marijuana with intent to distribute and possessing a firearm in furtherance of drug trafficking.

Wilson challenged the legality of the search. The district court granted his motion to suppress the evidence obtained from the apartment, concluding that the affidavit failed to establish a sufficiently concrete nexus between the Waffle House conduct and the apartment. The government appealed to the Fifth Circuit.

United States Court of Appeals for the Fifth Circuit

The Fifth Circuit affirmed the ruling, holding that the district court was correct in granting the motion to suppress the evidence from the Central Avenue apartment. The court first examined whether the affidavit presented a sufficient nexus between the crime and the search of the apartment, specifically Wilson's brandishing of a distinctive firearm at a Waffle House and the residence where law

enforcement sought to seize evidence. The Fourth Amendment requires that warrants be supported by probable cause, established in an affidavit. The Fifth Circuit cited the United States Supreme Court holding in *Illinois v. Gates* to reiterate that the affidavit for a search warrant must establish “a fair probability that contraband or evidence of a crime will be found in a particular place.” Therefore, an affidavit must show a clear connection, or a nexus, between the place that law enforcement officers want to search and the items they are looking for. The court repeated that if the nexus is not established within the affidavit, then the ensuing search violates the Fourth Amendment. As such, evidence is generally suppressed under the exclusionary rule. However, the Fifth Circuit also emphasized the good-faith exception to the exclusionary rule as outlined in its own decision in *United States v. Norman*. The decision in *Norman* held that the exclusionary rule would not apply if the officer could reasonably believe that there was a nexus between the place searched and the evidence sought under the good-faith exception. The court then used a two-prong framework and asked: (1) whether the good-faith exception to the exclusionary rule applies; and (2) whether probable cause supported the warrant.

In this case, the affidavit recounted the Waffle House incident in some detail, including Wilson’s behavior and the identification of the firearm. The Fifth Circuit found that this supported probable cause for the arrest. However, the court emphasized that probable cause to arrest does not automatically translate into probable cause to search a specific location, such as Wilson’s girlfriend’s apartment. Moreover, the court explained that the affidavit only contained a general belief that evidence related to the assault might be located at the residence. However, it failed to specify any facts linking the firearm or other evidence to the apartment. The only fact linking the apartment to the assault was the fact that Wilson was seen there. The court emphasized that to establish probable cause, an affidavit must contain specific facts demonstrating a nexus between the place to be searched and the evidence sought, not just generalized suspicion or assumptions. Therefore, the court saw this as a prime example of an affidavit being based on a hunch rather than actual evidence.

The Fifth Circuit then examined whether the good-faith exception applied in this case. The court cited its precedent in *United States v. Morton*. In *Morton*, the Fifth Circuit “established just how bare an affidavit must be for the good-faith exception not to apply.” In other words, the affidavits in *Morton* were only conclusory statements without any relevant circumstances or facts. The court explained that, in this case, the affidavit only stated that they believed the firearm was located at the apartment. Further, the information was not from a credible person. Therefore, the affidavit only drew alleged conclusions rather than giving facts that connected the Waffle House assault to the Central Ave apartment. The generalized assertions about the relationship between Wilson and his girlfriend’s residence and the assumptions based on typical behavior, such as storing guns at home, were found to be inadequate. Since firearms are portable, they can be, and often are, either discarded or moved. Thus, the government’s general inferences could not substitute for particularized facts tailored to the specific premises searched. Accordingly, the court found that granting a warrant based purely on speculation or a belief without factual support contradicts the Fourth Amendment. Thus, the court held that good-faith reliance was unreasonable because the affidavit was so lacking in factual support that no reasonable officer could believe it established probable cause.

Ultimately, the Fifth Circuit upheld the district court’s grant of Wilson’s motion to suppress, concluding that the affidavit supporting the search warrant showed no nexus between the Waffle House incident and the Central Ave apartment.

Key Takeaways

- *Wilson* emphasizes that search warrants must be grounded in solid, case-specific evidence rather than broad assumptions or general suspicions.
- As illustrated in this case, having probable cause to arrest a suspect does not automatically mean there is probable cause to search a residence or vehicle.
- Evidence that is being sought must be clearly connected to the exact location to be searched with specific, articulable facts to satisfy constitutional standards.
- It is crucial to be able to support why the evidence is likely to be found at the specific location, often through direct observations, reliable tips, or investigative details.
- Additionally, an affidavit must contain more than mere speculation when applying for search warrants.
- There must be detailed, fact-based reasoning in the application.
- Officers cannot reasonably rely on a warrant when an affidavit is so weak or conclusory that it fails to show any real factual link between the alleged crime and the location searched.

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