FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-11857

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OLSON JOSEPH,
a.k.a. Joseph Olson,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:22-cr-20525-CMA-1

Before NEWSOM, LAGOA, and KIDD, Circuit Judges.

NEWSOM, Circuit Judge:

After police officers detained him and discovered a concealed handgun in his sweatshirt pocket, Olson Joseph was arrested and convicted of violating 18 U.S.C. § 922(g)(1), the federal felon-

in-possession statute. Joseph challenges his conviction on two grounds. First, he argues that § 922(g)(1) violates the Second Amendment and that his indictment should therefore have been dismissed. Second, he contends that the officers lacked either probable cause or reasonable suspicion to detain him and, accordingly, that the gun—which they found during the stop—should have been suppressed.

We hold that § 922(g)(1) doesn't violate the Second Amendment, so we affirm the district court's denial of Joseph's motion to dismiss. But we agree with Joseph that the officers lacked reasonable suspicion for the stop. After Florida's concealed-carry statute was amended in 2015 to make non-licensure an element of a concealed-carry violation rather than licensure an affirmative defense, Joseph's mere possession of a concealed weapon didn't give rise to reasonable suspicion that he was involved in criminal activity. Accordingly, we vacate his conviction and reverse the district court's partial denial of his motion to suppress.

I

A

In October 2022, two detectives of the Miami-Dade Police Department—Luis Escarra, Jr. and Rashad Young—were investigating illegal drug activity. In choosing a location to surveil, they used an online database to identify houses that had been the subject of drug-related reports. Escarra recognized one particular address because it had been the site of a fatal drive-by shooting about two weeks earlier. The two detectives also knew that drug sales were

common in the surrounding neighborhood; in particular, the police had received numerous calls about drug dealing in a plaza located about a block from the house in question. Because of the prevalence of drug sales and violent crime—including the recent shooting—Escarra and Young settled on the house as one of that day's surveillance targets. They drove to the property in separate unmarked cars.

When Escarra and Young arrived, they looked for telltale signs of drug dealing, including people entering the house and then exiting about 30 seconds later, as well as hand-to-hand transactions, in which people shake hands to exchange money for drugs surreptitiously. The detectives seem not to have witnessed either of those activities, but they did see a man—who turned out to be Joseph—getting a haircut on the house's front lawn. Escarra and Young surveilled Joseph at the property for 40 to 45 minutes; at some point during that time, he entered the house for an unspecified period.

Joseph eventually left the house on foot. His hands were in the front pocket of the hoodie he was wearing. Escarra noticed the imprint of a gun in the hoodie's pocket. When Joseph turned, Escarra also saw the gun's handle sticking out, and he radioed Young that he had observed a firearm in Joseph's possession. When Joseph walked past Young's car shortly thereafter, Young saw the gun's backstrap protruding from the hoodie's pocket.

Escarra decided to stop Joseph "[b]ecause he had a gun." Tr. of Suppression Hr'g at 14, Dkt. No. 67. Escarra positioned his car

in front of Joseph, and Young pulled up behind. Both detectives emerged with their own guns drawn, and Escarra ordered Joseph to put his hands up. Joseph complied. Escarra then removed the gun from Joseph's hoodie and handed it to Young. Escarra handcuffed Joseph, frisked him, and removed a cell phone from his pocket.

Once Escarra gave him the firearm, Young conducted records checks on both Joseph and the gun. Young discovered that Joseph was a felon and didn't have a concealed-carry permit. At some point, Escarra called for a marked police car to take Joseph to the station.[1] About 20 minutes elapsed between when the detectives first stopped Joseph and when the marked car took him away.

B

A federal grand jury charged Joseph with possession of a firearm and ammunition by a felon, in violation of 18 U.S.C. § 922(g)(1). Joseph moved to dismiss the indictment on the ground that § 922(g)(1) violates the Second Amendment. The district court denied that motion.

Joseph separately moved to suppress the gun, arguing that the police lacked probable cause or reasonable suspicion to detain him and that the stop therefore violated the Fourth Amendment.

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[1] The parties dispute whether Escarra called for the marked cruiser before or after learning about the results of the record search. For reasons that will become clear, the precise moment when Escarra called for the car isn't relevant to our analysis.

Following a hearing, at which Escarra and Young testified, the district court denied Joseph's suppression motion in relevant part.[2] The court first determined that Joseph's interaction with Escarra and Young was a *Terry* stop,[3] not a full-blown arrest, which meant that the officers needed only reasonable suspicion, rather than probable cause, to detain him. The court then concluded that the officers had reasonable suspicion that Joseph was engaged in criminal activity, for two reasons. First, the court said, the presence of the gun alone provided the officers reasonable suspicion that Joseph was violating Florida's concealed-carry statute, Fla. Stat. § 790.01(2). Second, and in any event, the court continued, the totality of the circumstances gave rise to reasonable suspicion. In assessing the totality of the circumstances, the court relied on the following facts: (1) that the officers saw the firearm; (2) that Joseph was standing in front of a house that had recently been the site of a homicide; and (3) that he was in a high-crime area.

Following his failed suppression effort, Joseph entered a conditional guilty plea. He reserved the right to appeal the denial of the suppression motion. The district court accepted Joseph's plea and sentenced him to 46-months' imprisonment.

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[2] Joseph also moved to suppress certain statements that he made before he was Mirandized. The court granted that relief, and the *Miranda* issue isn't before us.

[3] *Terry v. Ohio*, 392 U.S. 1 (1968).

II

A

We first address Joseph's argument that his conviction should be vacated because § 922(g)(1) violates the Second Amendment.[4] Our precedent squarely forecloses his contention.

In *United States v. Rozier*, 598 F.3d 768 (11th Cir. 2010), we held that § 922(g)(1)'s prohibition on firearm possession by felons doesn't offend the Second Amendment. *Id.* at 770–71.[5] Joseph contends that *Rozier* was abrogated by the Supreme Court's intervening decision in *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), and that the government hasn't met its burden to show that § 922(g)(1) "is consistent with the Nation's historical tradition of firearm regulation," as *Bruen* requires, *id.* at 24. We recently rejected that very argument, however, holding that *Rozier* survived both *Bruen* and the Supreme Court's follow-on decision in *United States v. Rahimi*, 602 U.S. 680 (2024). *United States v. Dubois*, 139

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[4] We review de novo challenges to a statute's constitutionality. *United States v. Rozier*, 598 F.3d 768, 770 (11th Cir. 2010).

[5] As we've pointed out before, the "felon-in-possession" shorthand is, like many shorthands, a little misleading. "[Section] 922(g)(1) doesn't prohibit *felons* from possessing firearms" in so many words; "[r]ather, its terms are more precise: '[I]t shall be unlawful for any person . . . who has been convicted in any court of[] a crime punishable by imprisonment for a term exceeding one year . . . [to] possess in or affecting interstate commerce[] any firearm or ammunition.'" *United States v. Gaines*, 154 F.4th 1317, 1320 (11th Cir. 2025) (quoting 18 U.S.C. § 922(g)(1)). The "felon"/"imprisonment for a term exceeding one year" distinction is immaterial for present purposes. But still.

F.4th 887, 888–89 (11th Cir. 2025). Because *Rozier* remains good law, Joseph's Second Amendment challenge to his conviction fails.

B

Joseph's Fourth Amendment argument, however, has merit. For reasons we will explain, we hold that Officers Escarra and Young lacked reasonable suspicion that Joseph was engaged in criminal activity and, accordingly, that their seizure of him violated the Fourth Amendment.[6]

1

The Fourth Amendment prohibits "unreasonable searches and seizures." U.S. Const. amend. IV. To determine whether a seizure occurred, we ask whether "a reasonable person would feel free to terminate the encounter." *United States v. Perez*, 443 F.3d 772, 778 (11th Cir. 2006) (emphasis omitted) (quoting *United States v. Drayton*, 536 U.S. 194, 201 (2002)). Here—and the government doesn't really dispute this—Joseph had clearly been "seiz[ed]" by the time Escarra removed the gun from his hoodie. The officers had blocked Joseph's path, stepped out of their cars with their own guns drawn, and ordered him to put his hands up. Faced with that "show of authority," a reasonable person wouldn't have felt free to

[6] When reviewing a district court's decision on a motion to suppress, we review factual findings for clear error and legal conclusions de novo. *United States v. Nunez*, 455 F.3d 1223, 1225 (11th Cir. 2006). "We construe the facts in the light most favorable to the party prevailing below," which here is the government. *Id.*

simply walk away. *Id.* (quoting *Craig v. Singletary*, 127 F.3d 1030, 1041 (11th Cir. 1997)).

But not all seizures are created equal—Fourth Amendment caselaw differentiates between two species, which require different levels of suspicion. On the one hand are "full scale arrests," which must be supported by probable cause. *United States v. Espinosa-Guerra*, 805 F.2d 1502, 1506 (11th Cir. 1986) (citing *Florida v. Royer*, 460 U.S. 491, 499–500 (1983) (plurality opinion)). On the other are more modest investigative stops—often called *Terry* stops in reference to *Terry v. Ohio*, 392 U.S. 1 (1968)—which at their inception require only "reasonable suspicion that the defendant had engaged, or was about to engage, in a crime." *United States v. Acosta*, 363 F.3d 1141, 1144–45 (11th Cir. 2004); *see also Terry*, 392 U.S. at 20–21.

There's no bright line separating a *Terry* stop from an arrest; rather, differentiating between the two involves applying a multi-factor balancing test. *See Acosta*, 363 F.3d at 1145–46. And here, the parties vigorously debate whether and at precisely what point the officers' seizure of Joseph crossed the line from the former to the latter. We needn't resolve their dispute. Because, for reasons we'll explain, the officers lacked reasonable suspicion, their seizure of Joseph violated the Fourth Amendment even if we assume that it was only a *Terry* stop.

2

On, then, to the reasonable-suspicion analysis. To decide whether reasonable suspicion exists, we look to the totality of the

circumstances and assess "whether the detaining officer[s] ha[d] a particularized and objective basis for suspecting legal wrongdoing." *United States v. Arvizu*, 534 U.S. 266, 273 (2002) (citation modified). This standard isn't particularly demanding—the requisite "likelihood of criminal activity" is lower than that required for probable cause and "falls considerably short" of a preponderance of the evidence. *Id.* at 274. That said, an "inchoate and unparticularized suspicion or hunch" can't substantiate reasonable suspicion. *United States v. Sokolow*, 490 U.S. 1, 7 (1989) (quotation marks omitted). And importantly, the suspicion must be individualized to the person stopped. *See United States v. Cortez*, 449 U.S. 411, 417–18 (1981).

As already explained, the district court concluded that the officers had reasonable suspicion that Joseph was involved in criminal activity for two reasons. First, it said that notwithstanding a 2015 amendment to Florida's concealed-carry statute that made non-licensure an element of a concealed-carry offense, the simple fact that Joseph possessed a concealed gun gave rise to reasonable suspicion that he was violating § 790.01(2). And second, the court concluded that the totality of the circumstances—which included not only Joseph's gun possession but also his presence in a high-crime neighborhood and his proximity to a house where a homicide had recently occurred—gave rise to reasonable suspicion that he was engaged in criminal activity. We hold that the district court was wrong on both counts.

i

First, we conclude that possession of a concealed weapon, standing alone, is inadequate to establish reasonable suspicion of a § 790.01(2) violation.

Full disclosure: Almost 15 years ago, in *United States v. Lewis*, we took the opposite view. *See* 674 F.3d 1298, 1304 (11th Cir. 2012). We reverse course here because, in the interim, Florida amended its concealed-carry statute in a way that materially undermines our earlier analysis. Before 2015, Florida law generally criminalized the act of carrying a concealed firearm but carved out an exception for people with valid licenses. *See* Fla. Stat. § 790.01(2)–(3) (2006). In *Lewis*, we interpreted the law as it then existed to make licensure an affirmative defense—non-licensure wasn't an element of the crime. 674 F.3d at 1304. As a result, we held that an individual's possession of a concealed firearm gave rise to reasonable suspicion that he was indeed violating § 790.01(2). *See id.*

In 2015, though, Florida amended § 790.01(2) to make non-licensure an element of a concealed-firearm offense. *See* Fla. Stat. § 790.01(2) (2015); *see also Jackson v. State*, 289 So. 3d 967, 969 (Fla. 4th Dist. Ct. App. 2020) (describing this change).[7] The upshot is that although carrying a concealed weapon was once presump-

[7] Florida again amended § 790.01 in 2023 to permit the unlicensed carry of concealed firearms. *See* Fla. Stat. § 790.01(1)(b). Because Joseph was stopped in 2022, this opinion addresses the prior version of § 790.01, which was in effect from 2015 to 2023.

tively *unlawful*, the 2015 amendments made it presumptively *lawful*. And that means that the key premise undergirding our decision in *Lewis* no longer holds. Accordingly, we're left to decide afresh whether simple possession of a concealed firearm gives rise to reasonable suspicion of a § 790.01(2) violation. *See United States v. Aguillard*, 217 F.3d 1319, 1321 (11th Cir. 2000) ("The holdings of a prior decision can reach only as far as the facts and circumstances presented to the Court in the case which produced that decision." (citation modified)).[8]

Fourth Amendment principles convince us that, following the 2015 amendments, the mere possession of a concealed weapon does *not* establish reasonable suspicion of a § 790.01(2) violation.

First, the Supreme Court has indicated—albeit in a different context, and a little obliquely—that one's participation in an activity that requires a license does not create reasonable suspicion that he is violating licensure laws. In *Delaware v. Prouse*, 440 U.S. 648 (1979), the Court addressed a practice pursuant to which police stopped cars to check drivers' licenses and registrations, even ab-

[8] In an unpublished 2022 decision, we adhered to *Lewis* and took the position that possession of a concealed weapon creates reasonable suspicion of a § 790.01(2) violation. *See United States v. Philpot*, No. 21-12655, 2022 WL 1537988, at *3 (11th Cir. May 16, 2022). But we failed there to address the 2015 amendments to § 790.01(2), and we incorrectly stated that licensure was an affirmative defense to a concealed-carry violation. *Id.* Based on that error, we treated the case as a straightforward application of *Lewis*. *See id.* Because *Philpot* rested on a mistaken premise, we decline to adopt its reasoning here.

sent individualized suspicion that any particular driver was violating any traffic laws. *See id.* at 650. The sheer fact that the Court deemed the stops suspicionless, *see, e.g.*, *id.* at 661 (discussing stops in the absence of "reasonable suspicion that the driver is unlicensed or his vehicle unregistered"), shows that it didn't think the act of driving a car itself could give rise to reasonable suspicion that the car's driver lacks a valid license or registration. In much the same way, the act of carrying a presumptively licensed concealed firearm can't alone give rise to reasonable suspicion that the one doing the carrying lacks a valid license.

The government tries to distinguish *Prouse*, arguing that concealed firearms pose greater public safety risks than cars. For support, it points to *United States v. Rodriguez*, 739 F.3d 481 (10th Cir. 2013), in which the Tenth Circuit rejected reliance on *Prouse* in a concealed-carry case. *See id.* at 490. But the court there was dealing with a statute that made concealed carry illegal, with licensure an affirmative defense—much like pre-2015 Florida law. *See id.* at 486–87. Indeed, the Tenth Circuit highlighted that very feature of the law before it in reaching its decision: Because "carrying a concealed loaded handgun on or about one's person in New Mexico is presumptively unlawful," the court said, the officer who saw the defendant with a gun in his waistband had "all the suspicion he needed to seize" him. *Id.* at 487–88. Because *current* Florida law is different, we don't think *Rodriguez* undermines *Prouse*'s applicability to this case. And in fact, another of our sister circuits endorsed the *Prouse* analogy when faced with a regulatory regime more like

the one instituted by Florida in 2015. *See United States v. Brown*, 925 F.3d 1150, 1154 (9th Cir. 2019).[9]

Second, because as a result of the 2015 amendment, simply carrying a concealed firearm isn't probative of a § 790.01(2) violation, allowing that behavior alone to support reasonable suspicion would effectively strip law-abiding gun owners of their Fourth Amendment rights. In much the same way that the government can't condition a benefit on the relinquishment of an unrelated constitutional right, *Lebron v. Sec'y, Fla. Dep't of Child. & Fams.*, 710 F.3d 1202, 1217 (11th Cir. 2013) (citing *Dolan v. City of Tigard*, 512 U.S. 374, 385 (1994)), the state may not condition one's lawful concealed carriage of a firearm on his willingness to subject himself to detention at any time and place.

Applying this logic, some of our sister circuits and several Florida courts have recognized that allowing *Terry* stops based on nothing more than presumptively lawful firearm possession would undercut many Americans' Fourth Amendment rights. *See, e.g.*, *United States v. Black*, 707 F.3d 531, 540 (4th Cir. 2013) ("[W]here a state permits individuals to openly carry firearms, the exercise of this right, without more, cannot justify an investigatory detention.

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[9] The government seeks to distinguish *Brown* on the ground that it involved an anonymous tip about a gun rather than officers' personal observations. We don't think that distinction much matters here. It's true that anonymous tips are sometimes unreliable and often don't by themselves establish reasonable suspicion. *See Brown*, 925 F.3d at 1153–54. But the strength or weakness of anonymous tips doesn't bear on whether *Prouse*'s logic applies to firearm-licensure laws.

Permitting such a justification would eviscerate Fourth Amendment protections for lawfully armed individuals . . . ."); *Northrup v. City of Toledo Police Dep't*, 785 F.3d 1128, 1132 (6th Cir. 2015) ("To allow stops" based solely on legal firearm possession "would effectively eliminate Fourth Amendment protections for lawfully armed persons." (citation modified)); *Kilburn v. State*, 297 So. 3d 671, 676 (Fla. 1st Dist. Ct. App. 2020) ("The thought that [] millions of [lawful gun owners] are subject to seizure by law enforcement until their licenses are verified is antithetical to our Fourth Amendment jurisprudence."); *Slydell v. State*, 240 So. 3d 134, 136 (Fla. 2d Dist. Ct. App. 2018) ("[T]here is no firearm or weapons exception to the Fourth Amendment . . . ."). We agree: Law-abiding citizens can't be forced to choose between their gun rights and their Fourth Amendment freedoms.

* * *

"[P]eople are not shorn of all Fourth Amendment protection when they step from their homes onto the public sidewalks." *Prouse*, 440 U.S. at 663. That includes those who choose to lawfully carry firearms. Possession of a concealed weapon, without more, does not create reasonable suspicion of a § 790.01(2) offense, and the district court erred in concluding otherwise.[10]

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[10] As should be clear from the above-the-line discussion, our holding is limited to the § 790.01(2) context. It may well be that simple possession of a firearm could give rise to reasonable suspicion that a suspect is violating some *other* provision of state or federal law—say, for instance, where the officers have reason to believe that the weapon is a machine gun, *see* Fla. Stat. § 790.221(1) (generally prohibiting possession of machine guns), or see the suspect carrying

ii

Second, we hold that the totality of the circumstances did not give the officers reasonable suspicion that Joseph illegally possessed his firearm or was otherwise engaged in criminal activity.

Recall that when deciding whether reasonable suspicion exists, we consider the totality of the circumstances and ask "whether the detaining officer[s] ha[ve] a particularized and objective basis for suspecting legal wrongdoing." *Arvizu*, 534 U.S. at 273 (citation modified). Before us, the government argues that the officers here had reasonable suspicion based on the following factors: Joseph was in a high-crime area known for drug sales and violent crime; he spent at least 40 to 45 minutes in front of and inside a house where a drive-by shooting had occurred about two weeks prior and that had been the subject of a narcotics call; he was carrying a gun; guns are often used in conjunction with drug transactions to protect dealers and their stashes; and Joseph's hands were in the hoodie pocket with the firearm, which indicated that he could easily use it.

At the outset, we note that Joseph's possession of the gun *is* a factor that we consider as part of the totality-of-the-circumstances analysis. As just explained, because Joseph's concealed carriage was presumptively lawful, it did not *alone* establish reasonable suspicion. *See supra* at 10–15. But "reasonable suspicion . . . may be

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a gun at a school, *see id.* § 790.115(2)(a) (banning most firearm possession on school property).

formed by observing exclusively legal activity," *United States v. Gordon*, 231 F.3d 750, 754 (11th Cir. 2000) (citing *Illinois v. Wardlow*, 528 U.S. 119, 125 (2000)), so long as that activity provides "objective justification for making [a] stop," *id.* (quoting *Jackson v. Sauls*, 206 F.3d 1156, 1165 (11th Cir. 2000)). Accordingly, Joseph's gun possession, combined with his other conduct and the officers' knowledge and inferences about criminal behavior, could provide a basis for reasonable suspicion.

Here, though, it doesn't. The government's logic essentially requires an inference that because Joseph (1) was in an area known for drug dealing and gun violence, (2) stopped by a house with some alleged connection to drugs and where a shooting had earlier occurred, and (3) had a gun, he was a drug dealer who illegally possessed a firearm to protect his product. But aside from carrying the gun—which again, is a presumptively lawful activity—the only support for this logical chain is Joseph's proximity to crime. There's no evidence that Joseph personally engaged in drug sales; indeed, the officers conceded that Joseph didn't conduct any hand-to-hands, and his presence in the house wasn't the kind of in-and-out foot-traffic pattern that's indicative of drug sales. And there was no known connection between Joseph and the drive-by shooting. He simply happened to be in and around a house with some link to narcotics and a homicide. That sort of generalized, in-the-ether suspicion is not sufficient. *See Sokolow*, 490 U.S. at 7; *Cortez*, 449 U.S. at 417–18.

It's true that "proximity to illegal activity" is relevant to the reasonable-suspicion inquiry. *United States v. Hunter*, 291 F.3d 1302, 1306 (11th Cir. 2002). But the two cases the government cites for that proposition involve a degree of "proximity" that is wholly absent here.

In *Hunter*, a suspect was "standing next to and observing illegal gambling" immediately before he was stopped. *Id.* That hyper-close proximity—in conjunction with other factors, like the suspect's flight when he saw the cops—gave rise to reasonable suspicion. *Id.* at 1306–07. Unlike in *Hunter*, there's no evidence that Joseph was near illegal activity while it was happening; he was simply in places where crimes had been committed before. And that's a key difference. Being in the presence of ongoing criminal activity may well suggest an individual's association with it—that's the type of "particularized" connection that reasonable suspicion requires. *See Arvizu*, 534 U.S. at 273. Accordingly, the suspect's immediate proximity to in-progress illegal gambling in *Hunter* supported the individualized suspicion necessary for a *Terry* stop. By contrast, Joseph's *distant* proximity to *past* crimes provided much weaker evidence of his participation in criminal activity.

The other case cited by the government, *United States v. Powell*, 222 F.3d 913 (11th Cir. 2000), is likewise dissimilar. There, a woman drove to the house of a known drug dealer, who was home at the time. *Id.* at 915. She carried a backpack into his garage, met with a man who might have been the dealer, and then returned to

the car. *Id.* She and another woman drove around the neighborhood for a few minutes, then returned to the dealer's house, at which point she left the backpack in the garage and drove off. *Id.* We held that the totality of the circumstances created reasonable suspicion that "something related to drug trafficking had occurred." *Id.* at 917. But *Powell* isn't comparable to this case. The woman's behavior—twice visiting and depositing a package at a drug dealer's house, speaking with a man who could have been the dealer, and driving oddly around the neighborhood—was far more unusual than Joseph's visit and haircut.

Joseph's conduct more closely resembles a situation that the Supreme Court has said does *not* give rise to reasonable suspicion. In *Illinois v. Wardlow*, the Court held that presence in a high-crime area, by itself, doesn't "support a reasonable, particularized suspicion that the person is committing a crime." 528 U.S. 119, 124 (2000). Instead, reasonable suspicion requires something more than "going about one's business" in a sketchy neighborhood. *See id.* at 125. In *Wardlow*, the Court concluded that the officers had reasonable suspicion because that "something more" was present: The defendant fled when he saw the cops, which the Court said was "just the opposite" of "going about one's business" and "certainly suggestive of [wrongdoing]." *Id.* at 124–25. But here, Joseph engaged only in everyday activities: visiting a house, getting a haircut, and walking down the street with a concealed firearm. That's precisely the sort of "going about one's business" that doesn't support reasonable suspicion.

* * *

In sum, when the officers surveilled Joseph, he was carrying a presumptively legal gun while engaging in ordinary daily activities. It's true that he happened to be in a high-crime neighborhood and in a house with at least some link to drug dealing and a homicide. But the Fourth Amendment requires more. Reasonable suspicion isn't a high bar, but the likelihood that Joseph was violating Florida's concealed-carry law, or was engaged in some other criminal activity, was so speculative that the detectives lacked the requisite "minimal level of objective justification for making the stop." *See id.* at 123. And because they lacked reasonable suspicion, they violated Joseph's Fourth Amendment rights when they detained him.

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Finally, we turn to the issue of remedy. The exclusionary rule "generally prohibits the government from relying on evidence obtained in violation of the Fourth Amendment." *United States v. McCall*, 84 F.4th 1317, 1323 (11th Cir. 2023). That said, the rule is subject to a slew of exceptions because it "exacts a heavy toll on both the judicial system and society at large" by "almost always requir[ing] courts to ignore reliable, trustworthy evidence." *Id.* (quoting *Davis v. United States*, 564 U.S. 229, 231, 237 (2011)). So suppression is not "a necessary consequence of a Fourth Amendment violation"; rather, the exclusionary rule "applies only where it 'result[s] in appreciable deterrence.'" *Herring v. United States*, 555

U.S. 135, 141 (2009) (quoting *United States v. Leon*, 468 U.S. 897, 909 (1984)).

Here, the officers' conduct doesn't implicate any of the already-articulated exceptions to the exclusionary rule, and suppressing evidence of Joseph's gun would "appreciabl[y] deter[]" similar illegal seizures. *Id.* Police, after all, are unlikely to detain without suspicion a presumptively law-abiding gun owner if they know that evidence found during the seizure will be excluded. Suppression, therefore, is the appropriate remedy.

III

To conclude: Joseph's prosecution under § 922(g)(1) doesn't violate the Second Amendment, so the district court properly denied his motion to dismiss. But because the officers lacked reasonable suspicion to stop Joseph, their seizure of him violated his Fourth Amendment rights, and evidence obtained following the seizure—including his gun—must be suppressed. The district court erred in concluding otherwise.

Accordingly, we **AFFIRM** the denial of Joseph's motion to dismiss the indictment on Second Amendment grounds, but we **VACATE** Joseph's conviction, **REVERSE** the partial denial of his suppression motion, and **REMAND** for further proceedings.