

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10662
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARQUIS DYSHAWN PLAYER,

Defendant- Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:22-cr-00181-TPB-AAS-1

Before ROSENBAUM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Marquis Dyshawn Player appeals his convictions for possessing a firearm as a felon and possessing crack cocaine with the

intent to distribute. He argues that the district court erred in denying his motion to suppress. After careful consideration, we affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

A grand jury indicted Player for possessing a firearm as a convicted felon and possessing crack cocaine with the intent to distribute. 18 U.S.C. §§ 922(g)(1), 924(a)(2); 21 U.S.C. §§ 841(a)(1), 841(b)(1)(c). Player moved to suppress the evidence obtained during a traffic stop. The district court held a hearing.

Officer Miguel Blasini of the Tampa Police Department testified that, on the evening of the arrest, he and his partner were part of an anti-crime squad patrolling a high-crime area. Over the radio, he heard another officer announce that a black vehicle was leaving a convenience store. Thirty seconds later, the vehicle turned onto the road Officer Blasini was patrolling. While observing the vehicle from behind, Officer Blasini saw the driver roll through a stop sign.

Officer Blasini initiated a traffic stop and approached the driver's side door. He asked the driver—Player—for his license and registration and shined his flashlight into the vehicle. As he did so, he saw the top of the slide of a gun in the driver's side door pocket within Player's reach. Officer Blasini and his partner told Player to put his hands up, opened the driver's side door, and handcuffed Player. The other members of the anti-crime squad arrived on scene. An officer found \$2,000 on Player. Inside the vehicle, an officer found the loaded gun Officer Blasini spotted, ammunition, a scale, fifteen grams of marijuana, and fifty-eight grams of crack cocaine. Player later admitted the gun was his. Officer Blasini's

25-10662

Opinion of the Court

3

partner also testified at the hearing, where he echoed Officer Blasini's account of events and established that the officers did not know that Player was a felon when they initially pulled him over.

Player argued that both the evidence found during the traffic stop and his statement about owning the gun should be suppressed. He contended that the officers had no reasonable suspicion to detain him. The officers, according to Player, were actually trying to surveil the area. In addition, Player argued that the gun was not in plain view, and even if it had been, the search was impermissible under the plain-view doctrine because it was not immediately apparent that possessing the gun, without more, was incriminating. Player also argued that Officer Blasini was not credible because there had been a citizen complaint stemming from another case where he was accused of illegally going through someone's mail.

The government responded that the initial arrest was justified because Player committed a traffic offense when he rolled through a stop sign. The seizure of the gun was justified because, when Officer Blasini approached the car, he was able to see the gun in plain view in the door pocket. Although Officer Blasini did not know Player was a felon, the gun was unsecured and within Player's reach. That meant there was probable cause Player had violated Florida law. If the plain-view doctrine did not apply, the government argued, inevitable discovery should, as the officer had a legitimate basis for the stop and learned of Player's status as a felon when another officer ran a background check during the stop.

The district court denied Player's suppression motion. Finding that the officers were credible, the district court explained that the initial stop was lawful because Player had committed a traffic infraction. And the plain-view doctrine applied because Officer Blasini could see the gun, unsecured in the side pocket, and Florida law required even lawful gun owners to properly secure their firearms in a vehicle.

Player waived his right to a jury trial, stipulated to the facts, and the district court found him guilty based on the stipulation. He was sentenced to ninety-six months' imprisonment.

STANDARD OF REVIEW

A district court's denial of a motion to suppress involves a mixed question of law and fact. *United States v. Folk*, 754 F.3d 905, 910 (11th Cir. 2014). We review de novo the district court's application of law to the facts, and we review factual findings for clear error. *Id.* A credibility determination is generally "the province of the fact finder because the fact finder personally observes the testimony and is thus in a better position than we are to assess the credibility of witnesses." *United States v. Schmitz*, 153 F.4th 1334, 1339 (11th Cir. 2025) (citation modified).

DISCUSSION

Player contends that the district court erred in denying his suppression motion. He argues that the officers did not have reasonable suspicion to make the initial traffic stop, and that even if they did, the plain-view doctrine did not justify the seizure of the gun or his arrest.

25-10662

Opinion of the Court

5

As to the stop, “the Fourth Amendment permits an officer to initiate a brief investigative traffic stop when he has ‘a particularized and objective basis for suspecting the particular person stopped of criminal activity.’” *Kansas v. Glover*, 589 U.S. 376, 380 (2020) (quoting *United States v. Cortez*, 449 U.S. 411, 417–18 (1981)). “[A] law enforcement officer may stop a vehicle for violating traffic laws or applicable equipment regulations.” *Terrell v. Smith*, 668 F.3d 1244, 1251 (11th Cir. 2012).

Here, Officer Blasini observed Player commit a traffic violation when he rolled through a stop sign. That’s all that was required to initiate the traffic stop and approach Player to ask for his license and registration. *Id.*

As to the plain-view doctrine, it permits the warrantless seizure of an object when: (1) an officer has the legal right to be in a place and access the object, and (2) “the incriminating character of the item is immediately apparent.” *United States v. Smith*, 459 F.3d 1276, 1290 (11th Cir. 2006). But where an officer would need to “conduct[] some further search of the object” to discern its “incriminating character . . . the plain-view doctrine cannot justify its seizure.” *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993) (citation modified).

Here, Officer Blasini saw the top of the gun’s slide in plain view when he looked into Player’s vehicle while shining his flashlight. Florida requires a legal gun owner transporting a firearm in a car to ensure the firearm is “securely encased or otherwise not readily accessible for immediate use.” Fla. Stat. § 790.25(4)(a). So,

because the gun was unsecured and within Player's reach, its incriminating character was readily apparent. Officer Blasini, therefore, was permitted to seize the gun. *See Smith*, 459 F.3d at 1290.

Officer Blasini had probable cause to arrest Player for the same reasons. Warrantless arrests are permitted when there is probable cause. *United States v. Gonzalez*, 107 F.4th 1304, 1307 (11th Cir. 2024). Probable cause "depends upon the reasonable conclusion to be drawn from the facts known to the arresting officer at the time of the arrest," and "[t]he question is whether, under the totality of the circumstances, a reasonable officer could conclude that there was a substantial chance of criminal activity." *Id.* at 1307–08 (citation modified). Because a reasonable officer could conclude that Player had violated Florida law, Officer Blasini was permitted to arrest Player. *See Fla. Stat. § 790.25(4)(a); Gonzalez*, 107 F.4th at 1307.

Player offers four responses. First, he argues that Officer Blasini's true reason for stopping him was not because he committed a traffic violation, but because he intended to surveil the area. But an officer's subjective intent is irrelevant. *See Whren v. United States*, 517 U.S. 806, 813 (1996). "[T]he Fourth Amendment regulates conduct rather than thoughts." *Ashcroft v. al-Kidd*, 563 U.S. 731, 736 (2011) (citing *Bond v. United States*, 529 U.S. 334, 338 n.2 (2000)). Because an officer in Officer Blasini's position would have had an objectively reasonable suspicion that Player committed a traffic infraction, the stop was lawful. *See Terrell*, 668 F.3d at 1251.

Second, Player contends that Officer Blasini's testimony should not have been deemed credible because a citizen accused Officer Blasini of illegally going through her mail. Although the district court listened to evidence on this matter, none of it showed that Officer Blasini had done anything illegal. And even if he had, the district court was in the best position to make credibility determinations, and it found that Officer Blasini's testimony was credible despite the allegations. *See Schmitz*, 153 F.4th at 1339 (explaining that "we afford substantial deference to the factfinder's explicit and implicit credibility determinations" (citation modified)). Moreover, the district court heard testimony from another officer who confirmed Officer Blasini's account of events. The district court found this testimony credible, and Player does not challenge that finding on appeal.

Third, Player asserts that the gun was not in plain view. But here too the district court's finding that the gun was in plain view was supported by Officer Blasini's testimony. Player never produced any evidence to the contrary. Because the district court found that the testimony was credible, it was not clear error to make the factual finding that flowed from the credible and uncontradicted testimony.

And fourth, Player maintains that the plain-view doctrine should not apply because, even if Officer Blasini was able to see the gun, the gun's incriminating character was not readily apparent. It was "undisputed that at the time of the discovery of the firearm,

law enforcement officers did not know that [Player] was a convicted felon.” Player’s argument, however, relies on the mistaken premise that the incriminating character of the gun stemmed from the fact that he was a felon in possession of a firearm. But, as the district court explained, the gun was incriminating because Florida requires even a lawful gun owner transporting a firearm in a car to ensure the firearm is “securely encased or otherwise not readily accessible for immediate use.” Fla. Stat. § 790.25(4)(a). Upon initiating the traffic stop and observing the location of the gun, it was immediately discernable that Player was violating Florida law. So, it was permissible for Officer Blasini both to seize the gun and arrest Player. *See Smith*, 459 F.3d at 1290; *Gonzalez*, 107 F.4th at 1307.

CONCLUSION

Because the district court did not err in denying Player’s motion to suppress, we affirm his convictions.

AFFIRMED.