

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11948
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

COREY JEREMAIN BURROUGHS,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Alabama
D.C. Docket No. 2:23-cr-00187-MHT-SMD-1

Before ROSENBAUM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Corey Burroughs appeals his convictions for possessing methamphetamine with intent to distribute, possessing fentanyl

with intent to distribute, and maintaining a drug premises. He argues that the district court erred in denying (1) his motion to suppress all evidence derived from a stop of his vehicle, (2) his motion in limine to exclude certain videos extracted from his phone, and (3) his motion for judgment of acquittal. After careful review, we affirm.

FACTUAL BACKGROUND

Police began investigating Burroughs after they recovered multiple cell phones in Alabama prisons with phone numbers registered to him. Through their investigation, police learned that Burroughs was smuggling synthetic cathinones (a category of drugs commonly referred to as flakka or bath salts) into Alabama prisons by spraying the drugs onto fake legal papers to sneak them past the prisons' mail inspection.

As part of the investigation, Detective Tyler Curlee of the Montgomery Police Department surveilled a house at 2100 Locust Street in Montgomery, Alabama, which Burroughs had listed as his residence when he was released from prison in 2019. On April 18, 2023, Curlee saw Burroughs leave the house in his car and began following him. After Curlee observed Burroughs speeding in a residential zone and failing to use turn signals, he pulled Burroughs over.

As Curlee approached the driver-side window, he smelled marijuana coming from the vehicle. Curlee explained to Burroughs the reason for the traffic stop, informed Burroughs that he

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could detect the odor of marijuana coming from the vehicle, and ordered Burroughs to step out of the car.

Once Burroughs was secured by another officer, Curlee searched the vehicle. He found a marijuana cigarette in the driver-side door pocket and, in a backpack on the front passenger seat, legal papers later determined to have been soaked with flakka.

Based on the evidence from the car search and the surveillance of the house, police obtained and executed a search warrant for 2100 Locust Street. In the kitchen, police found over 500 grams of methamphetamine, over 50 grams of fentanyl, indeterminate amounts of marijuana and flakka, a square kilo press, a vacuum sealer, baggies, and other drug paraphernalia.

PROCEDURAL BACKGROUND

Burroughs was indicted on one count of possession with intent to distribute 500 grams or more of methamphetamine, *see* 21 U.S.C. § 841(a)(1), one count of possession with intent to distribute fentanyl, *see id.* § 841(a)(1), and one count of knowingly maintaining a drug premises, *see id.* § 856(a)(1). We'll focus on the parts of the district court proceedings relevant to Burroughs's appeal: (1) his motion to suppress evidence resulting from the stop; (2) his motion in limine to exclude videos found on his phone; and (3) his motion for judgment of acquittal.

A. Motion to Suppress

After the indictment, Burroughs moved to suppress the evidence derived from the traffic stop, arguing that the stop violated

the Fourth Amendment because it was pretextual. At a suppression hearing before a magistrate judge, Detective Curlee testified that he'd been monitoring 2100 Locust Street because the state suspected Burroughs of smuggling flakka into its prisons. He stopped Burroughs after witnessing him commit multiple "traffic offenses under Title 32 of the Alabama Code" as Burroughs drove away from the house. Curlee knew Burroughs had driven "well over the speed limit" because Curlee had to drive ten or fifteen miles per hour above the posted speed limit "just to keep up." He'd also "personally observed" Burroughs make three turns without signaling.

After the hearing, the magistrate judge issued a recommendation denying the suppression motion, concluding that Curlee had probable cause for the stop because Burroughs had violated traffic laws and Curlee's subjective motivations for conducting the stop were irrelevant. The district court adopted the magistrate judge's recommendation over Burroughs's objection.

B. Motion in Limine

The day before trial, Burroughs moved to exclude videos extracted from his phone that showed Burroughs handling drugs at 2100 Locust Street and other locations between 2021 and 2023. One video showed Burroughs counting out ounces of marijuana at 2100 Locust Street next to a drug press and a sealer. Another depicted Burroughs at 2100 Locust Street with wet paper laid out to dry, stating that he was "in the kitchen with his cooking a--." A

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third video showed Burroughs standing outside a vehicle with vacuum-sealed drugs saying he was “about to flood this place with this sh-t.” A fourth showed Burroughs remodeling and putting in tile and carpet inside the home. Still others showed Burroughs displaying or counting out various drugs, including methamphetamine, marijuana, and fentanyl.

According to Burroughs, these videos were inadmissible because they were “irrelevant” and would “unlawfully taint [his] character.” The government responded that the videos established that Burroughs constructively possessed the drugs found in the kitchen and rebutted Burroughs’s defense that he didn’t know that drugs were being made and kept inside the house.

The district court denied the motion, explaining that the videos were relevant because they tended to show that Burroughs “clearly knew what was going on and was using that house to manufacture drugs,” which was “the thrust of this case.” This “circumstantial evidence” also “show[ed] a pattern” of Burroughs’s involvement with the house, which “refute[d] [Burroughs’s] . . . theory” that he didn’t know what was going on inside. The district court therefore found that any prejudice to Burroughs from the videos “d[id] not substantially outweigh the[ir] probative value” and allowed the government to introduce the videos into evidence. *See Fed. R. Evid. 403.*

C. Motion for Judgment of Acquittal

At trial, following the government’s case-in-chief, Burroughs moved for a judgment of acquittal. He argued that the government failed to show “direct evidence of [his] possessing the narcotics found . . . during the[] search warrant” or “evidence of who ha[d] ownership of” the Locust Street residence. The government responded that police apprehended Burroughs leaving the home with narcotics shortly before they executed the search warrant and that the videos extracted from his phone showed “an ongoing pattern of him maintaining these premises for drug trafficking purposes.” The district court denied the motion.

Burroughs then took the stand in his own defense. He admitted that he was the person handling drugs in the videos extracted from his phone, but testified that the drugs actually belonged to someone named Tamika. Burroughs also told the jury that he never lived at 2100 Locust Street and did not possess any drugs found at that address. The defense then rested.

After closing arguments, the jury convicted Burroughs on all counts, and the district court sentenced him to 195 months’ imprisonment.

DISCUSSION

The district court didn’t err in denying Burroughs’s three motions. We address them in the order they were litigated below.

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A. Motion to Suppress

First, Burroughs argues that the district court erred by denying his motion to suppress because the traffic stop was not supported by probable cause.¹ The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV. “Temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a seizure of” a person. *Whren v. United States*, 517 U.S. 806, 809–10 (1996) (citation modified). That seizure is reasonable—and thus permitted under the Fourth Amendment—“where the police have probable cause to believe that a traffic violation has occurred.” *Id.* at 810; *see also United States v. Wilson*, 979 F.3d 889, 908 (11th Cir. 2020) (“[T]he probable-cause standard is satisfied when a police officer witnesses a driver commit a traffic violation.”).

Here, Detective Curlee had “probable cause to believe that a traffic violation . . . [had] occurred.” *See Whren*, 517 U.S. at 810. At the suppression hearing, Curlee testified that Burroughs was driving ten or fifteen miles per hour above the posted speed limit

¹ “A denial of a motion to suppress involves mixed questions of fact and law.” *United States v. Campbell*, 26 F.4th 860, 870 (11th Cir. 2022) (en banc) (quoting *United States v. Spivey*, 861 F.3d 1207, 1212 (11th Cir. 2017)). In evaluating a motion to suppress, we review for clear error the district court’s factual findings, construing all facts in the light most favorable to the prevailing party, but we review *de novo* the district court’s application of the law to the facts. *Id.* (citing *Spivey*, 861 F.3d at 1212).

and failed to use his turn signals three times, which were “traffic offenses under Title 32 of the Alabama Code.” The magistrate judge credited this testimony. Burroughs did not present any evidence to the contrary, so he has none to point to on appeal. Given Detective Curlee’s uncontradicted testimony and the “substantial deference” we afford “to the factfinder’s explicit and implicit credibility determinations,” *United States v. Schmitz*, 153 F.4th 1334, 1339 (11th Cir. 2025) (citation modified), we see no clear error in the determination that Curlee saw Burroughs commit traffic violations, and no legal error in the conclusion that Curlee had probable cause to stop Burroughs.

Burroughs nevertheless objects that the stop was “pre-textual” because Detective Curlee intended to “stop the vehicle by any means necessary.” But probable cause is “an objective inquiry” that “regulates conduct rather than thoughts.” *Ashcroft v. al-Kidd*, 563 U.S. 731, 736 (2011) (citation modified). So long as “the circumstances, viewed objectively, justify the challenged action,” that action is “reasonable whatever the subjective intent motivating the relevant officials.” *Id.* (citation modified); *see also Whren*, 517 U.S. at 813 (“Subjective intentions play no role in ordinary, probable-cause Fourth Amendment analysis.”). Here, Curlee had probable cause to stop Burroughs for any one of multiple traffic violations, so his subjective intent was irrelevant. The district court therefore correctly denied the suppression motion.

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B. Motion in Limine

Next, Burroughs argues that the district court erred in denying his motion in limine because “the [g]overnment knew the videos d[id] not b[ear] any relevance as to the substantive issues in this cause and the [g]overnment wished to submit the same simply to unlawfully taint the character of Mr. Burroughs.”² As a general matter, “[r]elevant evidence is admissible,” and evidence is relevant if it has “any tendency to make a fact more or less probable than it would be without the evidence” and “the fact is of consequence in determining the action.” Fed. R. Evid. 401, 402. But, under Federal Rule of Evidence 403, “the court may” nevertheless “exclude relevant evidence if its probative value is substantially outweighed by a danger of . . . unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.” *Id.* R. 403.

“Against the background principle that relevant evidence is admissible . . . Rule 403 ‘is an extraordinary remedy which should be used sparingly[.]’” *United States v. McGregor*, 960 F.3d 1319, 1324 (11th Cir. 2020) (quoting *United States v. Cross*, 928 F.2d 1030, 1051 (11th Cir. 1991)). Because Rule 403 is an extraordinary remedy, “courts must look at the evidence in a light most favorable to admission, maximizing its probative value and minimizing its undue prejudicial impact.” *Id.* (citation modified).

² We review a district court’s evidentiary rulings for abuse of discretion. *United States v. Henderson*, 409 F.3d 1293, 1297 (11th Cir. 2005).

The videos were highly probative because they showed Burroughs at 2100 Locust Street producing and handling the same kinds of drugs later found by the police at the same location. The videos also demonstrated his intent to “flood this place with this sh-t,” that is, to distribute the drugs he possessed. This evidence was particularly probative because it contradicted Burroughs’s defense theory that he had nothing to do with the Locust Street residence or the drugs found there.

On the other side of the scale, Burroughs did not explain to the district court why the videos were unfairly prejudicial or why that unfair prejudice substantially outweighed their probative value. Of course, “[r]elevant evidence is inherently prejudicial.” *Cauchon v. United States*, 824 F.2d 908, 914 (11th Cir. 1987) (citation modified). That’s why Rule 403 is concerned only with unfair prejudice—evidence that “lure[s] the factfinder into declaring guilt on a ground different from proof specific to the offense charged.” *Old Chief v. United States*, 519 U.S. 172, 180 (1997); *see also Cauchon*, 824 F.2d at 914 (noting that “[u]nfair prejudice’ cannot be simplistically defined as evidence having adverse effects on a party’s case”).

Yes, the videos here made Burroughs seem like a drug dealer who operated out of the Locust Street residence, but this was exactly what the government needed to prove, no “different from [the] proof specific to the offense charged.” *Old Chief*, 519 U.S. at 180. Thus, the district court did not abuse its discretion in denying Burroughs’s motion in limine to exclude the videos.

C. Motion for Judgment of Acquittal

Finally, Burroughs argues that the district court erred in denying his motion for judgment of acquittal because the evidence was insufficient to establish his possession of the drugs or that he controlled 2100 Locust Street.³ To convict Burroughs “under [section] 841(a) for possession with intent to distribute methamphetamine and fentanyl, the government had to ‘prove three elements: (1) knowledge; (2) possession; and (3) intent to distribute.’” *United States v. Cremades*, 160 F.4th 1296, 1302 (11th Cir. 2025) (quoting *United States v. Poole*, 878 F.2d 1389, 1391 (11th Cir. 1989)); *see also* 21 U.S.C. § 841(a). The government could establish possession through either actual or constructive possession, “which exists when a defendant has ‘dominion or control over the premises’ in which the object is kept.” *Id.* (quoting *United States v. Leonard*, 138 F.3d 906, 909 (11th Cir. 1998)). To convict under section 856(a) for knowingly maintaining a drug premises, the government had to prove that Burroughs “(1) knowingly, (2) operated or maintained a place, (3) for the purpose of manufacturing, distributing, or using any controlled substance.” *United States v. Pineiro*, 389 F.3d 1359,

³ We review de novo the district court’s denial of a motion for judgment of acquittal for sufficiency of the evidence. *United States v. Fleury*, 20 F.4th 1353, 1367 (11th Cir. 2021). In doing so, “we view the evidence in the light most favorable to the prosecution and draw all reasonable inferences and credibility choices in its favor.” *Id.* (citation modified). “A conviction must be affirmed unless there is no reasonable construction of the evidence from which the jury could have found the defendant guilty beyond a reasonable doubt.” *United States v. Azmat*, 805 F.3d 1018, 1035 (11th Cir. 2015) (citation modified).

1367 (11th Cir. 2004) (quoting *United States v. Clavis*, 956 F.2d 1079, 1090 (11th Cir. 1992)); *see also* 21 U.S.C. § 856(a)(1).

There was sufficient evidence for a reasonable jury to sustain Burroughs's convictions. Police found over 500 grams of methamphetamine and over fifty grams of fentanyl at 2100 Locust Street. Burroughs listed 2100 Locust Street as his residence on his prison release paperwork, which he admitted on the witness stand. He was arrested leaving 2100 Locust Street with marijuana and flakka on his person, both of which were also found at the residence shortly after the arrest. The videos extracted from Burroughs's phone showed him inside 2100 Locust Street producing the same kinds of narcotics found at the residence and packaging them for distribution using the same kind of equipment found at the residence. Burroughs admitted that he was the person handling drugs in the videos. And the videos also showed that Burroughs maintained the house by remodeling and renovating it.

This was sufficient to show that Burroughs possessed methamphetamine and fentanyl with intent to distribute under section 841(a). The videos showed that Burroughs had knowledge about the drugs and that he had "dominion or control" over 2100 Locust Street, demonstrating his constructive possession of the fentanyl and methamphetamine found there. *Cremades*, 160 F.4th at 1302; *see also United States v. Cochran*, 683 F.3d 1314, 1317–18, 1322 (11th Cir. 2012) (finding that the evidence was sufficient to show that the defendant had constructive possession of drugs found at a residence where the defendant was found standing in

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the driveway of the home where the drugs were found with the housekey in his pocket, the arresting officer saw him enter and exit the house before it was searched, a letter addressed to the defendant was found in the home, and the defendant's daughter acknowledged that he frequented the home).

Curlee testified that the amounts of fentanyl and methamphetamine Burroughs was charged with possessing were “dealer amount[s]” several times the amount ordinarily possessed by a recreational user. The amounts possessed, together with his self-professed intent to “flood this place with this sh-t,” showed that he had the intent to distribute. *See Cremades*, 160 F.4th at 1302 (finding that intent to distribute can be proven by circumstantial evidence and “inferred from the amount of the drug involved.” (citation modified)).

The same evidence supported Burroughs's conviction for maintaining a drug premises under section 856(a). As above, Burroughs was apprehended leaving 2100 Locust Street with the same kind of drugs found inside. And the videos showed that Burroughs used the residence to produce drugs and prepare them for distribution since at least two years prior to his arrest, and that he maintained the house by remodeling and renovating it. This demonstrated that he knowingly maintained 2100 Locust Street for the purpose of manufacturing and distributing controlled substances. *See Pineiro*, 389 F.3d at 1368; *see also Clavis*, 956 F.2d at 1091 (noting that factors such as “control, duration, acquisition of the site, renting or furnishing the site, repairing the site, supervising, protecting,

supplying food to those at the site, and continuity” are “evidence of knowingly maintaining the place considered alone or in combination with evidence of distributing from that place”).

In short, the evidence was more than enough to convince a juror beyond a reasonable doubt that Burroughs possessed methamphetamine and fentanyl with intent to distribute under section 841(a), and that he knowingly maintained a drug premises under section 856(a). The district court did not err by denying the motion for judgment of acquittal.

AFFIRMED.