

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

COMMONWEALTH OF VIRGINIA,

v.

CASE NO: CR24000304

RONNIE CHURCH

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO SUPPRESS

This matter comes before the Court on the Defendant's *Motion to Suppress* pursuant to the Fourth and Fourteenth Amendments of the United States Constitution; Article I, Section Eight, Ten and Eleven of the Constitution of Virginia; and §19.2-266.2 of the Code of Virginia.

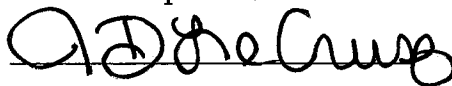
Specifically, the Defendant moves the Court to suppress any evidence obtained as a result of the illegal search of the location and description of the vehicle Defendant was operating and all subsequent interrogation and investigation obtained from the Norfolk Police Department's use of the City's FLOCK Automated License Plate Reader (ALPR) system because the NPD did not seek a warrant to obtain the license plate information from FLOCK.

Both counsel for the Commonwealth and the Defendant acknowledge that this is a matter of first impression. The Court has already ruled on this issue in *Commonwealth v. Jayvon Antonio Bell* and the Court relies on its rationale in the present case as well.¹

The Defendant's *Motion* is hereby GRANTED in part and DENIED in part. The Court suppresses the use of the FLOCK system without a warrant and the subsequent statement the Defendant made to Sgt. J. E. Myers about his direction of travel when questioned at the Police Operations Center on January 25, 2024. All other statements during the interrogation unrelated to law enforcement's use of the FLOCK system shall be deemed admissible during trial.

The Clerk is DIRECTED to mail a copy of this Order to counsel of record.

Entered: April 25, 2025



Jamilah D. LeCruise, Judge

¹ *Commonwealth v. Bell*, 113 Va. Cir. 316, 316 (Norfolk Cir. 2024); see also *Schmidt v. City of Norfolk*, No. 2:24cv621, 2025 U.S. Dist. LEXIS 21096, *18 (E.D. Va. February 5, 2025) ("[T]he complaint alleges facts notably similar to those in *Carpenter* that the Supreme Court found to clearly violate society's expectation of privacy: law enforcement secretly monitoring and cataloguing the whole of tens of thousands of individual's movements over an extended period. In short, the Court finds that considering existing precedent, the well-pled facts plausibly allege a violation of an objectively reasonable expectation of privacy.")).