

FILED IN CHAMBERS  
U.S.D.C ATLANTA

Date: Mar 20 2025

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

KEVIN WEAVER, Clerk

By: Kari Butler  
Deputy Clerk

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION FILE

JASON BRADLEY PATTERSON,

NO. 4:24-CR-00002-WMR-WEJ-1

Defendant.

**NON-FINAL REPORT AND RECOMMENDATION ON  
DEFENDANT'S MOTION TO SUPPRESS STATEMENTS [15]**

The grand jury charged Defendant, Jason Bradley Patterson, as follows:

On or about October 3, 2019, in the Northern District of Georgia, the defendant, JASON BRADLEY PATTERSON, did knowingly possess at least one visual depiction that had been shipped and transported in interstate and foreign commerce, by any means, including by computer, the production of which involved the minor engaging in sexually explicit conduct, and which visual depiction was of such conduct in violation of Title 18, United States Code, Sections 2252(a)(4)(B).

(See Indict. [1].)

Defendant filed a Motion to Suppress Tangible Evidence and Statements [19]. The undersigned conducted an evidentiary hearing on said Motion on January 7, 2025 [21], which has been transcribed [25] (hereafter "Tr."). During submission of post-hearing briefs, defendant abandoned that part of his Motion seeking to

suppress tangible evidence pursuant to claimed violations of his Fourth Amendment rights. (Def.'s Br. [27] 1.) This leaves only the Motion to Suppress Statements for the Court to resolve. As discussed below, the evidence shows that defendant was provided his Miranda rights, he waived them knowingly and voluntarily, and he subsequently made statements voluntarily and without coercion. Therefore, the Motion to Suppress Statements should be **DENIED**.<sup>1</sup>

**I. RELEVANT FACTS**

Edward Leon is a corporal with the Bartow County Sheriff's Office. (Tr. 3-4.) Since about 2015, he has worked as an undercover member of the Bartow-Cartersville Drug Task Force. (Id. at 4.) In 2019, Corporal Leon began an investigation into Mr. Patterson after a confidential informant identified him as a heroin seller. (Id. at 5-6.) With the help of that informant, the Task Force set up two controlled purchases of heroin from Mr. Patterson at a mobile home at 24 Allatoona Landing on September 17 and 23, 2019. (Id. at 6-9.)

About a week later, officers executed a search warrant of that mobile home, where they arrested the residents and found heroin as well as mail and a credit card

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<sup>1</sup> The Government has indicated that it may not use the statements at issue here, which relate to drug trafficking, in the instant prosecution of defendant for possession of child sexual abuse material. (Tr. 66.)

belonging to Mr. Patterson. (Tr. 9-11.) Before searching the residence, officers had obtained an arrest warrant for Mr. Patterson, whom they expected to find in the mobile home. (Id. at 11.) The warrant was issued by a Bartow County magistrate judge, dated October 1, 2019, for the offense of the sale of heroin. (Id. at 11-13; see also Gov't Ex. 1 (arrest warrant).)

Officers continued to search for Mr. Patterson and located him at another home (7 Terry Lane) on October 3, 2019. (Tr. 14-16.) Officers entered the home with permission of the owner and went to the back bedroom where the owner indicated Mr. Patterson would be found. (Id. at 16-17.) When no one answered, officers forced open the door and found defendant “relaxing on the bed with [a] female . . . waiting for us to open the door.” (Id. at 17, 67.) Officers saw drug paraphernalia in plain view and arrested Mr. Patterson. (Id. at 18.) Officers placed Mr. Patterson in handcuffs because he was under arrest pursuant to the aforementioned warrant. (Id. at 19, 66.)

**A. On-Scene Interview**

Corporal Leon interviewed Mr. Patterson on the scene of his arrest for just over 13 minutes. (Gov't Ex. 2 (video of interview); see also Tr. 22.) Corporal Leon began by reading Mr. Patterson his Miranda warnings off of a written card. (Gov't Ex. 2 at 0:01-0:20; see also Tr. 19.) Mr. Patterson acknowledged that he

understood his rights by nodding his head. (Gov't Ex. 2 at 0:01-0:20; see also Tr. 19-20.) When Corporal Leon asked defendant if he wanted to answer questions, Mr. Patterson asked, "May I ask questions too?" and Agent Leon said that he could, but reminded Mr. Patterson that he (Leon) was not the one in custody. (Gov't Ex. 2 at 0:30-0:55; see also Tr. 19-20.) Mr. Patterson said he did not want to disrespect the officer but did not know what was going on. (Gov't Ex. 2 at 0:55-0:59.) Corporal Leon then explained to Mr. Patterson that he was in handcuffs because of the multiple warrants for the sale of heroin and that they had raided his mobile home. (Id. at 0:59-1:08.) Mr. Patterson responded, "Right, the guy that was there was, I guess, doing that." (Id. at 1:08-1:13.) Corporal Leon explained that he was not going to waste time with Mr. Patterson if he was going to play ignorant or lie; informed him that the Task Force had video recordings of him selling heroin to his agent; and told Mr. Patterson he could only help him with his case if he cooperated and told the truth. (Id. at 1:13-1:57.) Mr. Patterson indicated that he was scared, but Agent Leon said, "I'm five-foot-five, I'm not really scary." Mr. Patterson laughed and said, "You're scary." (Id. at 2:00-2:08; see also Tr. 23-24, 68.)

After about a minute of silence from Mr. Patterson, Agent Leon said, "I know for a fact you're selling heroin, do you have any heroin in this house?" Mr. Patterson shook his head in the negative. (Gov't Ex. 2 at 2:54-3:00.) Corporal

Leon asked, “All you have is needles?” and defendant nodded. (Id. at 3:01-3:04.) Mr. Patterson reaffirmed, “There’s nothing in this house.” (Id. at 3:04-3:20.) Asked if there was anything in his truck, Mr. Patterson said, “No.” (Id. at 3:20-3:22.)

Throughout the remaining ten minutes of the video, Mr. Patterson provided verbal or physical responses to all of Corporal Leon’s questions, at times with reluctance. (Gov’t Ex. 2 at 3:22-13:22.) For example, Mr. Patterson stated, “I want to be honest but I don’t want to hurt myself.” (Id. at 3:52-3:54.) Defendant explained why he didn’t open the door when the officers announced themselves. (Id. at 3:55-4:18.) When Mr. Patterson asked Corporal Leon how he could help, he replied that he was the one who would determine what charges he would face. (Id. at 4:58-5:03.) Mr. Patterson then asked, “What do you want me to do?” and the Corporal replied, “I want the facts, who you’re buying your heroin from, who you’re selling your heroin to.” (Id. at 5:03-5:29.) Mr. Patterson then explained that a guy he used to work for stays at his house, has heroin, and he helps that guy sell it; Mr. Patterson knew that this guy had been busted at his house, which was owned by defendant’s mom but occupied by Mr. Patterson for the last seven years. (Id. at 5:30-5:50, 6:08-7:17.)

Defendant further discussed the extent of his role in selling heroin. (Gov't Ex. 2 at 7:18-8:49.) During the interview, Mr. Patterson's phone rang and he looked at it and said, "It's my mother," and asked to answer, but Corporal Leon said that he could speak to her afterwards. (Id. at 7:36-7:52; see also Tr. 71.) Mr. Patterson expressed his conflicted feelings about helping the police but getting himself into trouble. (Gov't Ex. 2 at 5:51-5:57.) Defendant confirmed that the phone Corporal Leon had removed from his pocket belonged to him. (Id. at 12:11-12:16; see also Tr. 72.)

In describing the on-scene interview during the evidentiary hearing, Corporal Leon said that Mr. Patterson was "very serious" and said he "wasn't combative, but he wasn't happy." (Tr. 19.) He also described Mr. Patterson as "very groggy, a little bit," and that he could "understood him, but he was mumbling his words." (Id. at 23.) Corporal Leon believed that Mr. Patterson was "definitely under the influence" of heroin but he appeared coherent. (Id.) He closed his eyes at several points during the interview. (Id. at 65.)

During the interview, Corporal Leon's firearm was holstered and not brandished or used to threaten defendant. (Tr. 20.) No physical force, threats, or promises were made to Mr. Patterson. (Id. at 21.) Corporal Leon confirmed that he told Mr. Patterson that he could only help himself if he told the truth, and that

he (Leon) would make some decisions about charging him. (Id. at 21, 70.) The Corporal did not raise his voice or yell at defendant. (Id. at 23.)

According to the Corporal Leon, Mr. Patterson never expressed any feelings of duress. (Tr. 24.) He also never asked to speak to a lawyer. (Id. at 24-25.) Defendant also never asked to stop talking to the Corporal or sought to end the interview. (Id. at 25.) Because he felt a good rapport with Mr. Patterson, Corporal Leon decided to cease the interview at the scene and continue it later at the jail. (Id.)

**B. Jail Interview**

Officers transported Mr. Patterson to the Bartow County Jail. (Tr. 25.) The next day, Corporal Leon continued his interview of Mr. Patterson in a private room with another agent present. (Id.; see also Gov't Ex. 3 (video of interview).) Corporal Leon again advised Mr. Patterson of his Miranda rights, which like before defendant acknowledged by nodding his head. (Tr. 25-26; see also Gov't Ex. 3 at 0:32-0:58.) Mr. Patterson indicated he would answer Corporal Leon's questions by nodding his head. (Tr. 26; see also Gov't Ex. 3 at 0:58-1:01.) For the next 18 minutes, Corporal Leon asked Mr. Patterson additional questions about the drug activity at his house and his relationship with his co-conspirator, and defendant

provided verbal or physical responses to all of his questions. (Gov't Ex. 3 at 1:02-19:18.)

During this second interview, Mr. Patterson never asked to speak to a lawyer. (Tr. 26.) He also never asked to stop talking to Corporal Leon or sought to end the interview. (Id.) In describing defendant during his testimony at the evidentiary hearing, Corporal Leon relayed that he was "very sleepy." (Id. at 72,) He also noted that Mr. Patterson appeared sick and was feeling unwell, likely based on his previous heroin use; he mumbled even more than the previous day and was yawning. (Id. at 72-73.)

## II. ANALYSIS

A two-part inquiry determines the admissibility of a confession or self-incriminating statement. First, Miranda warnings "are required before any statement may be admitted into evidence at trial which was elicited from a person in custody through interrogation." Endress v. Dugger, 880 F.2d 1244, 1248 (11th Cir. 1989). Thus, a court must determine whether Miranda warnings were provided and if they were validly waived. A defendant validly waives his Miranda rights only if the totality of the circumstances shows both of the following: (1) an uncoerced choice and (2) an awareness "of both the nature of the right being abandoned and the consequences of the decision to abandon it." Moran v. Burbine,

475 U.S. 412, 421 (1986). “Waiver may be established even absent formal or express statements of waiver.” United States v. Thomas, No. 4:13-CR-22-RLV, 2014 WL 793359, at \*9 (N.D. Ga. Feb. 25, 2014). “In fact, ‘a suspect who has received and understood the *Miranda* warnings, and has not invoked his *Miranda* rights, waives the right to remain silent by making an uncoerced statement to the police.’” Id. (quoting Berghuis v. Thompkins, 560 U.S. 370, 388-89 (2010)).

Second, even where the Government has complied with the requirements of Miranda, the Court must consider whether the confession or self-incriminating statements were voluntary. United States v. Jones, 32 F.3d 1512, 1516 (11th Cir. 1994) (per curiam); United States v. Sims, 719 F.2d 375, 378 (11th Cir. 1983) (per curiam). The Court must examine the “totality of the circumstances, including the details of the interrogation and the defendant’s characteristics” when determining whether statements were voluntary. United States v. Bernal-Benitez, 594 F.3d 1303, 1319 (11th Cir. 2010). “The determinative question asked is whether there has been police overreaching.” United States v. Bercoon, No. 1:15-CR-022-LMM-JFK, 2016 WL 9404865, at \*8 (N.D. Ga. Nov. 1, 2016), R. & R. adopted, 2017 WL 3151291 (N.D. Ga. July 24, 2017). Factors the Court must consider include “the defendant’s intelligence, the length of his detention, the nature of the interrogation,

the use of any physical force against him, or the use of any promises or inducements by police.” Hubbard v. Haley, 317 F.3d 1245, 1253 (11th Cir. 2003).

With regard to the first prong of the inquiry, the undersigned reports that Corporal Leon read Mr. Patterson the Miranda rights, defendant acknowledged that he understood those rights, and that he “voluntarily, knowingly, and intelligently” waived those rights. Moran, 475 U.S. at 421. Hearing testimony and videotape evidence reflects that the Corporal spoke in a calm and conversational tone to defendant and answered his questions. Moreover, Mr. Patterson indicated that he understood his rights as they were read to him, he agreed to speak with the officer, and he never revoked that waiver. After Corporal Leon administered the Miranda rights, Mr. Patterson nodded that he understood his rights and indicated that he was willing to talk. Defendant’s express oral statement waiving his rights is strong proof of the validity of that waiver. See North Carolina v. Butler, 441 U.S. 369, 373 (1979).

With regard to the second prong of this inquiry, the undersigned reports that Mr. Patterson’s post-Miranda statements were voluntary and not the result of police overreaching. There is no evidence that defendant was of low intelligence; he had only been in custody of law enforcement for a few minutes when the Miranda rights were shared with him; the nature of the interrogation was low key and lacked any

coercion; and the interviews were short (i.e., each less than 20 minutes). Additionally, Corporal Leon made no promises or inducements to defendant.

Mr. Patterson nevertheless contends that he was under the influence of heroin and that his condition prevented him from making a voluntary waiver of his rights. The test of whether a person is too affected by alcohol, drugs, or pain to knowingly, intelligently, and voluntarily waive his Miranda rights is one of coherence and an understanding of what is happening. See United States v. Martin, 434 F.2d 275, 279 (5th Cir. 1970) (holding confession properly admissible where evidence supported finding that, while defendant had been drinking and was affected by alcohol to some degree, his faculties were not so impaired that he did not understand what was going on nor was he incoherent); see also United States v. Adamson, No. 04-672, 2008 WL 167299, at \*7 (E.D. Pa. Jan. 16, 2008) (collecting circuit court cases focusing on defendant's coherence and comprehension, and finding that anxiety and pain medication did not impair the defendant's ability to make a valid Miranda waiver).

Intoxication only renders a waiver unknowing or unintelligent when the defendant was "so affected as to make his statement, after appropriate warnings, unreliable or involuntary." United States v. Elliott, No. 1:19-CR-002784-LMM-JSA, 2021 WL 4236641, at \*6 (N.D. Ga. May 18, 2021) (internal quotation marks

and citation omitted), R. & R. adopted, 2021 WL 3400704 (N.D. Ga. Aug. 4, 2021) (quotation omitted). Even when law enforcement testifies that a defendant appeared to be under the influence, the key question is whether the evidence shows “that [defendant] had insufficient mental capacity to understand his Miranda rights and the consequences of waiving them, or to voluntarily waive those rights.” United States v. Harris, No. 4:11-CR-18-HLM-WEJ, 2011 WL 5514003, at \*7 (N.D. Ga. Oct. 21, 2011), R. & R. adopted, 2011 WL 5514058 (N.D. Ga. Nov. 10, 2011).

Here, despite Mr. Patterson’s apparent intoxication, the hearing testimony and the videotape evidence supports a finding that he was coherent and cognizant of the situation when he waived his Miranda rights and then spoke with Corporal Leon. He had sufficient mental capacity to understand his Miranda rights and the consequences of waiving them, and to voluntarily waive those rights. Mr. Patterson was able to interact with the officer, follow instructions, and respond timely and appropriately to Corporal Leon’s instructions and questions both at the on-scene interview and the interview at the Jail. Although Mr. Patterson mumbled, yawned, or sometimes closed his eyes, he did not fall in and out of consciousness.

Corporal Leon believed that Mr. Patterson was under the influence of drugs; during the on-scene interview. He also noted that defendant was not looking well

at the Jail the next day, likely because of heroin side effects. However, he continued both interviews, and it was lawful for him to do so because the videotapes of both interviews show that, while defendant was occasionally mumbling or lethargic, he appeared to understand the questions, he gave logical answers to them, and he spent time reflecting whether he should answer questions as he weighed the risks of cooperation. See United States v. Taylor, No. CR424-051, 2024 WL 5319177, at \*4 (S.D. Ga. Dec. 4, 2024), R. & R. adopted, 2025 WL 73260 (S.D. Ga. Jan. 10, 2025) (“The Court finds it difficult to imagine a more compelling demonstration of a defendant’s knowing waiver of his rights” than defendant’s “consideration, out loud, of the various risks of agreeing to the interview over the course of more than five minutes.”).

Narcotics have varying effects on people depending on how much they consume or their history of drug consumption. Thus, Mr. Patterson’s bare claim that he was intoxicated at the time of his first interview or sleep deprived at his second does not invalidate his Miranda waiver or make his statements involuntary. See United States v. Taylor, 508 F.2d 761, 763 (5th Cir. 1975)<sup>2</sup> (“The mere fact

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<sup>2</sup> The Eleventh Circuit has adopted as binding precedent all Fifth Circuit decisions handed down before the close of business on September 30, 1981. Bonner v. City of Prichard, 661 F.2d 1206 (11th Cir. 1981) (en banc).

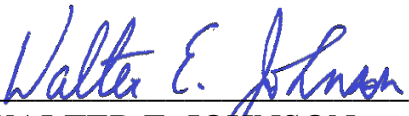
that the defendant had taken drugs prior to giving the statement does not render it inadmissible. The evidence must show the defendant was so affected as to make his statement, after appropriate warnings, unreliable or involuntary.”); see also United States v. Gaddy, 532 F.3d 783, 788 (8th Cir. 2008) (“Sleeplessness, alcohol use and drug use are relevant to our analysis, but [i]ntoxication and fatigue do not automatically render a confession involuntary.”) (internal quotation marks and citation omitted).

Considering the totality of the circumstances, Mr. Patterson made two uncoerced, knowing, and voluntary waivers of his Miranda rights, followed by voluntary, uncoerced statements to Corporal Leon. Accordingly, defendant’s Motion to Suppress Statements should be denied.

### **III. CONCLUSION**

For the reasons stated above, the undersigned **RECOMMENDS** that Defendant’s Motion to Suppress Statements [15] be **DENIED**.

**SO RECOMMENDED**, this 20th day of March, 2025.

  
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WALTER E. JOHNSON  
UNITED STATES MAGISTRATE JUDGE