

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 1, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

JORGE SIGALA-BARAY,

Defendant - Appellee.

No. 25-1245
(D.C. No. 1:25-CR-00011-NYW-1)
(D. Colo.)

ORDER AND JUDGMENT*

Before **TYMKOVICH, MURPHY**, and **CARSON**, Circuit Judges.

An arrest is lawful when an officer has probable cause to believe someone has committed or is about to commit a crime. Searches performed incident to lawful arrests do not violate the Fourth Amendment.

Colorado law requires drivers to present proof of insurance upon an officer's request during a traffic stop. When a driver has not presented proof of insurance, and the facts would warrant a reasonable officer's belief that this is because the driver does not possess such proof, the officer has probable cause to believe the driver has violated Colorado law.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

Corporal Kyle Taylor stopped Defendant Jorge Sigala-Baray after noticing his vehicle had a broken taillight. Taylor asked Defendant and Sasha Sarmiento—the vehicle’s owner and front passenger—for proof of insurance. By the time Taylor searched Defendant more than five minutes later and found a handgun, neither he nor Sarmiento had presented proof of insurance. Taylor arrested Defendant and the government charged him for being a felon-in-possession of a firearm.

Defendant moved to suppress evidence from the search, arguing that Taylor violated his Fourth Amendment rights. The government argued that Taylor conducted his search incident to a lawful arrest because Taylor had probable cause to arrest Defendant for failing to present proof of insurance. The district court granted Defendant’s motion to suppress, and the government appealed. Exercising jurisdiction under 18 U.S.C. § 3731, we vacate and remand.

I.

This dispute arises from a traffic stop involving Taylor, Defendant, and Sarmiento. On August 10, 2024, Defendant drove past Taylor in a Ford Expedition with a broken taillight.¹ Taylor asked dispatch to run the vehicle’s license plate and initiated a traffic stop. After Taylor approached the vehicle, its front passenger—Sarmiento—identified herself as the owner.

¹ We base our recitation of the facts in this case on the district court’s factual findings, which we accept “unless they are clearly erroneous.” United States v. Rice, 483 F.3d 1079, 1082 (10th Cir. 2007).

Taylor asked Sarmiento if she had “the insurance for [her] car,” to which she replied “[y]ou know, I don’t think I do, but I do have insurance, and I don’t know where my registration is.” Taylor suggested that Sarmiento check her phone for proof and began chatting with Defendant. Sarmiento looked for her insurance card in her purse.

About a minute later, Sarmiento provided an insurance document to Taylor, which he took back to his patrol car. This insurance document belonged to a different vehicle, so Taylor reapproached Defendant and Sarmiento about three minutes later and again asked for proof of insurance for the Expedition. Sarmiento began to look through her phone.

After about thirty seconds, Taylor asked Defendant and Sarmiento to step out of the car so he could check the Expedition’s Vehicle Identification Number (“VIN”). Taylor wanted to check the VIN because, by this time, dispatch had run the license plate for the Expedition and informed Taylor that the plate did not match the vehicle.² As Defendant exited the vehicle, Taylor searched him, found a gun in his waistband, and placed him under arrest. The government charged Defendant as a felon-in-possession of a firearm under 18 U.S.C. § 922(g)(1).

² This turned out to be a mistake resulting from a transpositional error. Even still, this fact is relevant to the analysis below because we have “consistently held” that “objectively reasonable” mistakes of fact can support probable cause. See United States v. Herrera, 444 F.3d 1238, 1246 (10th Cir. 2006) (first citing United States v. Tibbetts, 396 F.3d 1132, 1138 (10th Cir. 2005); then citing United States v. DeGasso, 369 F.3d 1139, 1144 (10th Cir. 2004); then citing United States v. Vercher, 358 F.3d 1257, 1261 (10th Cir. 2004); and then citing Illinois v. Rodriguez, 497 U.S. 177, 179 (1990)).

II.

Defendant moved to suppress evidence related to Taylor’s warrantless search, claiming it violated his Fourth Amendment rights. The government opposed the motion, arguing that the Fourth Amendment permitted Taylor’s search because it occurred incident to a lawful arrest. According to the government, Taylor had probable cause to arrest Defendant at the time of the search under Colo. Rev. Stat. §§ 42-4-1409(2) and (3)(a). Section 42-4-1409(2) prohibits operating an uninsured vehicle. Section 42-4-1409(3)(a) requires vehicle operators to “present . . . immediate evidence” of insurance to a requesting officer during a traffic stop.

The district court granted the motion to suppress after determining that Taylor lacked probable cause to arrest Defendant. It reasoned that a defendant violates subsection (3)(a) when he “fails to” present proof of insurance. In the district court’s view, Defendant had not “*failed* to present evidence of valid insurance” at the time of the search because Sarmiento “was still actively searching for proof of insurance” and had only searched for about two minutes. “[F]or the same reason[s],” the district court concluded that Taylor lacked probable cause to arrest Defendant under subsection (2). The district court explained that any other conclusion would result in “an unreasonable and unjust interpretation” of these provisions. The government appealed.³

³ The government also argued that Taylor had reasonable suspicion that Defendant was armed and dangerous, justifying the search under the Fourth Amendment. The district court rejected this argument and the government does not challenge this conclusion on appeal.

III.

“When reviewing a district court’s decision on suppression of evidence, we review the district court’s factual findings for clear error, viewing the evidence in the light most favorable to those findings.” United States v. Johnson, 584 F.3d 995, 998 (10th Cir. 2009) (citing United States v. Garcia, 459 F.3d 1059, 1062 (10th Cir. 2006)). We review the district court’s “ultimate determination of whether probable cause supported a search or seizure” de novo. United States v. Banks, 884 F.3d 998, 1007 (10th Cir. 2018) (quoting United States v. Hauk, 412 F.3d 1179, 1185 (10th Cir. 2005)).

The district court concluded that Taylor’s search violated Defendant’s Fourth Amendment rights. The Fourth Amendment, applicable to the states “through the Fourteenth Amendment’s Due Process Clause,” United States v. Canada, 76 F.4th 1304, 1307 (10th Cir. 2023) (citing Mapp v. Ohio, 367 U.S. 643, 650 (1961), “protects against unreasonable searches of ‘persons, houses, papers, and effects.’” Id. (quoting U.S. Const. amend. IV.) Under the exclusionary rule, courts may suppress evidence the government obtains in violation of the Fourth Amendment. See Utah v. Strieff, 579 U.S. 232, 237 (2016) (citing Mapp, 367 U.S. at 655)).

In determining whether an officer has violated the Fourth Amendment, “the ultimate touchstone . . . is ‘reasonableness’” Brigham City, Utah v. Stuart, 547 U.S. 398, 403 (2006) (first citing Flippo v. West Virginia, 528 U.S. 11, 13 (1999); and then citing Katz v. United States, 389 U.S. 347, 357 (1967)). Warrantless searches are presumptively unreasonable, id. (quoting Groh v. Ramirez, 540 U.S.

551, 559 (2004)), but “officers may conduct a warrantless search of a person when it is incident to a lawful arrest of that person.” United States v. Anchondo, 156 F.3d 1043, 1045 (10th Cir. 1998) (citing Chimel v. Cal., 395 U.S. 752, 762–63 (1969)).

A search incident to a lawful arrest is reasonable when “(1) a legitimate basis for the arrest existed before the search, and (2) the arrest followed shortly after the search.” Id. (first citing United States v. Rivera, 867 F.2d 1261, 1264 (10th Cir. 1989); and then citing Rawlings v. Kentucky, 448 U.S. 98, 111 (1980)). The parties do not dispute that Defendant’s arrest occurred shortly after Taylor’s search. Instead, Defendant argues no legitimate basis for the arrest existed because Taylor lacked probable cause before the search.

We analyze probable cause “based on the totality of the circumstances,” and find probable cause when the officer had “reasonably trustworthy information that would lead [him] to believe that the person about to be arrested has committed or is about to commit a crime.” Cortez v. McCauley, 478 F.3d 1108, 1116 (10th Cir. 2007) (en banc) (citing Maryland v. Pringle, 540 U.S. 366, 371 n.2 (2003)); see also Mink v. Knox, 613 F.3d 995, 1003 (10th Cir. 2010) (“Probable cause exists if ‘facts and circumstances within the officers’ knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.’” (first quoting Bowling v. Rector, 584 F.3d 956, 969 (10th Cir. 2009); and then citing York v. City of Las Cruces, 523 F.3d 1205, 1210 (10th Cir. 2008))). Probable cause is “an objective standard,” United States v. Davis, 197 F.3d 1048, 1051 (10th Cir. 1999)

(citing Beck v. Ohio, 379 U.S. 89, 96 (1964)), that we evaluate “in relation to the circumstances as they would have appeared to prudent, cautious and trained police officers,” id. (quoting United States v. McCormick, 468 F.2d 68, 73 (10th Cir. 1972)).

Thus, we must determine whether the facts and circumstances within Taylor’s knowledge were sufficient to warrant the belief that Defendant “ha[d] committed or [was] about to commit” a crime under §§ 42-4-1409(2) or (3)(a) when Taylor searched him.

IV.

This case requires the interpretation of Colorado law. “We review matters of statutory interpretation de novo,” Utah Physicians for a Healthy Env’t. v. Diesel Power Gear, LLC, 21 F.4th 1229, 1253 (10th Cir. 2021) (citing Pound v. Airosol Co., Inc., 498 F.3d 1089, 1094 (10th Cir. 2007)), and “[w]hen interpreting state law, we must ‘endeavor to predict how [the highest state court] would rule,’” Nat’l Ass. Of Gun Rights v. Polis, 173 F.4th 1317, 1325 (10th Cir. 2026) (quoting Nelson v. United States, 915 F.3d 1243, 1248 (10th Cir. 2019)).

Under Colorado law, courts begin with the “plain and ordinary meaning” of the statute’s text. Am. Fam. Mutual Ins. Co. v. Barriga, 418 P.3d 1181, 1183 (Colo. 2018) (citing Goodman v. Heritage Builders, Inc., 390 P.3d 398, 401 (Colo. 2017)). Courts must consider this text “as a whole and give ‘consistent, harmonious, and sensible effect to all of [the statute’s] parts’” while “avoid[ing] constructions that

would render any words or phrases superfluous or lead to illogical or absurd results.”

Id. (quoting Pineda-Liberato v. People, 403 P.3d 160, 164 (Colo. 2017)).

Section 42-4-1409(3)(a) requires vehicle operators to “present . . . immediate evidence of a complying policy or certificate of self-insurance” upon an officer’s request during a traffic stop. On appeal, the parties dispute the meaning of “immediate evidence.” The government argues that “immediate” describes the timing of the presentation of evidence such that a driver violates subsection (3)(a) unless he presents proof of insurance “without delay” or “instant[ly]” upon request. Immediate, Black’s Law Dictionary (12th ed. 2024). Defendant counters that “immediate” modifies “evidence” and thus describes the type of evidence a driver must present, rather than the timing of presentation. The district court did not address the meaning of “immediate evidence” in subsection (3)(a).

We need not resolve this dispute. Based on Defendant’s failure to present *any* evidence (let alone “immediate evidence”) of valid insurance, we conclude Taylor had probable cause to believe that Defendant violated subsection (3)(a). All parties agree that the statute requires drivers to present proof of insurance upon request, and that a driver who “fails to” present such proof violates the statute. People v. Tun, 486 P.3d 490, 496 (Colo. App. 2021). At the time of the search, Defendant and Sarmiento had provided only incorrect insurance information in response to Defendant’s two lawful requests for evidence of insurance. Defendant’s response was “deficient,” “unsuccessful,” and “[f]ell short of achieving something expected or hoped for” under the statute. Fail, Black’s Law Dictionary (12th ed 2024).

Despite this apparent failure under the statute, the district court concluded Taylor lacked probable cause to arrest Defendant for violating subsection (3)(a). The district court relied on two facts: (1) the brief length of Sarmiento’s search (two minutes), and (2) the fact that Sarmiento had not stopped looking for proof. Based on these two facts, the district court concluded that Defendant had not “*failed* to present evidence of a valid insurance policy”

We can assume that the district court correctly interpreted subsection (3)(a) to require officers to consider this context in deciding whether a driver has failed to present evidence.⁴ But the district court erred by treating these facts as dispositive rather than as part of the totality-of-the-circumstances within Taylor’s knowledge. See United States v. Lopez-Martinez, 25 F.3d 1481, 1487 (10th Cir. 1994) (explaining that the Supreme Court directs us to “examine ‘the whole picture’” and not isolate specific facts) (quoting United States v. Cortez, 449 U.S. 411, 417–18 (1981)).

Even if a reasonable officer must consider the length of time that a driver had to search and any ongoing search efforts in determining whether the driver has failed to present evidence under subsection (3)(a), a reasonable officer could also consider facts suggesting that the driver “ha[s] *no proof of insurance*.” People v. Martinez, 179 P.3d 23, 24 (Colo. App. 2007). When the facts would warrant a reasonable officer’s belief that a driver has not presented proof of insurance because he has no

⁴ The government’s interpretation of “immediate evidence” suggests that the facts the district court relied on have little, if any, relevance under subsection (3)(a).

proof, rather than because he has not been given enough time to search for proof, the officer has probable cause to believe the driver has violated subsection (3)(a) despite ongoing search efforts.

A reasonable officer in Taylor’s position, considering the totality of the circumstances, would believe that Defendant had no proof of insurance at the time of the search, rendering any continuing efforts to locate proof of insurance futile. Sarmiento told Taylor that she did not think she had proof of insurance. She searched for about a minute anyway, but in the end, she could only provide Taylor with insurance for a different vehicle. Taylor then requested proof of insurance for a second time. Defendant and Sarmiento still provided no proof when Taylor searched Defendant about thirty seconds later. By this time, dispatch had also told Taylor that the license plate on the vehicle did not match the Expedition—further increasing the likelihood that Defendant and Sarmiento did not have proof of insurance for the Expedition. We conclude that a reasonable officer would believe that Defendant had not and could not present proof of insurance at the time of the search. This is sufficient for probable cause under the statute.⁵

⁵ Defendant argues that that government waived any reliance on the facts we consider here because it “argued one fact and one fact only established probable cause—that no proof of insurance was produced.” We disagree. The government’s theory in the district court was that Taylor had probable cause to believe Defendant violated subsection (3)(a) because he only ever provided incorrect insurance documents and never provided proof of insurance upon request. The government also argued that the body cam footage was enough to show Defendant violated subsection (2) and (3)(a). Although the government highlights additional evidence from the body cam footage on appeal, its theory substantially “mirrors” the one

Defendant resists this conclusion, arguing that each fact discussed above “adds exceedingly little” to the probable cause analysis. But Defendant reaches this conclusion only by analyzing each fact in isolation. See District of Columbia v. R.W., 146 S. Ct. 1069, 1072 (2026) (explaining that the totality-of-the-circumstances test requires courts to analyze facts together and not in isolation). For instance, Defendant contends that, when Sarmiento confessed she did not think she had proof of insurance, “she was clearly just skeptical that she had a paper copy” in the car. Indeed, as Defendant points out, Taylor seems to have initially interpreted Sarmiento’s statement this way because he suggested that she check her phone for insurance.

But Sarmiento did not follow this suggestion. Instead, she looked through her purse for evidence of insurance. This makes little sense if she meant to say that she did not think she had a paper copy of her insurance but did think she had a copy on her phone. The inference that Defendant asks us to make is not reasonable once we consider Sarmiento’s statement as part of the totality of the circumstances.

argued before the district court. Honie v. Powell, 58 F.4th 1173, 1185 (10th Cir. 2023).

In any event, we may “review . . . issue[s] not pressed so long as [they] ha[ve] been passed upon” Lebron v. Nat’l R.R. Passenger Corp., 513 U.S. 374, 379–80 (1995) (explaining the Court could consider an argument that had been disavowed below because the district court had passed upon it). The district court found each fact that the government highlights and purported to analyze probable cause under the totality-of-the-circumstances. We may consider those same circumstances in reviewing the district court’s order on appeal.

Similarly, handing over proof of insurance for the wrong vehicle, standing alone, could be an honest mistake that indicates little about whether an owner or operator has proof of insurance. But, when paired with a contemporaneous statement that the owner or operator does not think they have proof of insurance, the mistake becomes significantly more probative of a lack of proof. The same is true of Taylor's mistaken belief that the license plate did not match. Perhaps, in isolation, this fact would not support probable cause. Yet, when considered alongside the facts above, the license-plate mismatch increased the probability that Defendant lacked valid proof of insurance for the Expedition. These facts together would warrant a reasonable officer's belief that Defendant had not provided proof of insurance because he could not provide such proof—rather than because Taylor failed to provide enough time to search.

Defendant also argues that any probable cause stemming from these facts was not “particularized” to him. He contends the record does not show that Taylor ever requested proof of insurance from him (rather than from Sarmiento). The district court's factual findings foreclose this argument because the district court found that Taylor made his second request to “Sarmiento *and/or* [Defendant].”

Defendant also argues that, even if Taylor made his second request for proof to him, Taylor only gave him thirty seconds to comply. Again, Defendant improperly considers the facts in isolation in making this argument. Nothing about the encounter suggested that Defendant had proof of insurance all along but was waiting to be asked directly. Instead, the body-cam footage shows Defendant relied on Sarmiento,

as the owner of the vehicle, to provide proof of insurance to Taylor. Thus, understood in their totality, the same facts that would have led Taylor to believe Sarmiento did not possess proof of insurance would have also led him to believe Defendant did not possess this proof either.

Finally, the district court reasoned that a finding of probable cause in this case “would require an unreasonable or unjust interpretation” of subsection (3)(a). Defendant similarly argues that we should interpret the statute in a way that avoids this result. But even this purportedly unjust result would not permit us to deviate from the plain language of the statute under Colorado law.

“The rule that [courts] will deviate from the plain language of a statute to avoid an absurd result must be reserved for those instances where a literal interpretation of a statute would produce a result contrary to the expressed intent of the legislature.” Smith v. Exec. Custom Homes, Inc., 230 P.3d 1186, 1191 (Colo. 2010) (first citing Frazier v. People, 90 P.3d 807, 812 (Colo. 2004); and then citing Dep’t of Transp. v. City of Idaho Springs, 192 P.3d 490, 494 (Colo. App. 2008)). This rule does not apply simply because a court finds a result “inequitable or unwise.” Id. “Where a statute leads to undesirable results, it is up to the General Assembly, not the courts, to determine the remedy.” Id. (citing Dep’t of Transp., 192 P.3d at 494).

We conclude probable cause existed to arrest Defendant under subsection (3)(a) at the time of the search. The government also argued that probable cause

existed under subsection (2). Because we conclude probable cause existed under subsection (3)(a), we need not address probable cause under subsection (2).

V.

Even though we find probable cause existed to arrest Defendant, he argues that reversal of the district court's order is not the proper remedy. Instead, he asks us to vacate because the district court did not reach an alternative argument that he made in his motion to suppress. The government does not dispute that the district court may consider this alternative argument on remand. We therefore VACATE the district court's order suppressing evidence and REMAND for further proceedings consistent with this order and judgment.

Entered for the Court

Joel M. Carson III
Circuit Judge