UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2730

UNITED STATES OF AMERICA

v.

CHARLES NELSON LENHART,
Appellant

On Appeal from the U.S. District Court, M.D. Pa.
Judge Keli M. Neary, No. 1:23-cr-00268-001

Before: CHAGARES, *Chief Judge*, MATEY, and BOVE, *Circuit Judges*
Submitted: Sep. 16, 2026; Filed: Nov. 24, 2026

NONPRECEDENTIAL OPINION[*]

MATEY, *Circuit Judge*. Charles Nelson Lenhart moved to suppress evidence obtained during a search of his home and to withdraw his guilty plea. Both motions were denied. Seeing no error, we will affirm.

I.

During a routine traffic stop for an expired registration, a police officer discovered cocaine inside a passenger's purse. The officer advised the passenger she could avoid serious criminal charges if she disclosed where she obtained the cocaine. The passenger explained that she had purchased the drugs earlier that day from Lenhart at his property in

[*] This disposition is not an opinion of the full Court and, under 3d Cir. I.O.P. 5.7, is not binding precedent.

York, Pennsylvania. The property consisted of a split-level home where Lenhart resided, as well as a detached garage at the rear of the property.

The passenger told the officer that she had observed a significant quantity of drugs, scales and packing materials, and several armed individuals at the property. She provided text messages with Lenhart arranging the purchase. And she claimed to "know a lot about" the property from previous drug purchases, including the location of drugs inside the house. App. 12. But she told another officer that she had not been inside Lenhart's home that day, only the detached garage, and that she had last bought drugs on the property eighteen months earlier. The first officer had been on the phone with a deputy assistant attorney at the time, inquiring about the possibility of a search warrant.

Based on his discussion with the informant, as well as other information about the house already known to law enforcement,[1] the first officer obtained a search warrant for Lenhart's property, which uncovered narcotics, firearms, and other contraband. Lenhart was charged with possession with intent to distribute cocaine and fentanyl, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) (count 1); possession of a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c)(1)(A) (count 2); and unlawful possession of a firearm by a previously convicted felon, in violation of 18 U.S.C. § 922(g)(1) (count 3). Two more charges—retaliating against a witness and conspiracy to

[1] York County Drug Task Force confirmed that they had received information in the past that Lenhart dealt cocaine and marijuana from both his residence and the detached garage, and that law enforcement had previously conducted surveillance on the residence, observing vehicle traffic at all hours of the night, "consistent with the sale[] of narcotics." App. 50.

retaliate against a witness, 18 U.S.C. §§ 1513(b)(2) and (f)—were added by superseding indictment on July 17, 2024, after Lenhart and two others tracked the informant down at her place of work and brutally assaulted her.

Lenhart moved under *Franks v. Delaware*, 438 U.S. 154 (1978), to suppress evidence seized during the search of his home, arguing the affidavit recklessly omitted information and contained false statements. The District Court denied the motion, and Lenhart subsequently pleaded guilty to three counts but preserved his right to appeal the *Franks* ruling. Before sentencing, Lenhart moved to withdraw his guilty plea based on newly discovered information concerning unrelated misconduct by the officer. The District Court denied that motion as well. Lenhart appeals both orders.[2]

II.

To succeed on a *Franks* motion, the defendant must "(1) make a substantial preliminary showing that the affiant knowingly or recklessly included a false statement in or omitted facts from the affidavit, and (2) demonstrate that the false statement or omitted facts are necessary to the finding of probable cause." *United States v. Pavulak*, 700 F.3d 651, 665 (3d Cir. 2012) (citation omitted). Lenhart points to five alleged errors in the affidavit, but none meet the *Franks* requirements.[3]

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[2] The District Court had jurisdiction under 18 U.S.C. § 3231 and we have jurisdiction under 28 U.S.C. § 1291.

[3] These alleged errors are: (1) omitting the informant did not enter the house on the day of the traffic stop and had not gone into the house to purchase cocaine in about eighteen months; (2) omitting when the informant and Lenhart exchanged text messages; (3) omitting that the informant provided the information in exchange for leniency for her own drug possession; (4) incorrectly suggesting that the informant used the term "road name"

As to the first prong, Lenhart cannot establish the affidavit "recklessly omit[ted] facts that any reasonable person would know that a judge would want to know" or recklessly made assertions when he had "obvious reasons to doubt the truth of what he . . . [was] asserting." *Wilson v. Russo*, 212 F.3d 781, 783 (3d Cir. 2000). The informant stated she had "literally just went and got" cocaine at the property, that there was "a lot" of cocaine there "right now," and that Lenhart "always" kept his large stash of cocaine in the bedroom dresser. Appx, Def. Ex. 1 (Body Worn Camera Footage) (20:57-30:40). She also described what Lenhart was wearing that day and stated that there was cocaine in his bedroom "right now." *Id.* Although she later clarified that her purchase that day occurred in the detached garage, her statements reasonably suggested current knowledge of the scope and significance of the drug activity at the property.[4] And while she told another officer that she had not purchased drugs from Lenhart for around eighteen months, it was not unreasonable to conclude Lenhart's distribution pattern had not changed, particularly given corroborating information from the York County Drug Task Force and the informant's experience at the property that same morning.[5]

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when she actually used the term "club name"; and (5) incorrectly stating that Lenhart returned cocaine to the house after selling cocaine to the informant in the garage. Lenhart Opening Br. 16–18.

[4] It also appears the affiant was not present for this comment and "[a]n officer who does not personally know information cannot intentionally or recklessly omit it, and therefore the collective knowledge doctrine cannot apply in the *Franks* context." *United States v. Pulley*, 987 F.3d 370, 379 (4th Cir. 2021).

[5] Lenhart's remaining alleged omissions and misstatements are similarly unpersuasive. The text exchange reasonably appeared to be from the day of the stop, as was later confirmed. Nor was the officer's failure to disclose his offer of leniency to the informant reckless, as the affidavit disclosed that she possessed cocaine and then identified

In any event, Lenhart also fails to meet the second *Franks* requirement because probable cause remained even after the District Court stripped the affidavit of the alleged misstatements and inserted the alleged omissions. Probable cause exists when "there is a fair probability that contraband or evidence of a crime will be found in a particular place." *United States v. Yusuf*, 461 F.3d 374, 390 (3d Cir. 2006) (citation omitted). The District Court's careful reconstruction of the affidavit revealed ample probable cause. The agreed-upon facts show cocaine found on a person who was in a car that had been parked at Lenhart's house earlier that day. That informant admitted she purchased the drugs at Lenhart's detached garage where she observed drugs, scales, and armed bystanders. She disclosed her text messages, which showed an arrangement with Lenhart to purchase cocaine that morning. The address was known to be associated with criminal activity and had been reported for drug use. These undisputed statements in the affidavit are sufficient for probable cause. *See United States v. Stearn*, 597 F.3d 540, 560 (3d Cir. 2010) (explaining that an affidavit may establish probable cause to search a drug dealer's residence even when contraband is also kept at another location, provided there is a "nexus between the dealer's home and the crime under investigation.").[6]

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its source, alerting the issuing judge to her potential criminal exposure. Finally, the alleged misstatements regarding Lenhart's "road name" and his return of cocaine to the house were either consistent with, or reasonable inferences from, the informant's account. On the latter point, it was reasonable to assume that, after apportioning a small amount of cocaine from two large bags and selling the small quantity to the informant, Lenhart would have returned his larger stash to the drawer in his bedroom where he "always" kept his drugs. App. 12.

[6] Because we conclude that the District Court did not err in denying Lenhart's *Franks* motion, we need not reach the question of whether the good-faith exception to the exclusionary rule applies in this case.

III.

Last, we turn to Lenhart's attempt to withdraw his guilty plea. Prior to sentencing, Lenhart moved to withdraw his plea because the affiant officer was criminally charged for accessing a police database for personal use. Lenhart claims that the prosecution should have disclosed this impeachment evidence, which could have supported a motion to reconsider his suppression arguments.

We disagree. A guilty plea may only be withdrawn for a "fair and just reason," and the burden upon the defendant is "substantial." *United States v. Jones*, 336 F.3d 245, 252 (3d Cir. 2003). Courts consider "(1) whether the defendant asserts his innocence; (2) the strength of the defendant's reasons for withdrawing the plea; and (3) whether the government would be prejudiced by the withdrawal." *Id.*

Lenhart has not established a fair and just reason for withdrawing his guilty plea. He does not assert innocence, and the United States is not required to provide a "preguilty plea disclosure of impeachment information." *United States v. Ruiz*, 536 U.S. 622, 629 (2002). Nor was the alleged misconduct related to the charges brought against Lenhart. Moreover, bodycam footage, not dependent on the officer's credibility, would have supported probable cause, so reconsideration of the suppression motion would have yielded the same result. As at least two factors weigh squarely against withdrawing his guilty plea, the District Court did not abuse its discretion in denying Lenhart's motion.

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For these reasons we will AFFIRM the District Court's judgment.