TEAM: 101

Case No. 2023-cr-812

IN THE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF STETSON
Sep. 04, 2023

THE UNITED STATES OF AMERICA,

Prosecution,

-against

JAMIE LAWTON,

Defendant,

MEMORANDUM OF LAW
IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS

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INTRODUCTION

The Defense's Motion to Exclude should be granted because the cocaine and blood test the Government seeks to introduce against Jamie Lawton were obtained through Officer Griffin's multiple violations of Lawton's Fourth Amendment rights. Griffin disregarded the Constitution and entered Lawton's home without a warrant. After illegally entering the home, Griffin doubled down and conducted an illegal search. The Supreme Court has long understood the Fourth Amendment to forbid exactly the type of intrusions that Griffin visited upon Lawton. The Court has also long held that evidence discovered through Fourth Amendment violations cannot be used against the aggrieved party. Officer Griffin disregarded every reasonable inference and opportunity to procure a warrant and conducted an illegal entry and search of Lawton's home. Accordingly, the Motion to Exclude evidence should be granted.

STATEMENT OF FACTS

On June 8, 2023, Petersburg Police Department Officer Taylor Griffin observed a red Chevrolet S10 truck stopped at a 49th Street traffic light. (Transcript of Griffin Grand Jury at 17.) Griffin believed Kevin James—a local man previously arrested for driving under the influence—was the driver. (*Id.* at 20.) The driver leaned out the door of the truck and appeared to vomit. (*Id.* at 22.) Griffin noted that the individual was average sized with long blond hair in a bun. (*Id.*) Griffin understood James to be average sized with shaggy brown hair, without distinguishing characteristics. (*Id.* at 21.) However, Griffin decided that James had grown his hair out and dyed it blond to avoid detection while driving on a suspended license. (*Id.* at 22-23.) Based upon prior knowledge of the type of truck James drove and a particular bumper sticker that was present on both trucks, Griffin determined that James was driving the truck, was intoxicated, and was therefore subject to felony DUI arrest. (*Id.* at 27.)

In fact, the driver was Jamie Lawton. (Lawton Statement at 62.) On June 8, Lawton had lunch with friends at Right On Cue when Lawton became ill. (*Id.*) This illness, later identified as acute appendicitis, caused Lawton extreme abdominal pain and nausea. (*Id.* at 62:10, 63:16, 65:25.) Lawton left the restaurant to drive to their home, located at 900 49th St. (*Id.* at 62:12.) While stopped at a 49th Street stoplight, Lawton was overcome with nausea, opened their car door, and leaned out to expel a small amount of vomit into the street. (*Id.* at 62:15.)

Griffin followed Lawton's truck. (Transcript of Griffin Grand Jury at 24.) While unknowingly being followed, Lawton suffered extreme abdominal pain that caused them to leave their lane a few times. (Lawton Statement at 63; *Id.* at 25.) Observing these lane departures, Griffin initiated a traffic stop by turning on his squad car lights. (Transcript of Griffin Grand Jury at 26.) Notably, Griffin did not turn on the car's siren. (*Id.* at 26.) Lawton, overcome with pain and nausea, did not notice Griffin's flashing lights and, without a siren to alert him to Griffin's presence, did not pull over. (Lawton Statement at 64.) Griffin followed Lawton for the next three miles, at the posted speed limit of 50 miles per hour, but never activated the car's sirens. (Transcript of Griffin Grand Jury at 24-28.)

Upon arriving home, Lawton parked the truck, exited the vehicle, and walked into their home. (Lawton Statement at 61; Transcript of Griffin Grand Jury at 28.) Lawton's home was previously a warehouse. (Lawton Statement at 61.) When Griffin arrived at Lawton's home, they received a phone call from Lieutenant Vann. (Transcript of Griffin Grand Jury at 28; Transcript of Vann Grand Jury at 54.) Vann informed Griffin that the truck driver was not James, and that Griffin should cease pursuit because Lawton's home was under surveillance as part of a Drug Enforcement Agency (DEA) investigation. (Transcript of Vann Grand Jury at 54.) The DEA was building a case against Lawton but had not yet obtained a search warrant for Lawton's residence.

(*Id.* at 52.) Griffin ignored Vann and entered Lawton's home. (Transcript of Griffin Grand Jury at 28.) At that time, Griffin did not have a warrant nor permission to enter the home but believed they had probable cause to make a DUI arrest. (Transcript of Griffin Grand Jury at 28-29.)

Griffin entered the home through the same entrance Lawton had used. (*Id.* at 31.) Once inside Griffin heard two voices. (*Id.* at 32.) Griffin followed the voices into the kitchen where they met Jamie Lawton and Kell Halstead and confirmed that Lawton was the individual Griffin had observed leaning from the truck at the 49th Street stoplight. (*Id.* at 33-34.) Griffin informed Lawton that he was suspected of driving while intoxicated. (*Id.*) Both Halstead and Lawton told Griffin to leave but Griffin ignored them. (*Id.* at 35-36.) Lawton appeared ill and told Griffin that they were in debilitating pain. (*Id.*) Griffin called for an ambulance, which arrived approximately ten minutes later and transported Lawton to McDaniel Medical Center. (*Id.* at 36.) EMT's wheeled Lawton's gurney outside to the ambulance utilizing a different entrance than both Lawton and Griffin had entered through. (*Id.* at 39.)

While speaking with Lawton and Halstead in Lawton's kitchen, Griffin observed Halstead repeatedly glancing at a covered pallet in an otherwise empty portion of the home. (*Id.* at 36.) Only a section of a plastic wrapped package about three inches thick by four inches long was visible underneath a tarp. (*Id.* at 39-40.) While ostensibly following the EMT's to exit the building, Griffin veered about eight feet from the exit path towards the pallet. (*Id.* at 39-40.) Upon reaching the pallet, Griffin removed the tarp covering it and discovered three plastic wrapped packages containing a white substance. (*Id.*) The substance later tested positive as cocaine. (*Id.* at 40.) Griffin secured the cocaine and delivered it to Vann who was waiting outside the home. (*Id.*) As Griffin was delivering the packages to Vann, Halstead attempted to escape the home but was apprehended by DEA agents. (*Id.* at 41.)

Griffin travelled directly to McDaniel Medical Center and learned that Lawton was suffering from appendicitis and needed surgery. (*Id.* at 42.) Griffin attempted to procure a urine sample, but Lawton, believing themself unable to urinate because of pain, consented to a blood draw to verify their BAC. (*Id.* at 42; Lawton Statement at 65.) Lawton's BAC was 0.04, half the legal limit of 0.08. (*Id.* at 43; Stetson Stat. § 14-227a(1)(a).).

ARGUMENT

I. JAMIE LAWTON'S HOME WAS A CONSTITUTIONALLY PROTECTED SPACE.

The Fourth Amendment entitled Jamie Lawton to a reasonable expectation of privacy within the confines of their home, guaranteeing security "against unreasonable searches and seizures." U.S. CONST. amend. IV; *Katz v. United States*, 389 U.S. 347 (1967). In fact, the Supreme Court held that, "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." *United States v. United States Dist. Court for Eastern Dist. of Michigan*, 407 U.S. 297, 313 (1972).

Officer Griffin's entry into Lawton's home was warrantless, unjustified by exigent circumstances, and therefore violated the Fourth Amendment. "Consistently with *Katz*, this Court uniformly has held that the application of the Fourth Amendment depends on whether the person invoking its protection can claim a 'justifiable,' 'reasonable,' or 'legitimate expectation of privacy' that has been invaded by government action." *Smith v. Maryland*, 442 U.S. 735, 740 (1979). The *Katz* test asks "whether the individual, by his conduct, has 'exhibited an actual (subjective) expectation of privacy,'" and whether "the individual's expectation, viewed objectively, is 'justifiable' under the circumstances." *Smith*, 442 U.S. at 740.

Admittedly, Jamie Lawton's living situation was unusual. Lawton's home was formerly a warehouse and had been neglected prior to Lawton's purchase. (Lawton Statement at 61.)

However, Lawton had installed a kitchen, stocked with dishes and food. (Transcript of Griffin Grand Jury at 33.) They slept in a bedroom with a dresser, and clothes. (Lawton Statement at 61, 62; *Id.* at 33; Exhibits 6, 9, 14.) The *Katz* test asks only whether Lawton's conduct "exhibited an actual (subjective) expectation of privacy," and whether their expectation was justifiable. *Katz*, 398 U.S. at 361. The Court does not require that a person's home be a traditional residence. *Id.* Lawton installed "private property" and "no trespassing" signs around the home, proclaiming to the world that it was no longer an abandoned warehouse. (Transcript of Griffin Grand Jury at 30; Transcript of Vann Grand Jury at 53; Exhibit 4, 11, 12.) This was a clear, unambiguous declaration of Lawton's intent to enjoy privacy and Fourth Amendment protections.

"The ultimate touchstone of the Fourth Amendment is reasonableness." *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006) (internal quotations omitted). Fourth Amendment case law therefore establishes that (1) all searches must be reasonable and (2) that probable cause is required for a warrant. However, the Court has recognized several exigent circumstances that "make the needs of law enforcement so compelling that [a] warrantless search is objectively reasonable under the Fourth Amendment." *Mincey v. Arizona*, 437 U.S. 385, 394 (1978). These circumstances include the emergency aid exception, hot pursuit exception, and "the need to prevent the imminent destruction of evidence." *Kentucky v. King*, 563 U.S. 452, 460 (2011) (internal quotations omitted); *see Brigham City*, 547 U.S. at 403 (upholding the emergency aid exception); *see United States v. Santana*, 427 U.S. 38, 42-43 (1976) (upholding the hot pursuit exception). Notably, application of the exigent circumstance exception requires that police have probable cause to believe an underlying justification for entry or search exists. *King*, 563 U.S. at 461. Probable cause is found when a reasonable observer's consideration of the totality of the circumstances suggests that a warrantless entry is merited. *Id.*

II. GRIFFIN HAD NO CAUSE TO BELIEVE THEY WITNESSED A FELONY DUI.

Contrary to Officer Griffin's assertions, they did not have probable cause to believe that a felony DUI was in progress. (Transcript of Griffin Grand Jury at 27.) Griffin's unfounded belief that probable cause existed was the basis for each subsequent action. Since this basic presumption was objectively unreasonable, all subsequent actions taken in reliance on the presumption were unconstitutional. Police entry into a person's home requires either a warrant or probable cause supporting the application of an exigent circumstances exception. Probable cause exists when an officer's reasonable interpretation of available information warrants a belief that a crime has been or is being committed. *Brinegar v. United States*, 338 U.S. 160, 175-76 (1949); *Illinois v. Gates*, 462 U.S. 213, 231 (1983). As the Court has repeatedly held, "the ultimate touchstone of the Fourth Amendment is reasonableness." *Lange v. California*, 141 S.Ct. 2011, 2016 (2021) (citing *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006)).

In this case, Officer Griffin's debilitating biases led to unreasonable conclusions resulting in multiple violations of Jamie Lawton's Fourth Amendment rights. Griffin saw a truck with a bumper sticker and decided that Kevin James was driving while intoxicated and subject to felony arrest. (*Id.* at 20.) All other available evidence ran counter to this assumption. The driver that Griffin decided was James was actually Lawton. Besides being of average size, every physical descriptor Griffin provided for James was different from Lawton. (*Id.* at 22-23.) Even a generous application of the totality of the circumstances test is not enough to credit Griffin's determination that probable cause existed to believe the truck driver was committing a felony DUI.

"The principal components of a determination of . . . probable cause will be the events . . . leading up to the stop or search, and then the decision whether these historical facts, viewed [as] an objectively reasonable police officer, amount to reasonable suspicion or to probable cause."

Ornelas v. United States, 517 U.S. 690, 698 (1996). Under this standard, it is apparent how flawed Griffin's reasoning and conclusions were. According to Griffin's own testimony, James had shaggy brown hair. (Transcript of Griffin Grand Jury at 21, 23.) Lawton has long blonde hair. *Id.* Griffin leapt to the conclusion that James had grown his hair out and dyed it so he could drive on a suspended license without being detected. *Id.* Griffin could not even determine if the average-sized person, with long blonde hair, was a man or woman. (*Id.* at 23.) These gaping evidentiary and logical holes foreclose any credible argument that Griffin had established probable cause in this case.

Even if Lawton was intoxicated while driving, they were not a repeat offender and would, at most, have been guilty of a misdemeanor. Despite this, from the moment Griffin made his initial, unreasonable, assumption, every subsequent action was predicated on their belief that the person driving the truck was James. The only reason there was ever the suggestion of a felony in relation to the driver's conduct was because Griffin jumped to unreasonable conclusions and ignored contrary evidence at every step.

III. GRIFFIN HAD NO WARRANT AND NO EXIGENT CIRCUMSTANCES TO ENTER LAWTON'S HOME.

Even if probable cause supported Griffin's belief that the truck's driver was intoxicated *and* even if Griffin's belief that the driver was subject to felony arrest was not itself meritless, the warrantless entry into Lawton's home was a clear Fourth Amendment violation with none of *Katz*'s "specifically established and well delineated exceptions," or *King*'s "compelling law enforcement need." *Katz*, 298 U.S. at 357; *King*, 563 U.S. at 460; (Transcript of Griffin Grand Jury at 27.)

The Fourth Amendment required the police to secure a warrant, based upon a neutral arbiter's evaluation of evidence, to enter Lawton's home without permission. *Schneckloth v.*

Bustamonte, 412 U.S. 218, 219 (1973). Although the warrant requirement does not apply to abandoned buildings, there is no reasonable inference that Lawton's home was abandoned. *United States v. Hoey*, 983 F.2d 890, 892 (8th Cir. 1993) (citing *Abel v. United States*, 362 U.S. 217, 241 (1960)). Lieutenant Vann explicitly told Griffin that the building was a residence. (Transcript of Griffin Grand Jury at 28; Transcript of Vann Grand Jury at 54.) Additionally, Griffin's visual and circumstantial evidence does not support an inference that the building was abandoned and exempt from warrant requirements. (Transcript of Vann Grand Jury at 52-53.) The building was festooned with signs declaring that it was "private property," and that "no trespassing" was allowed. (*Id.* at 55; Exhibits 11, 12.) Furthermore, Lawton parked at their home and hurried inside, doubled over in pain. (Lawton Statement at 63.) Lawton did not sprint from the truck as part of a mad pursuit. To infer from Lawton's actions that they were fleeing into an abandoned building to escape Griffin's pursuit strains credulity.

A. Griffin Had No Reasonable Evidence They Were Engaged in a "Chase" as Required by the Hot Pursuit Exception.

In reaffirming the "hot pursuit" exception to Fourth Amendment warrant requirements, the Supreme Court held that, "'hot pursuit' means some sort of chase." *Santana*, 427 U.S. at 42-43. Courts consider whether the pursuing officer had time to secure a warrant and whether the circumstances of the incident constituted an emergency requiring immediate intervention. The hot pursuit exception does not apply in this case for two reasons: (1) Officer Griffin's following Lawton did not rise to the level of a "pursuit" and (2) Griffin had no reasonably determined probable cause to believe that the driver was subject to felony arrest.

Notably, the "chase" in *Santana* occurred when an armed robbery suspect saw, recognized, and fled from police officers. 427 U.S. at 40. The Court specifically noted that Santana saw the police and fled at that point. *Id.* at 43. Griffin offered no evidence that Lawton

was aware of the police car's presence, much less that the lights were flashing. Once Griffin had unreasonably determined they had probable cause to initiate a traffic stop, they did not utilize the patrol car's sirens. (Transcript of Griffin Grand Jury at 27.) They relied entirely on the car's flashing lights to alert the driver that a stop had been initiated. *Id.* Even when the patrol vehicle's lights went unnoticed, the driver took no evasive or unusual action. (*Id.* at 25-28.) Lawton, suffering from searing abdominal pain, drove three miles to their home, traveling the posted speed limit. (Lawton Statement at 63; *Id.* at 27-28.) There was no reasonable basis to pursue Lawton when they did not appear to be fleeing.

Additionally, the hot pursuit exception does not apply here because a felony arrest was not at stake and Officer Griffin did not have probable cause to believe otherwise. Lawton had not been previously convicted of a DUI and was subject only to a misdemeanor charge. Griffin's belief about the driver's legal status rested entirely on his predetermination of the driver's identity, which was based on insufficient visual evidence. (Stetson Stat. § 14-227a; Transcript of Griffin Grand Jury at 22-23.)

Although under *Lange*, the hot pursuit exception does not absolutely require a felony, the Court imposed a high standard for use in misdemeanor cases. *Lange v. California,* 141 S. Ct. 2011 (2021). "When the totality of circumstances show an emergency—such as imminent harm to others, a threat to the officer himself, destruction of evidence, or escape from the home—the police may act without waiting," but absent these factors, "officers must respect the sanctity of the home." *Id.* at 2021-22. "When the government's interest is only to arrest for a minor offense, [the] presumption of unreasonableness is difficult to rebut." *Welsh v. Wisconsin*, 466 U.S. 740, 750 (1984). In *Welsh*, the Court held that the hot pursuit exception did not apply when police officers entered and arrested Welsh in his home after he had crashed and abandoned his vehicle.

Id. at 763. The Court held that the circumstances of Walsh's arrest presented none of the well-defined exigent circumstances under which a warrantless entry would be allowed. *Id.* He was in his home, without access to his vehicle, and the underlying crime was a minor, civil offense with no ongoing threat to public safety. *Id.*

The totality of the circumstances in this case do not show an emergency excusing warrantless entry into Lawton's home. The evidence, reasonably assessed, shows that Lawton was not even aware of Griffin's presence, much less fleeing from Griffin when driving home. Even if Lawton was aware of Griffin's attempt to pull them over, Lawton would, at most, be guilty of three non-violent misdemeanors: DUI, failure to stop, and failure to display a back license plate. (Stetson Stat. § 14-227a(1)(a), § 14-223, § 12-147; Transcript of Griffin Grand Jury at 21.) These potential charges alone, coupled with no evidence suggesting that Lawton was an ongoing public safety threat, do not meet the *Lange* Court's standards for warrantless entry to secure a misdemeanor suspect. Even if Griffin believed the driver was James and thus subject to felony arrest, this belief was not reasonable under the totality of the circumstances. Besides the contradictory physical evidence, Lieutenant Vann explicitly told Griffin that the driver was not James. (Transcript of Griffin Grand Jury at 28; Transcript of Vann Grand Jury at 54.) Therefore, there is no evidence that Griffin carried a reasonable belief that the driver was subject to felony arrest.

B. There Was No Reasonable Assumption That Any Destruction of Evidence Was Occurring in Jamie Lawton's Home.

Griffin also testified that the warrantless entry of Lawton's home was excused because of the need to prevent Lawton's blood alcohol content (BAC) from decreasing. (Transcript of

Griffin Grand Jury at 28-29.) The Court has clearly held that warrantless entry into a home is not permitted on the basis of a declining BAC. *Welsh*, 466 U.S. at 753; *Lange*, 141 S. Ct. at 2020.

IV. OFFICER GRIFFIN CONDUCTED AN ILLEGAL SEARCH OF JAMIE LAWTON'S HOME.

"At the very core [of the Fourth Amendment] stands the right of man to retreat into his own home and then be free from unreasonable governmental intrusion." *Silverman v. United States*, 365 U.S. 505 (1961). It is well established that the police cannot search inside a person's home without a valid search warrant. U.S. CONST. amend. IV; *see Payton v. New York*, 445 U.S. 573, 586 (1980) (stating the "'basic principle of Fourth Amendment Law' that searches and seizures inside a home without a warrant are presumptively unreasonable.").

The Petersburg Police did not obtain a warrant to search Jamie Lawton's home, where Lawton enjoys a reasonable expectation of privacy. Yet Officer Griffin carried out a search by moving a tarp aside to reveal cocaine that was not plainly within their view. Based on testimony from the Grand Jury proceeding and the evidence produced in discovery, the Government cannot prove that any exception to the warrant requirement for searches in the home applies. Therefore, Officer Griffin's search violated Lawton's Fourth Amendment rights.

A. The Cocaine Was Not in Plain View to Officer Griffin Until Griffin Conducted a Search to Reveal It.

The plain view doctrine does not apply where an officer has illegally invaded a citizen's home and moved items within the home to view potential evidence. *See Arizona v. Hicks*, 480 U.S. 321 (1987). The Government cannot invoke the plain view doctrine unless (1) an officer "lawfully made an 'initial intrusion'" into the area where an object was viewed, (2) that object was in plain view, and (3) a basis to seize the object was "'immediately apparent' to the officer. *See Texas v. Brown*, 460 U.S. 730 (1983). The Court has held "immediately apparent" to mean

that upon seeing an object, a police officer has probable cause to seize it as contraband. *See id.* at 741-42.

As an initial matter, where police entered an individual's home without a warrant, any evidence obtained cannot be used against the defendant at trial even if it was in plain view. *See Wong Sun v. United States*, 371 U.S. 471, 485 (1963) ("The exclusionary rule has traditionally barred from trial physical, tangible materials obtained either during or as a direct result of an unlawful invasion."). However, even if Griffin's entry had been lawful, Griffin could not plainly view the cocaine at any point before lifting the tarps obscuring it. In fact, Griffin testified before the Grand Jury that they noticed Halstead looking over at the wood pallet but "wasn't exactly sure what they kept looking at." (Transcript of Griffin Grand Jury at 36.) Griffin further testified that even when approaching pallet, the packages of cocaine were "partially covered by a tarp," with only four inches of plastic wrap exposed. (*Id.* at 39.) Clearly the packages' contents were not immediately apparent to Officer Griffin as contraband establishing probable cause for seizure but became clear only when Griffin conducted a search to reveal them.

When Officer Griffin moved the tarp aside, they undoubtedly conducted a Fourth Amendment search. The Supreme Court has considered moving or inspecting items within a home to be a search. *See Hicks*, 480 U.S. at 324-325. In *Hicks*, the Supreme Court held that moving a stereo to view its serial number in a way "which exposed to view concealed portions of [an] apartment or its contents" was a search. *Id.* at 325. Officer Griffin moving the tarp aside to reveal the packages of cocaine has the same effect as the officer in *Hicks* moving the stereo to reveal its serial number. It clearly follows that when Officer Griffin moved the tarp, Griffin had conducted a search for which the Petersburg Police had obtained no warrant.

B. The Government Cannot Establish that the Inevitable Discovery Exception Applies to Officer Griffin's Warrantless Search.

The inevitable discovery doctrine does not provide an exception to the exclusionary rule in this case. The Government cannot invoke inevitable discovery without demonstrating by a preponderance of the evidence that they would have found the cocaine in Jamie Lawton's home by lawful means absent Griffin's search. *See Nix v. Williams*, 467 U.S. 431 (1984). The inevitable discovery exception applies where "an independent investigation inevitably would have led to discovery of the evidence." *United States v. Larsen*, 127 F.3d 984, 986 (10th Cir. 1997). The DEA investigation in this case can hardly be considered "independent" from Griffin's entry at the point that Lieutenant Vann told Griffin that Lawton was a drug trafficking suspect and described the evidence the DEA expected to find in their home. Griffin may not even have conducted a search by lifting the tarp had Vann not put Griffin on alert of the potential existence of drugs in the home. However, even if the DEA investigation had remained fully separate from Griffin's DUI investigation, the Government cannot meet their burden of proving that the DEA inevitably would have discovered the cocaine in Lawton's home.

Federal courts have held that where—as here—law enforcement did not have a warrant based on probable cause but planned to get one, the inevitable discovery exception to the warrant requirement does not apply. *See United States v. Griffin*, 502 F.2d 959 (6th Cir. 1974). In *Griffin*, narcotics agents developed probable cause that they would find narcotics in a suspect's apartment and began the process of applying for a search warrant. *See id.* at 960. However, the agents entered the apartment before a warrant was issued and recovered narcotics and other drug paraphernalia. *Id.* After the first unlawful entry agents obtained a warrant and searched again. *Id.* The court rejected the Government's argument that it inevitably would have discovered the contraband because agents had already gone to apply for a warrant at the time of the first

warrantless entry. *Id.* Instead, the court held that all evidence recovered from the apartment must be excluded because "police who believe they have probable cause to search cannot enter a home without a warrant merely because they plan subsequently to get one." *Id.* at 961.

Much like the agents in *Griffin*, law enforcement in this case did not obtain a warrant to search Lawton's home until *after* Griffin discovered the cocaine. Therefore, it is of no consequence that the DEA was "building a case that was strong enough to get a warrant." (Transcript of Vann Grand Jury at 53.) No matter how confident the DEA agents may have been that they would obtain a search warrant, building a case prior to an unlawful search is not enough to apply the inevitable discovery exception. Lieutenant Vann testified that at the time of Griffin's search, Vann had only "reasonable suspicion" that Lawton's home was a stash house. (*Id.* at 54.) This suspicion alone would not have created the basis for the DEA to obtain a warrant and the Government cannot now establish that the DEA investigation would inevitably have led to the discovery of the cocaine.

V. THE COCAINE OFFICER GRIFFIN DISCOVERED IN LAWTON'S HOME AND LAWTON'S BLOOD TEST ARE BOTH INADMISSIBLE AGAINST LAWTON.

Both the cocaine uncovered in Lawton's apartment and the blood test collected from Lawton at the hospital must be excluded as the "fruits" of Griffin's unlawful entry and search of Lawton's home. The exclusionary rule prevents the Government from offering unconstitutionally obtained evidence against a criminal defendant. *See Murray v. United States*, 487 U.S. 533, 536 (1988). "[T]he exclusionary rule also prohibits the introduction of derivative evidence . . . that is the product of the primary evidence or that is otherwise acquired as an indirect result of [an] unlawful search, up to the point at which the connection with the unlawful search becomes 'so attenuated as to dissipate the taint.'" *Id.* at 536-37 (quoting *Nardone v. United States*, 308 U.S. 338, 341 (1939)).

First, the cocaine the Government seeks to introduce was uncovered as a direct result of both Officer Griffin's unlawful entry and unlawful search of Lawton's home. Therefore, the cocaine must be excluded from evidence. Further, the blood drawn from Jamie Lawton at the hospital is the derivative product of Officer Griffin's unlawful entry into Lawton's home, refusal to leave, and insistence on calling Lawton an ambulance and meeting Lawton at the hospital. (*See* Griffin Grand Jury Testimony at 36, 41-43.) Prior to the warrantless entry into Lawton's home, Griffin may have believed Lawton was impaired, but certainly had no indication that Lawton was ill enough to require an ambulance. (*Id.* at 30-31, 34.) It was only after Griffin's unlawful entry and insistence on calling an ambulance and remaining in Lawton's home until the ambulance transported Lawton to the hospital that Griffin was in a position to ask Lawton for a blood sample. (*Id.* at 36-38, 41-43.)

From the moment Officer Griffin entered Jamie Lawton's home without a warrant, every piece of evidence the police obtained was a "fruit of the poisonous tree"—made available to the Government only by violating Jamie Lawton's constitutional rights and no exceptions apply.

CONCLUSION

For the foregoing reasons, the Defendant, Jamie Lawton, respectfully requests this Court grant the Motion to Exclude Evidence. The evidence was procured through an unconstitutional entry and search of Jamie Lawton's home. Therefore, the motion should be granted.

Dated: September 4, 2023

Respectfully Submitted,

/s/ TEAM 101

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Team 101