TEAM: 101

Case No. 2023-CR-812

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

THE UNITED STATES OF AMERICA,

Prosecution,

vs.

Jamie Lawton,

Defendant.

PROSECUTION'S MEMORANDUM OF LAW
IN OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS

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INTRODUCTION

The Court should deny Defense's Motion to Suppress as Officer Taylor Griffin's conduct complied with the fourth amendment. Officer Griffin reasonably believed the warehouse owned by the defendant, Jamie Lawton, was abandoned. Abandoned properties do not receive Fourth Amendment protections. Moreover, multiple exigent circumstances existed which permit warrantless entry of a home to include hot pursuit, public safety, and imminent destruction of evidence. Given Officer Griffin's presence inside the warehouse was lawful, his seizure of the cocaine was also lawful as it was in plain view. Furthermore, the DEA would have inevitably discovered the cocaine had Officer Griffin not acted due to information they received from a confident informant and their surveillance of the warehouse. Accordingly, the Motion to Suppress should be denied.

STATEMENT OF FACTS

On June 8th, 2023 at around 4:00PM, Officer Taylor Griffin was on patrol when they observed the Defendant, Jamie Lawton, vomiting out of the driver's side door of a red truck while stopped at an intersection. (Griffin Tr. 17, 20.) The truck had no rear license plate displayed on its rear side. *Id.* at 21. At this point Officer Griffin suspected Lawton to be Kevin James due to James having the same make, model, color, unique bumper sticker, and general appearance as Lawton. *Id.* at 20. Officer Griffin had previously encountered James during their driving under the influence (DUI) plea. *Id.* at 23. Officer Griffin followed Lawton from the intersection and observed them swerve into the emergency lane several times while driving 5-10 miles under the posted speed limit.

Id. at 25. After observing the Lawton's failure to maintain their lane, vomiting, and inconsistent speed, Officer Griffin initiated a traffic stop based on suspicion of DUI. *Id.* at 27. Officer Griffin turned on his patrol vehicle's lights and followed Lawton for another three miles before Lawton stopped their vehicle. *Id.*

Lawton parked their vehicle next to what looked like an abandoned warehouse and quickly walked inside the building while Officer Griffin radioed for backup. *Id.* at 28. As Officer Griffin was about to follow Lawton, they received a call from Lieutenant Samy Vann of the Narcotics Division instructing them not to go inside. *Id.* Lieutenant Vann explained the warehouse was under surveillance as part of a joint operation and was believed to serve as a stash house to move large quantities of cocaine. *Id.* Contrary to Vann's request, Officer Griffin followed Lawton through a door which they left open when they entered. *Id.* at 31-32. Once inside, Griffin saw a huge, mostly empty space, and heard voices coming from behind a corner. *Id*. at 32. A voice stated, "We got a good deal going down tonight and need the cash – get yourself together!" *Id.* at 34. Griffin followed the voices and came across a make-shift kitchen near some wood shelves and pallets where Lawton and another person were standing. *Id.* at 32-34. Griffin announced himself as police and asked Lawton for identification. *Id.* at 35. Lawton indicated they were feeling sick and wanted Griffin to leave. *Id.* at 36. Recognizing Lawton needed medical attention, however, Officer Griffin called for an ambulance. *Id.*

As Officer Griffin was waiting for the ambulance and investigating the DUI, they observed Kell Halstead glancing at a wooden pallet. *Id.* at 36. Shortly thereafter the paramedics arrived, and Officer Griffin followed Lawton out to the ambulance. *Id.* at 39.

On Griffin's way out, they walked by the pallet Halstead had been looking at and observed a three by four-inch light-colored package wrapped in plastic wrap and packing tape sticking out from underneath tarp. *Id.* Officer Griffin's training and experience, combined with his knowledge of suspected narcotics in the warehouse, led him to recognize the package as cocaine. *Id.* at 40. Officer Griffin lifted the tarp to seize the contraband which revealed more packages of cocaine hiding under the tarp. *Id.* After backup secured the scene, Officer Griffin went to the hospital to which Lawton had been transported to continue his DUI investigation. *Id.* at 42. Lawton consented to providing a blood sample which was found to have a blood alcohol content of .04. *Id.* 42-43.

Lieutenant Vann's task force had been investigating Lawton since approximately early April after a confidential informant told investigators Lawton was moving large packages onto trains during off hours. (Vann Tr. 52.) The DEA was aware cartel's use the railway system to move drugs and subsequent surveillance at the railyard confirmed the CI's statements. *Id.* at 58. The task force then began surveilling Lawton's warehouse to ascertain who else was involved and where the cocaine was going. *Id.* at 54.

ARGUMENT

I. OFFICER GRIFFIN'S WARRANTLESS ENTRY WAS NOT A VIOLATION OF THE FOURTH AMENDMENT.

The Fourth Amendment prohibits "unreasonable" searches. U.S. Const. amend IV. Police conduct constitutes a search when police intrude upon an area in which a defendant has a subjective expectation of privacy which society recognizes as objectively reasonable. *Katz v. United States*, 389 U.S. 347, 361 (1967). It is the defendant who

carries the burden of establishing they had an actual and reasonable expectation of privacy in the place illegally searched. *State v. Robinson*, 410 S.C. 519, 530 (2014) (citing *Rakas v. Illinois*, 439 U.S. 128, n.1 (1978)). Even assuming Lawton can establish they had such an expectation in the warehouse, the State need only demonstrate Officer Griffin's actions were "reasonable." Officer Griffin's conduct was entirely reasonable given they mistakenly believed the warehouse to be abandoned and there were multiple exigent circumstances.

A. Officer Griffin Reasonably Believed the Warehouse Was Abandoned.

The Fourth Amendment does not demand police officers always be correct. *Illinois v. Rodriguez*, 497 U.S. 177, 185 (1990). They need only be reasonable. *Id.* A search may be permissible under the Fourth Amendment when the justification for the search was based on a reasonable mistake of fact. *Heien v. North Carolina*, 574 U.S. 54, 57 (2014). This extends to warrantless searches of homes. *Id*. at 61.

Officer Griffin was under the mistaken belief the warehouse was abandoned. (Griffin Tr. 32.) In *United States v. Harrison*, the Third Circuit analyzed a similar mistake of fact. 689 F.3d 301, 304 (3d Cir. 2012). Three officers entered a house which the defendant rented looking for a stolen bike. *Id.* The officers believed the home to be abandoned given the constant dilapidated state of the exterior and interior, the fact the home was a "known drug residence," and because the front door was unlocked and ajar. *Id.* at 304-305. The court examined the facts available to the officers at the moment of entry and concluded that based on the totality of the circumstances, the officers were reasonable in their mistake of fact. *Id.* at 309-310. The Third Circuit thus affirmed the

District Court's order denying the defendant's motion to suppress. *Id*. at 312.

Like in *Harrison*, the exterior of the warehouse suggested the building was abandoned. Photos of the exterior illustrate the warehouse was rusty and had missing windows (Exhibit 4.) Nothing beyond two standard "No Trespassing" signs, which could have been years old, gave Officer Griffin any indication the warehouse was private property (Griffin Tr. 30.) Lawton themself described what they claimed to be their home as "an old warehouse...in bad shape." (Lawton Statement ¶ 4.) Moreover, unlike in *Harrison*, which concerned a traditional residence, the building Officer Griffin entered was a warehouse. Additionally, Lawton left the door "wide open and swinging in the wind" like the door in *Harrison* (Griffin Tr. 31.)

While Officer Griffin had not previously seen the interior of the warehouse, they were informed by Lieutenant Vann the warehouse was a stash house *Id.* at 28. Upon entry, Officer Griffin only saw a huge, mostly empty space. *Id*. Thus, it is unlikely Officer Griffin saw anything from the open door, prior to entry, which would have given him cause to believe the warehouse was anything but abandoned. Lawton themself described the warehouse as uninhabitable. (Lawton Statement ¶ 5.) Lieutenant Vann similarly pointed out one could see the warehouse was an uninhabitable sham residence just by looking at pictures. (Vann Tr. 53-54). The fact Lawton eventually informed Officer Griffin the warehouse was their residence, and they did not want them there, is irrelevant as Griffin's initial entry was based on a reasonable belief the warehouse was abandoned and the existence of multiple exigent circumstances—not consent.

As the Eight Circuit articulated in *United States v. Hoey*, "it is well established

that the warrantless search of abandoned property does not constitute an unreasonable search and does not violate the Fourth Amendment." 983 F.2d 890, 892 (8th Cir. 1993) (citing *Abel v. United States*, 362 U.S. 217, 241 (1960)). The Petersburg Police are aware of this principle. (Vann Tr. 53.) Given the open door, dilapidated exterior, dilapidated interior, and known status as a drug den, it was reasonable for Officer Griffin to believe the warehouse was abandoned, and thus warrantless entry was permissible under the Fourth Amendment.

B. Multiple Exigent Circumstances Existed Which Would Permit a Warrantless Entry.

In addition to Officer Griffin's mistake of fact, multiple exigent circumstances existed which would make their actions reasonable under the Fourth Amendment. Police can conduct a warrantless entry when they have probable cause and there exists an exigent circumstance such as hot pursuit, public safety, or imminent destruction of evidence. *Lange v. California*, 141 S. Ct. 2011, 2017 (2021). All three are demonstrated here as Officer Griffin was pursuing someone whom they reasonably believed (1) to have committed a felony, or at least to be driving under the influence, (2) who in such a state presented a threat to other motorists and pedestrians, and (3) who would destroy evidence of drug distribution before a warrant could be obtained. Of note, the knock-and-announce requirement does not apply in cases of exigency. *United States v. Banks*, 540 U.S. 31, 43 (2003). Thus, whether Officer Griffin announced their presence before entering the residence is irrelevant.

1. *Officer Griffin was engaged in the hot pursuit of a suspect they reasonably believed to be a felon.*

Under the "hot pursuit" doctrine, police may enter a fleeing felon's home, without a warrant, when they have probable cause to make an arrest and when the pursuit was initiated in a public place. *United States v. Santana*, 427 U.S. 38, 42 (1976). Here the pursuit was initiated on a public road, 49th Street, as Lawton failed to pull over for Officer Griffin despite Griffin signaling to do so with their lights. (Griffin Tr. 27.) A foot pursuit was then initiated in a public parking lot. *Id.* at 28.

Furthermore, Officer Griffin had probable cause to believe Lawton committed multiple crimes. Probable cause is generally understood to exist when the facts and circumstances within an officer's knowledge and of which they had reasonably trustworthy information are sufficient for a reasonable man to believe an offense has been or will be committed. *Brinegar v. United States*, 338 U.S. 160, 175-176 (1949). Officer Griffin had probable cause to believe Lawton violated Stetson Code § 14-147 given they directly observed there was no back license plate on Lawton's truck. *See* Stetson Stat. § 14-147; (Griffin Tr. 21.) They also had probable cause to believe Lawton had committed a violation of Stetson Code § 14-223 given they failed to pull over despite being signaled to do so and increased their speed by five miles an hour. *Id*. at 27-28; Stetson Stat. § 14-223. Most importantly, Officer Griffin had multiple bases from which to believe Lawton was driving under the influence: (1) swerving in lanes; (2) fluctuating speeds; (3) furtive movements; (4) vomiting at a streetlight. (Griffin Tr. 21-26.) The observation of such erratic driving behavior alone regularly permits police officers to pull individuals over for

suspected driving under the influence. *See United States v. Sealed Juvenile 1*, 255 F.3d 213, n.1 (5th Cir. 2001). These reasonable suspicions then become probable cause when combined with physiological indicators such as slurred speech, blood-shot eyes, failing field sobriety tests, etc… *See Braun v. Village of Palatine*, 56 F.4th 545, 551 (7th Cir. 2022). Here, Officer Griffin observed erratic driving in addition to vomiting—a common indication of alcohol consumption. *See United States v. Merritt*, 961 F.3d 1105, 1114 (2020) (noting vomiting tends to convey a high degree of intoxication). These crimes are all misdemeanors, whose pursuit will be discussed in the next section. However, given Officer Griffin reasonably believed Lawton was James at the time of the pursuit, they also had probable cause to believe the driver (only later identified as Lawton) had committed a felony. Stetson Stat. § 14-215.

As expressed in *Dean v. Worcester*, where officers reasonably mistake an individual's identity, they are entitled to do what the law would have allowed if the individual had in fact been the person they believed them to be. 924 F.2d 364, 368 (1st Cir. 1991) (citing *Hill v. California*, 401 U.S. 797, 804 (1971)). Officer Griffin reasonably believed Lawton was James given the uniqueness of their truck and similar build. The truck was not only a jacked-up red Chevy S10 like Lawton's, it had a unique bumper sticker. (Griffin Tr. 21.) Lawton also had a similar build to James and any discrepancies in appearance could be reasonably explained by dye and the passage of time. *Id.* at 22-23. Officer Griffin was aware James had been convicted of DUI not six months ago and had had his driver's license suspended. *Id.* at 23. Thus, Officer Griffin reasonably believed they were pursuing a felon given a second violation of § 14-227a

within three years is a felony. Stetson Stat. § 14-215.

2. Officer Griffin was engaged in the hot pursuit of a suspect they reasonably believed served a threat to public safety.

Even if Officer Griffin had not reasonably believed Lawton was a felon at the time of his pursuit, the exigent circumstances justified a warrantless entry. In *Lange*, the Court held that while the pursuit of a fleeing misdemeanor suspect does not categorically qualify as an exigent circumstance, there are a "great many misdemeanor pursuits [which] involve exigencies allowing warrantless entry. 141 S. Ct. at 2016.

In *Welsh v. Wisconsin*, the Court held a warrantless entry into a home to arrest a defendant whom police had probable cause to believe had committed a misdemeanor, driving under the influence, was a violation of the Fourth Amendment. 466 U.S. 740, 754 (1984). A witness called police to report a car which had swerved off the road and came to a stop in an open field after driving erratically. *Id*. at 742. Before police arrived, the driver got out of the car and walked home. *Id*. Police then entered the home finding the driver lying naked in his bed. *Id*. The State attempted to justify the arrest by relying on the hot-pursuit doctrine and threat to public safety doctrine. *Id*. at 753. The Court was unconvinced regarding the hot-pursuit argument as there was no immediate or continuous pursuit of the petitioner from the scene of a crime. *Id*. The Court was also unconvinced by the public safety argument as the defendant had already arrived home and abandoned his car at the scene of the accident. *Id*. at 753.

Officer Griffin, however, was in active pursuit of Lawton. They were concerned Lawton could escape apprehension given the warehouse had multiple egress points.

(Petersburg Police Report at 47.) Unlike in *Welsh*, Lawton could quickly get back in his vehicle and return to the road—risking the safety of others. Additionally, while a home is likely to be a final stop after a night of drinking and driving, Officer Griffin reasonably believed the warehouse was abandoned and not Lawton's home. Thus, they had a reasonable basis to believe Lawton represented a risk to public safety as "drunk driving is incredibly dangerous and poses an unjustified and unnecessary risk to the lives of innocent drivers." (Petersburg Police Report at 47.) In the same vein, The Court has long recognized a compelling state interest in highway safety. *See Mackey v. Montrym*, 443 U.S. 1, 19 (1979); *Birchfield v. North Dakota*, 579 U.S. 438, 440 (2016). Thus, even if Officer Griffin's pursuit of Lawton had simply been a "misdemeanor pursuit," his warrantless entry of the warehouse would be permissible under the Fourth Amendment as it involved exigencies—flight of an intoxicated driver who posed a risk to the public.

3. Officer Griffin had probable cause to believe his entry was necessary to halt the imminent destruction of evidence.

It is well established that the prevention of the destruction of evidence serves as an exigent circumstance justifying warrantless entries. *Kentucky v. King*, 563 U.S. 452, 455 (2011). Officer Griffin reasonably believed Lawton would attempt to destroy evidence of drug distribution (Griffin Tr. 29.) They were expressly told by Lieutenant Vann the warehouse was being used as a stash house to move large quantities of cocaine. *Id*. at 28. They also believed Lawton was aware they were being followed by police. *Id*. at 29. Thus, they feared Lawton would attempt to destroy any evidence of drug distribution located in the warehouse. *Id.* The mere fact that Officer Griffin's presence created the

exigent circumstance does not make his conduct unreasonable. *Kentucky*, 563 U.S. at 462. The Supreme Court expressly rejected the "police-created exigency" doctrine of lower courts. *Id*. Had Officer Griffin waited for a warrant they reasonably believed the evidence would be destroyed. Thus, it was reasonable to dispense with the warrant requirement. *Kentucky*, 563 U.S. at 462.

II. THE COCAINE WAS LAWFULLY OBTAINED UNDER THE FOURTH AMENDMENT.

A. Officer Griffin Did Not Conduct a Search Because the Cocaine Was in Plain View.

Officers who seize contraband in plain view do not commit a search. See *Coolidge v. New Hampshire*, 403 U.S. 443, 444-45 (1971). Courts look to three elements when considering whether the plain view doctrine applies: (1) if officers are lawfully in a position from which they view an object, (2) if its incriminating character is immediately apparent, and (3) if the officers have a lawful right of access to the object. *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993). Because the entry was constitutional as previously discussed, Officer Griffin had a lawful right of access. The two remaining elements are easily met.

1. Officer Griffin was in a position from which they could view the cocaine.

Officer Griffin could view the cocaine while conducting their DUI investigation. The warehouse was a large, empty space, making it easy to view items from a distance. (Griffin Tr. 32.) When walking past the pallet on the way out the door, Griffin was able to see the edge of a light-colored package wrapped in plastic wrap. *Id.* at 38-39. Only upon

their attempt to seize the cocaine they observed in plain view did Griffin lift the tarp covering the cocaine to reveal more cocaine. *Id.* at 40.

So long as the officer has a lawful right of access to the area where the contraband is located, it does not matter if the officer was looking for said contraband. See *Horton v. California*, 496 U.S. 128, 140 (1990); *Texas v. Brown*, 460 U.S. 730, 740 (1983). In *Brown*, the court held that it was irrelevant the officer changed his position to view a car's interior because "the public could peer into the interior of [the defendant's] automobile from any number of angles." 460 U.S. at 740. Griffin's side steps are analogous to adjusting one's position. Thus, it was not unreasonable for Griffin to step a few feet off their path to view where Halstead was looking in order to see if there was contraband present. (Griffin Tr. 36.)

2. The criminal nature of the white powdery substance poking out from underneath the defendant's tarp was immediately apparent.

An officer need not be certain as to the incriminatory character of evidence under the plain view doctrine. *United States v. Castorena-Jaime*, 285 F.3d 916, 924 (10th Cir. 2002). The 10th circuit held factors such as the officer completing drug training, reacting instantly to the contraband, and the suspect acting nervous or trying to conceal the item all contribute to the officer's reasonable belief of an object's incriminating nature. *See Id.* at 924-925. In *Castorena*, an officer initiated a traffic stop and let the driver off with a warning. *Id.* at 922. As the officer was walking away, he noticed a passenger in the back seat was fumbling around trying to conceal a bundle wrapped in tape under trash. *Id.* at 925. The bundle was approximately five to six inches wide and four to six inches tall. *Id.*

at 922. The officer believed this item to be illegal drugs. *Id.* The court held the officer was able to instantly recognize the bundle as contraband given his extensive criminal training. *Id.* at 922.

When Officer Griffin was able to get a closer look at the item Halstead was fixated on, the criminal nature of the package was immediately apparent. Griffin initially observed three inches by four inches of something light-colored wrapped in plastic wrap partially covered by a tarp. (Griffin Tr. 39-40.) Griffin's training in drug identification led him to know it was an illegal substance. *Id.* Additionally, Griffin had been informed the warehouse was being investigated for storing cocaine and personally observed the seemingly uninhabited interior. *Id.* at 28, 32. Officer Griffin's training and experience, appearance of the package, and surrounding circumstances led him to reasonably believe the substance was criminal in nature. Therefore, under the plain view doctrine, it could be lawfully seized.

B. The Cocaine Should Not Be Excluded Because It Would Have Been Inevitably Discovered.

Even if this court were to determine the cocaine was not in plain view, it should still not be excluded because of the inevitable discovery doctrine. The inevitable discovery doctrine applies when the Government demonstrates by a preponderance of the evidence: (1) there is a reasonable probability the contested evidence would have been discovered by lawful means absence of police misconduct; and (2) the government was actively pursuing a substantial alternate line of investigation at the time of the violation. In this case, Lawton was being investigated for possession of cocaine independently of

Officer Griffin's DUI investigation.

1. *There is a reasonable probability the cocaine would have been discovered by the joint DEA and state operation.*

Courts consider several factors when determining the probability of discovery in drug trafficking cases. This includes an agency's subjective intent and reasoning behind pursuing a warrant, proof of drugs being transported, and the quality of the investigation. *United States v. Jadlowe*, 628 F.3d 1, 11 (1st Cir. 2010). The present case has many parallels to the facts in *Jadlowe* in which DEA agents had been surveilling a residence and tapping its calls as it was a suspected drug storage location. *Id.* at 5-6. The DEA had observed a truck dropping off a shipment at the residence. A state trooper pulled over the same truck for a license plate violation. *Id.* at 7. The DEA then overheard a call from the defendants indicating they feared the truck being pulled over would lead to their arrest and made plans to move the drugs. *Id.* After another truck arrived, the DEA agents arrested Jadlowe just outside the residence. *Id.* The agents then unlawfully entered the garage to secure the scene where they observed ten brick shaped packages, later revealed to be cocaine. *Id.* Agents then applied for and received a warrant to search the garage and two residences. *Id.* The defendants argued the cocaine should be suppressed because the garage entry was unlawful. *Id.* at 8. The Court held that while the initial entry was unlawful, the cocaine was admissible given the independent source doctrine applied. *Id.* at 12. The DEA had ample evidence to believe drugs were within the garage and would have applied for a warrant regardless of what was seen in the garage. *Id.* at 11. The court also noted the DEA agents had strategically avoided executing an earlier search warrant

on the garage and residences as they expected to arrest one or more of the conspirators and seize the drugs in a vehicle stope. *Id.* at 11.

In this case, the DEA had received a tip and set up surveillance on Lawton, confirming they were transporting and storing what was believed to be cocaine. (Vann Tr. 52-53.). Despite believing there was a large amount of cocaine inside the warehouse, the DEA wanted to extend the investigation to find other co-conspirators. *Id.* at 54 Coincidently, Officer Griffin's DUI investigation resulted in Griffin finding the exact cocaine of which the DEA was already aware. *Id.* at 52-53. Once the cocaine was found, agents secured a warrant and searched the rest of the warehouse. *Id.* at 59. However, the DEA likely had more than enough evidence to secure a warrant—independent of the DUI investigation—given the information relayed by the CI and the surveillance of Lawton.

2. The DEA operation was actively pursuing an alternative line of investigation at the time Officer Griffin discovered the cocaine.

The fact that a separate investigation is underway at the time the alleged constitutional violation occurred is considered strong proof the investigations are independent. *United States v. Larsen,* 127 F.3d 984, 987 (10th Cir. 1997). In *Larsen,* local police officers noticed a vehicle with no VIN plate and obtained a warrant to have it towed. *Id.* at 985. Federal agents separately began an investigation into the vehicle owner's financial crimes after the vehicle was towed. Even though the federal investigation started *after* the local officers seized the stolen vehicle, the court held the two were independent lines of investigation for purposes of the inevitable discovery exception. *Id.* at 987.

Officer Griffin was pursuing Lawton in an investigation for a DUI. (Griffin Tr. 28-29.) When Griffin radioed for backup, Griffin was told a different law enforcement team was investigating a separate offense. *Id.* at 28. Officer Griffin's investigation involved following the Defendant after observing their traffic behavior and performing a BAC test; the DEA investigation had been a separate long-term operation investigating the possible distribution of cocaine. *Id.* at 28, 42. Because Officer Griffin and Lieutenant Vann's teams were conducting separate and independent investigations the second element of the inevitable discovery exception is satisfied.

Furthermore, one investigation's misconduct should not put the prosecution from a different investigation in a worse position. *Nix v. Williams*, 467 U.S. 431, 432, 443 (1984). This is because the purpose of the Fourth Amendment is to deter unlawful searches and seizures. *Id.* at 432. If evidence is inevitably going to be discovered, the deterrent effect is minimized because police already have an incentive to be extra careful in their actions so as not to render evidence inadmissible. *Id.* at 444. In *Nix*, the defendant was accused of killing a 10-year-old girl and was unlawfully interrogated about the location of the victim's body. *Id.* at 431. Before the defendant confessed the location of the body, a team of volunteers discovered the body themselves. *Id.* at 444. Even though the confession was suppressed, the court upheld the defendant's conviction, based on the independent evidence discovered by the volunteers, as if no constitutional violation had taken place. *Id.* at 432.

Even if there was a constitutional violation with Officer Griffin's DUI investigation, the independent discovery exception permits the introduction of the

cocaine as evidence given the DEA's alternative line of investigation. Officer Griffin inadvertently uncovered the cocaine during his DUI investigation. (Vann Tr. 51.) The DEA already believed such cocaine was in the warehouse but elected to conduct further surveillance to identify co-conspirators and distribution locations. *Id.* Based on the evidence uncovered by the joint task force, it would be reasonable to predict the cocaine would have been inevitably uncovered lawfully through their separate investigation. Because this case meets the elements of the inevitable discovery exception, evidence of the cocaine should not be suppressed regardless of Officer Griffin's actions.

CONCLUSION

For the foregoing reasons, the State of Stetson respectfully requests this Court deny Defense's Motion to Suppress the State's evidence. Officer Griffin's entry of the defendant's warehouse was reasonable under the Fourth Amendment given their reasonable belief the warehouse was abandoned and the existence of multiple exigent circumstances. Moreover, Officer Griffin's seizure of the cocaine was lawful as it was in plain view. Even if it were not, it would have been inevitably discovered by the DEA. Therefore, the motion to suppress should not be granted.

Dated: September 04, 2023

Respectfully Submitted,

/s/ TEAM 101

Attorneys for Prosecution

Team 101