IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF STETSON

UNITED STATES OF AMERICA,

Plaintiff,

v. **CASE NO.: 2023-CR-812**

JAMIE LAWTON,

Defendant.

_____/

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

TABLE OF CONTENTS

TABLE OF AUTHORITIES

UNITED STATES SUPREME COURT CASES

UNITED STATES COURT OF APPEALS CASES

FEDERAL DISTRICT COURT CASES

UNITED STATES CONSTITUTION

INTRODUCTION

Fourth Amendment jurisprudence is unambiguous in one regard: an individual's home is their sanctuary, shielded from unreasonable government intrusion. Be it a mansion, a cottage, or as in Mr. Jamie Lawton's ("Lawton") case—a warehouse he had recently purchased and made his residence—a person's right to privacy in their home is afforded the highest protection. Yet, Officer Taylor Griffin ("Officer Griffin"), without any reasonable or legally recognized justification trampled over the Fourth Amendment rights that the framers meticulously crafted to protect citizens in situations precisely like this one.

Ignoring established procedures for a proper stop, Officer Griffin instead chose to follow Lawton to his residence. There, Officer Griffin overstepped his bounds, intruding upon Lawton's home without *any* justification. This intrusion was not merely a momentary misstep, but culminated in a subsequent warrantless and unjustified exploratory search of his residence. These unjustified intrusions led to the discovery and seizure of thirty-one pounds of cocaine. By crossing the threshold of Lawton's sanctuary without a warrant, consent, or exigency, the Government did not simply violate Lawton's Fourth Amendment rights; it struck at the very heart of the liberty that the Constitution is designed to protect.

This case is not merely about the suppression of evidence. It serves as a call to uphold the foundational principles that guide law enforcement. Exclusion of

evidence is the traditional and appropriate remedy for such a constitutional breach. *Elkins v. United States*, 364 U.S. 206, 217 (1960). The Government bears the burden to show otherwise—a burden it cannot meet. *Alderman v. United States*, 394 U.S. 165, 183 (1969). It is against this backdrop that Defendant Lawton requests that this honorable Court suppress the evidence collected as a result of Officer Griffin's unconstitutional trespass and search. Only by doing so can the Court rectify this egregious error and reaffirm the enduring principles that make the Fourth Amendment a cornerstone of our democratic system.

STATEMENT OF FACTS

On June 8, 2023, Officer Griffin observed a red Chevrolet S10 pickup truck ("Truck") stopped at the intersection of 49th and Raymond ("Intersection"). *Case File* 18-19. Despite several distinct physical characteristics, and the fact that Officer Griffin could not definitively identify whether the driver was male or female, Officer Griffin was prematurely convinced that the driver was Kevin James—an individual Officer Griffin had arrested in the past. *Case File* 20, 22-23. Actually driving the truck, however, was Lawton. *Case File* 62.

At around 3:45 to 4:00 p.m. on June 8, 2023, Lawton felt sick and left the Right on Cue: Pool House & Casino after consuming jalapeño poppers and only half of a beer. *Case File* 62. By the time Lawton approached the Intersection, he was in extreme pain and had opened the driver-side door to spit out some vomit in his mouth. *Id.* Officer Griffin, while stopped at the light just a few cars behind, observed this incident and began trailing Lawton down 49th Street. *Case File* 24. Officer Griffin subsequently activated the lights on his patrol car, but not the sirens, and followed Lawton for three (3) miles. *Case File* 26, 46. Notably, Lawton exhibited no signs of erratic or evasive driving and adhered to all speed limits. *Case File* 46, 28. Completely unaware that he was being pulled over or followed, Lawton proceeded to drive to his residence located at 900 49th Street North ("Residence"), unlock the door, and enter. *Case File* 29, 47, 64. Immediately thereafter, Lawton

consumed a bottle of Peppermint Schnapps to try to wash the taste of vomit out of his mouth. *Case File* 63. Therein, Lawton was greeted by his friend, Mr. Kell Halstead ("Halstead"). *Id.*

Meanwhile, Officer Griffin followed Lawton to the Residence, where he was stopped and instructed by Lieutenant Samy Vann ("Lieutenant Vann") not to enter the Residence. *Case File* 28. Lieutenant Vann made it very clear to Officer Griffin that the Residence was under DEA surveillance as a suspected stash house and that Kevin James was not connected to the Residence. *Case File* 54. Still, Officer Griffin followed Lawton into the Residence and began investigating Lawton. *Case File* 31, 59. He did so without a warrant and without knocking and announcing himself. *Case File* 32. Officer Griffin ignored Lawton's demand that he leave the Residence and instead called an ambulance. As Lawton was wheeled to the ambulance on a gurney, Officer Griffin engaged in a warrantless search of the Residence. *Case File* 36, 39, 40. As he walked out of the Residence, Officer Griffin pulled back the tarp and found and seized thirty-one pounds of cocaine from inside the Residence. *Case File* 40. Lawton has been indicted on the following counts: possession with intent to distribute five (5) kilograms or more of cocaine, conspiracy to distribute five (5) kilograms or more of cocaine, and operation of a motor vehicle while under the influence of alcohol and/or drugs by a person who holds a federally issued common carrier license. *Case File* 5.

ARGUMENT

I. OFFICER GRIFFIN VIOLATED THE FOURTH AMENDMENT WHEN HE CONDUCTED A WARRANTLESS ENTRY WITHOUT CONSENT, AND WITHOUT ANY EXIGENT CIRCUMSTANCES.

When Officer Griffin entered Lawton's home uninvited, without a warrant, and without exigent circumstances, Officer Griffin violated Lawton's Fourth Amendment rights. While Officer Griffin did not have probable cause to arrest Lawton or to suspect that he would find any evidence inside of his residence, even if he did, the result would be no different. Indeed, cases stretching back decades make clear that law enforcement cannot make a warrantless entry to secure evidence or arrest a suspect in his home, even in drug cases, and even *with* probable cause. *Payton v. New York*, 445 U.S. 573, 586 (1980).

The gravity of Officer Griffin's violation cannot be overstated. The moment he crossed the threshold into Lawton's sanctuary—irrespective of its unconventional form as a warehouse—he eviscerated Lawton's "reasonable expectation of privacy," a notion the courts have passionately defended. *Katz v. United States*, 389 U.S. 347, 360 (1967).

A. The Government Violated Lawton's Right to Privacy.

The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. CONST. AMEND. IV. This fundamental right applies universally—equally to

those living in lavish mansions as well as those whose privacy relies on law enforcement adhering to socially acceptable conduct. As held by the Supreme Court in *United States v. Ross*, "the most frail cottage in the kingdom is absolutely entitled to the same guarantees of privacy as the most majestic mansion." 456 U.S. 798, 822 (1982). The protective force of the Fourth Amendment is at its most powerful when the government intrudes into a person's home. *Payton*, 445 U.S. at 586. Indeed, absent consent or exigent circumstances, warrantless searches and seizures inside a person's home are presumptively unreasonable. *Id.*

A search contravenes the Fourth Amendment if it entails governmental encroachment upon an individual's "reasonable expectation of privacy." *Katz*, 389 U.S. at 360. The Government's physical occupation of private property in an effort to obtain information is also a search for purposes of Fourth Amendment analysis. *United States v. Jones*, 565 U.S. 400, 404 (2012).

At the time of the events in question, Lawton was living in a warehouse he had recently purchased. *Case File* 61. To Lawton, this warehouse was not just a mere storage facility, but his personal sanctuary. Within its walls, Lawton ate, slept, entertained guests, and stored personal belongings—to wit—his home. *Id.* A space where Lawton undoubtedly has a reasonable expectation of privacy.

Moreover, his deliberate actions to secure the premises—ousting squatters, using a deadbolt lock, and conspicuously displaying "No Trespassing" signs—

unambiguously affirm his reasonable expectation of privacy. *Case File* 64, 30. In utter disregard of well-established constitutional protections and basic societal norms, Officer Griffin decided to enter Lawton's home unannounced and uninvited. *Case File* 32.

In the instant case there is no question that Officer Griffin entered the Lawton's home without a warrant.[1] Thus, upon stepping foot inside of Lawton's property, Officer Griffin infringed upon Lawton's right to "retreat into his own home and there be free from unreasonable government intrusion." *Kyllo v. United States*, 533 U.S. 27, 31 (2001).

B. The Government Lacked a "License to Intrude."

Although exceptions to the warrant requirement do exist, such exceptions are "specifically established and well-delineated," and, the government bears the burden of proving it's applicability. *See Katz*, 389 U.S. at 357; *see also United States v. Guzman*, 507 F.3d 681, 687 (8th Cir. 2007). The government may bypass the warrant requirement when a person voluntarily consents to a search, or there is probable cause and exigent circumstances. *See Schneckloth v. Bustamonte*, 412 U.S. 218, 219

[1] Law enforcement's post-search warrant does not justify the initial unlawful entry. Indeed, this search first, warrant later mentality is precisely the type of "arbitrary invasion[] by government officials" that the Fourth Amendment protects against. *Camara v. Mun. Court of City & Cnty. of San Francisco*, 387 U.S. 523, 528 (1967).

(1973); *Kentucky v. King*, 563 U.S. 452, 459-61 (2011). Here, the Government cannot prove either.

1. The Government's Flimsy Notion of Consent Must be Rejected.

In determining whether voluntary consent from a homeowner or occupant justifies a warrantless search, the Court uses a totality of the circumstances test focusing on a variety of factors. *Bustamonte*, 412 U.S. at 219. These factors include, among others, the condition of the person who consented, their awareness of the right to refuse consent, whether they cooperated or resisted, whether they were in custody at the time of the supposed consented, and whether law enforcement made a "claim of authority" to search. *Id.* at 227.

In the present matter, however, the question of consent does not even come into play. Indeed, regardless of any potential justifications, a search must be reasonable at its *inception*. *Terry v. Ohio*, 392 U.S. 1, 20 (1968). Here, Griffin **never** requested permission to enter Lawton's home. *Case File* 32. The act of walking in uninvited does not qualify as obtaining consent under any reasonable interpretation of the law. The record unequivocally reflects that neither Lawton nor Halstead had any prior interaction with Griffin or any other law enforcement agent *before* Griffin trespassed into private property. *Id.* Moreover, any subsequent dialogue between Griffin and the occupants once Griffin was inside the home does not retroactively sanctify Griffin's unlawful entry. Indeed, legal justification must precede the

conduct in question. *Terry*, 392 U.S. at 20. An unlawful entry does not magically become lawful due to after-the-fact interactions.

The issue of whether the Lawton left the door open or closed is a red herring. While consent may be inferred from actions, such actions must "reasonably communicate consent," and *crucially*, arise in response to an officer's explicit *request*. *United States v. Staggers*, 961 F.3d 745, 757–58 (5th Cir. 2020). Thus, assuming *arguendo*, that (i) the door was left open, and (ii) such action could somehow be deemed to reasonably communicate consent to enter, the fact remains that Griffin did not seek permission *before* (or at all) receiving any alleged consent. Griffin's failure to seek out permission prior to his unlawful entry not only violates basic social etiquette, but also renders the Government's reliance on consent fundamentally flawed.

Moreover, any scintilla of ambiguity about Griffin's supposed "consent" was emphatically obliterated during the in-home encounter. Both Lawton and Halstead made their objections to Griffin's presence abundantly and repeatedly clear. Hence, the Government's strained attempt to use a veil of consent to legitimize an otherwise unconstitutional entry is both legally untenable and intellectually disingenuous and must be rejected.

2. There were No Exigent Circumstances to Justify the Warrantless Entry.

When the delay required to obtain a warrant would bring about "some real immediate and serious consequences," the absence of a warrant *may* be excused. *Lange v. California*, 141 S.Ct. 2011, 2018 (2021) (quoting *Welsh v. Wisconsin*, 466 U.S. 740, 751 (1984). However, the Government bears the burden to establish any exception, including that of exigent circumstances. *Guzman*, 507 F.3d at 687. The exception for exigent circumstances consists of a two-prong test requiring both probable cause and the presence of exigent circumstances. *King*, 563 U.S. at 459-61.

Probable cause demands that the facts available to the officer would cause a prudent person to conclude that the conclude there is a fair probability that crime had occurred. *United States v. Noster*, 590 F.3d 624, 629 (9th Cir. 2009). Exigent circumstances have been found under specific conditions like immediate threats to life, imminent destruction of evidence, or likelihood of a suspect's escape. *See Brigham City, Utah v. Stuart*, 547 U.S. 398, 403 (2006); *see also Minnesota v. Olson*, 495 U.S. 91, 100 (1990). However, the crux of the exigent circumstance prong requires that an officer face a "now or never situation," with no time to secure a warrant. *Lange*, 141 S.Ct. at 2018. This assessment relies on the totality of the circumstances confronting the officer at the time the decision to make a warrantless

entry is made—including the gravity of the underlying offense. *Id. See also Welsh*, 466 U.S. at 753.

Here, the facts fail to substantiate any claim of a "now or never" emergency. Instead, Officer Griffin's own conduct undermines the claim of exigency. Indeed, Officer Griffin admitted that prior to entering Lawton's residence he watched as Lawton got out of his car, approached the door, took out his keys, fumbled with the lock, and then went inside. In further contradiction of any "emergency," Officer Griffin did not immediately follow Lawton inside. *Case File* 28. Rather, Griffin sat in his car, radioed for backup, took a phone call from Lieutenant Vann, and only *then* decided to enter the property. *Id*. Such delay certainly negates any notion of urgent necessity to act without a warrant.

Moreover, similar to *Welsh*, the gravity of the alleged offenses—driving under the influence, failing to display a license plate, and not stopping when signaled by an officer—simply do not rise to a level that could warrant such a drastic intrusion. 466 U.S. at 753. Likewise, while Officer Griffin did *follow* Lawton, the notion that driving the speed limit could somehow constitute a high-speed chase simply defies all logic. "When the nature of the crime, the nature of the flight, and surrounding facts present no such exigency, officers must respect the sanctity of the home—which means that they must get a warrant." *Lange*, 141 S. Ct. at 2022.

The opinion in *Welsh* undermines any attempt by the Government to argue an exigency based on either destruction of the evidence or public safety as a result of the supposed intoxication. 466 U.S. at 753. In *Welsh*, the Court concluded that the "destruction" of evidence—specifically, Lawton's decreasing blood-alcohol level—did not constitute a sufficient exigency to justify the warrantless entry into the home. *Id*. The Court also explained that because the petitioner had already abandoned his car and arrived home there was little—if any—remaining threat to public safety. *Id*.

Further, the Government cannot support destruction of evidence claim by relying on the possibility that *if* Lawton knew he was being followed he would begin destroying the cocaine. In *United States v. Etchin*, the court held that mere fear of the potential for destruction of evidence does not serve to justify a warrantless entry. 614 F.3d 726, 733-34 (7th Cir. 2010). Unless officers have observed suspicious behavior indicative of *active* evidence destruction, a warrantless entry based on the need for preservation of evidence is simply not justified. Given that no such behavior was observed, an objective officer would not have reasonably believed that the situation mandated immediate action without a warrant.

Officer Griffin's initial entry was conducted in contravention of constitutional requirements: without a warrant, without consent, and without exigent circumstances. Consequently, as explained in Section II, C, *infra*, any evidence

gathered must be considered "fruit of the poisonous tree" and thus, inadmissible. *Elkins*, 364 U.S. at 217.

II. EVEN IF OFFICER GRIFFIN'S ENTRANCE WAS LAWFUL, HIS SUBSEQUENT SEARCH OF THE RESIDENCE VIOLATED LAWTON'S FOURTH AMENDMENT RIGHTS.

Assuming, *arguendo*, that Officer Griffin lawfully entered Lawton's residence—though, he did not—the evidence discovered and seized as a result of Officer Griffin's subsequent and equally unlawful search of the residence must be suppressed. Officer Griffin engaged in the subsequent search of the residence when he lifted the tarp from the pallet, again without a warrant. Indeed, the warrantless search was also without probable cause and exigent circumstances, and the plain view doctrine does not apply to the present case. Thus, the evidence discovered and seized represents fruit of the poisonous tree and must be suppressed.

A. Officer Griffin Searched the Residence With Neither Probable Cause nor Exigent Circumstances.

The Fourth Amendment permits warrantless searches and seizures of evidence in residences when *both* probable cause and exigent circumstances exist. *See United States v. Burgos*, 720 F.2d 1520, 1525 (11th Cir. 1983); *United States v. Santa*, 236 F.3d 662, 882 (11th Cir. 2000). As fully described below, Officer Griffin's search of the residence was without probable cause and exigent circumstances. Accordingly, the exclusionary rule requires suppression of the cocaine discovered and seized as a result.

Probable cause for a search exists when there is "a fair probability that contraband or evidence of a crime will be found in a particular place." *United States v. Franklin*, 694 F.3d 1, 7 (11th Cir. 2012). Such a determination turns on the totality-of-the-circumstances. *Id.*; *Illinois v. Gates*, 462 U.S. 213 (1983). Importantly, "probable cause to search a person's residence does not arise based solely upon probable cause that the person is guilty of a crime. Instead, there must be additional evidence linking the person's home to the suspected criminal activity." *United States v. Rowland*, 145 F.3d 1194, 1203 (10th Cir. 1998) (holding the anticipatory warrant was invalid for lack of probable cause based on the affidavit's failure to establish sufficient nexus between the contraband and the location to be searched); *see also United States v. Walker*, 145 Fed. Appx. 552, 555 (7th Cir. 2005) (providing that probable cause to search a person's home does not exist merely because there is probable cause to suspect that he or she is trafficking drugs).

Lawton's suspected involvement in drug trafficking activities is supported by limited evidence. First, the Government allegedly received a tip from a confidential informant that Lawton was moving large packages onto the train outside of official loading and unloading hours. *Case File 52.* Second, Lawton was observed only thrice in two (2) months loading duffle bags—the contents of which remain unknown—onto a train, before and after his shift. *Id.* A blanket statement that duffle bags could contain drugs does not change this analysis; such a statement is a truism.

Even if the evidence sufficed to establish some semblance of probable cause that Lawton was involved in drug trafficking, none of the evidence is related to Lawton's home. *Case File 55.* Moreover, none of the evidence was communicated to Officer Griffin prior to entering Lawton's residence. *Case File 54.* In *United States v. Wiley*, the Seventh Circuit found probable cause to search the defendant's residence because the defendant was observed entering and leaving his residence with what appears to be illegal drugs. 475 F.3d 908, 916 (7th Cir. 2007). Here, no such evidence is present. Indeed, Lieutenant Vann concedes that at the time of Griffin's unlawful search, the DEA had, at most, reasonable suspicion that Lawton's residence was a stash house as a result of the lack of foot traffic, namely, buyers. *Case File 54-5.*

Further, once inside, Officer Griffin did not see, hear, or smell anything that could have established probable cause to search the residence. Indeed, Officer Griffin smelled spaghetti-o's and heard Lawton talk about how sick he felt—neither of which, separate or together, establish a fair probability that contraband or evidence of a crime will be found in a particular place. *Case File 34.* Officer Griffin only saw Halstead look in a particular direction within the warehouse. *Case File 36.* Aside from this, all Officer Griffin relied on to justify the search was his training and experience (or lack thereof) in investigating drug trafficking. None of these, without more, establish probable cause. *See United States v. Shultz,* 14 F.3d 1093, 1097 (6th Cir. 1994) ("an officer's 'training and experience' may be considered in

determining probable cause, . . . it cannot substitute for the lack of the evidentiary nexus" between the place to be search and the suspected criminal activity).

Not only was Officer Griffin's search conducted without probable cause, but it was also conducted absent exigent circumstances. As explained above, the exigency exception to the warrant requirement applies when the "inevitable delay incident to obtaining a warrant must give way to an urgent need for immediate action. *Santa*, 236 F.3d at 669; *Burgos*, 720 F.2d at 1526. Even if there was probable cause to believe drugs were inside Lawton's residence, the "presence of contraband without more does not give rise to exigent circumstances." *Franklin*, 694 F.3d at 7. Rather, factors indicating exigent circumstances include, *inter alia*, "a likelihood that delay could cause the escape of the suspect or destruction of essential evidence . . . ." *Gonzalez-Torres v. Buswell*, 2014 WL 1272754, at *9 (M.D. Fla. Mar. 27, 2014); *see also Brigham City, Utah*, 547 U.S. at 403. As fully described below, none of the foregoing factors can be supported by the facts of the present case.

Here, there is no evidence suggesting any likelihood that delay incident to obtaining a warrant could cause Lawton to escape. This is clear from the facts that Lawton was strapped to a gurney, on route to a hospital, and in so much pain he could hardly walk, let alone run. *Case File 39, 48.* Not only could Lawton not have escaped under these facts, but Lawton was simply not motivated to escape since he was taken to the hospital before Officer Griffin engaged in the search. *Case File 39.*

Moreover, Officer Griffin knew that the residence was under active and very close supervision by the DEA. Thus, it would have been impossible for Halstead to escape.

Second, Officer Griffin did not have an objectively reasonable basis for believing that destruction of evidence was imminent. *See United States v. Sangineto-Miranda*, 859 F.2d 1501, 1512 (6th Cir. 1988) ("When police officers seek to rely on this exception in justifying a warrantless entry, they must show an objectively reasonable basis for concluding that the loss or destruction of evidence is *imminent*." (emphasis added))*; see also King*, 563 U.S. at 462. There are no facts to support destruction, let alone *imminent* destruction of evidence. Officer Griffin did not observe Halstead engage, or attempt to engage in suspicious conduct that destroyed, altered, or concealed the cocaine. *Case File 36.* Officer Griffin acted merely on fear that evidence would be destroyed if he waited to obtain a warrant. He premised his fear on the sole fact that Halstead was looking at *something* but admits he did not know what that something was. *Id.* This fear is insufficient to satisfy the reasonable belief standard. *See Etchin*, 614 F.3d at 733. However, should the Court find that a likelihood of destruction of evidence did exist, such likelihood is a direct result of Officer Griffin's unlawful entrance of the residence. Officer Griffin is precluded from relying on the purported need to prevent destruction of evidence because such exigency was created by engaging in a search that violates the Fourth Amendment. *See King*, 563 U.S. at 461 (providing that, under police-created exigency doctrine,

exigent circumstances created by the conduct of the police do not justify a warrantless search).

B. The Seizure of Cocaine From Inside the Residence Was Improper Under the Plain View Doctrine.

The plain view doctrine is a recognized exception to the warrant requirement for seizures, not searches. *See e.g., Horton v. California*, 496 U.S. 128, 134 (1990). Before a warrantless seizure may be justified under the plain view doctrine, the Government must establish the following requirements: (1) the officer must not have violated the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed; (2) the seized item's incriminating character must have been immediately apparent; and (3) the officer must have had a lawful right to access the object itself. *Id*. at 136-37.

In the present case, none of these conditions are met. As previously detailed, Officer Griffin violated the Fourth Amendment when he unlawfully entered Lawton's residence and subsequently searched the residence without probable cause or exigent circumstances. Officer Griffin was simply not in a place he had a right to be. Moreover, the cocaine was not in plain view. Contrary to Officer Griffin's story, the packages of cocaine were not in his path to exit the building. Rather, the packages were in the opposite direction as the exit and at least six to eight feet away from Officer Griffin's path to exit. *Case File 70.* Further, the packages were almost entirely, if not fully, covered by a tarp with only the edge (three by four inches of

plastic wrap) visible. *Case File 40, 70.* There is nothing immediately incriminating about three by four inches of plastic wrap seen from six to eight feet away; which is precisely the reason Officer Griffin veered from his path to exit and pulled back the tarp to actually see what was underneath.[2] *Case File 70*; *see e.g.*, *Arizona v. Hicks*, 480 U.S. 321, 323 (1987) (providing that it was not immediately apparent that the stereo equipment was stolen merchandise, even after the police turned it over to see the serial number). Because none of the elements established in *Horton* are met in the instant case, the warrantless seizure of the cocaine may not be validated under the plain view doctrine.

C. The Exclusionary Rule Necessitates Exclusion of the Seized Cocaine Because the Independent Source Doctrine Does Not Apply.

Where, as here, evidence is obtained by unconstitutional means, that evidence is inadmissible because it is "fruit of the poisonous tree." *United States v. Davis*, 313 F.3d 1300, 1302 (11th Cir. 2002). The relevant question is "whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means

[2] By moving the tarp to see the contents, Officer Griffin engaged in more than just a cursory inspection, which "involves merely looking at what is already exposed to view, without disturbing it." *Hicks*, 480 U.S. at 322. Rather, Officer Griffin's engaged in an invalid search because he lifted the tarp which was not supported by probable cause. *Id.* At most, Officer Griffin had a reasonable suspicion that the packages under that tarp were drugs.

sufficiently distinguishable to be purged of the primary taint." *Id.* at 1303 (citing *Wong Sun v. United States*, 371 U.S. 471, 844 (1962)).

In the instant case, the primary illegality is Officer Griffin's unlawful entrance and equally unlawful search of the residence. The seized cocaine is inadmissible because Officer Griffin obtained it through engaging in the unlawful entrance and search. *Case File 70.* Further, the Government cannot purge the taint of this primary illegality as it did not, by and through any agent other than Officer Griffin, do anything that could have attenuated the causal link between the unlawful search and the seizure of cocaine. *Id.* at 1303 (providing that under the independent source doctrine, the challenged evidence is admissible if it was obtained from a lawful source, independent of the illegal conduct). Accordingly, the independent source doctrine does not apply, and the Government should be enjoined from benefiting from evidence it unlawfully obtained.

CONCLUSION

WHEREFORE, Defendant Jamie Lawton respectfully requests that this honorable Court enter an order: (i) granting Defendant's Motion to Suppress; and (ii) granting such other and further relief as this Court deems just and proper.

Date: September 4, 2023

Respectfully Submitted,

See Addendum A.
Attorneys for the Defendant

INTEGRITY CERTIFICATION

See Addendum A.

CERTIFICATE OF SERVICE

We hereby certify that a true and correct copy of the foregoing Memorandum of Law for the United States was delivered by email by 5:00 p.m. EST on September 4, 2023, to nptc@law.stetson.edu.

See Addendum A.