TEAM 105

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

UNITED STATES OF AMERICA *Plaintiff,* v. Jamie Lawton *Defendant.*	Case No. 2023-CR-812

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

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

INTRODUCTION 1

STATEMENT OF FACTS 1

ARGUMENT 4

I. Petersburg Police Department needed a warrant to enter Lawton's home… 5

A. Griffin did not have a reasonable belief that Lawton's home was abandoned. 6

B. There were no exigent circumstances that justified Griffin's unlawful entry. 8

i. Griffin did not have knowledge of a medical emergency before entering Lawton's home. 9

ii. Griffin did not have a reasonable belief that the destruction of evidence was imminent. 9

iii. Police cannot enter a home without a warrant when the person fleeing is suspected of a minor crime. 11

C. The BAC results must be suppressed because the illegal entry tainted Lawton's consent to a blood draw. 13

II. Petersburg Police Department needed a warrant to search Lawton's home. 15

A. Griffin's search and seizure fail the plain view exception to the warrant requirement. 16

i. Griffin was not legally present in Lawton's home. 16

ii. The object's incriminating nature was not immediately apparent. 17

iii. Griffin did not have a right of access to the object. 18

B. The inevitable discovery doctrine does not apply. 19

CONCLUSION...20

TABLE OF AUTHORITIES

United States Constitution

U.S. Const. amend IV. 1, 4

United States Supreme Court Cases

Brigham City, Utah v. Stuart, 547 U.S. 398 (2006) 8

Brown v. Illinois, 422 U.S. 590 (1975)..13

Collins v. Virginia, 138 S. Ct. 1663 (2018) 5

Hein v. North Carolina, 574 U.S. 54 (2014) 6

Kentucky v. King, 563 U.S. 452 (2011) 8

Lange v. California, 141 S. Ct. 2011 (2021) 5

Mincey v. Arizona, 437 U.S. 385 (1978) 9

Payton v. New York, 445 U.S. 573 (1980)..5

United States v. Santana, 427 U.S. 38 (1976) 8

Welsh v. Wisconsin, 460 U.S. 740 (1984)...8

United States Court of Appeals Cases

Hogan v. Kelley, 826 F.3d 1025 (8th Cir. 2016) 19

United States v. Cherry, 759 F.2d 1196 (5th Cir. 1985)...19

United States v. Davis, 44 F.4th 685 (7th Cir. 2022) (*cert denied)*........................13

United States v. Delva, 858 F.3d 135 (2d Cir. 2017)...15

United States v. Garcia, 496 F.3d 495 (6th Cir. 2007)..................................... 16, 18

United States v. Harrison, 689 F.3d 301 (3d Cir. 2012) .... …6, 7

United States v. Lamas, 930 F.2d 1099 (5th Cir. 1991) 20

United States v. Norman, 701 F.2d 295 (4th Cir. 1983)..18

United States v. Ramirez, 676 F.3d 755 (8th Cir. 2012)..10

United States v. Robeles-Ortega, 348 F.3d 679 (7th Cir. 2003).............................13

United States v. Whiteson, 765 F.3d 938 (8th Cir. 2014).......................................14

Wayne v. United States, 318 F.2d 205 (D.C. Cir. 1963)..9

Statutes

State of Stetson § 14-227a(2)(1) 11

State of Stetson § 14-227a(2)(b) 12

INTRODUCTION

On June 8, 2023 a police officer with the Petersburg Police Department entered Defendant Jamie Lawton's home without a warrant and—again without a warrant—searched her home. This illegal entry and illegal search violated Lawton's fundamental Fourth Amendment right to be secure in her home against unreasonable searches. *See* U.S. Const. amend IV. Therefore, evidence collected as due to the illegal entry and illegal search must be suppressed.

STATEMENT OF FACTS

On June 8, 2023, Lawton was driving home from a bar, where she had half a beer. Lawton Sworn Statement at ¶¶ 1–10. About five minutes into her drive home, Lawton felt a sharp pain in her stomach and extreme nausea. *Id.* at ¶¶ 14–15. Lawton vomited in her mouth and opened her door at a red light to spit it out on the street. *Id.* at ¶15. As Lawton continued to make her way home, the pain worsened, and Lawton was scared she was going to get sick again or pass out. *Id.* at ¶ 16. The pain was so severe that Lawton could barely move and had to hunch over the steering wheel. *Id.* Even though she was in severe pain, Lawton made it safely to her home at 900 49th Street in Petersburg, Stetson. *Id*. at ¶¶ 4, 17. Lawton's home is an old warehouse that she is in the process of converting into a personal living space. *Id.* at ¶ 5–6.

When Lawton arrived home, she painfully walked up to her front door, unlocked the door, entered her home, and then closed and locked the door behind her. Lawton Sworn Statement at ¶ 20. She went to her kitchen and drank a few mouthfuls of Peppermint Schnapps to wash out the taste of vomit in her mouth. *Id.* ¶ 18. Kell Halstead, Lawton's coworker who used her home to store things, was inside Lawton's home when she arrived. *Id.* at ¶¶ 6, 19. While Kell and Lawton discussed whether Lawton should go to work, Officer Taylor Griffin ("Griffin") with the Petersburg Police Department ("PPD") entered Lawton's locked home without a warrant. *Id.* at ¶ 20. Lawton never gave permission for Griffin to enter her home and eventually asked him to leave. *Id.*

Unbeknownst to Lawton, Griffin had been following her home since she got sick at the red light. Griffin Transcript of Grand Jury Proceedings 24. Griffin believed that Lawton was Kevin James ("James"), even though Lawton does not match the physical description of James. *Id.* at 22–23. Griffin couldn't tell whether Lawton was a man or woman, and he could only see the back of Lawton's head, shoulders, and upper back. *Id.* at 23. Griffin turned on his lights after he saw Lawton drift into the emergency lane, but he never activated his siren, which prevented his dashboard cameras from recording. *Id.* at 25–26. Griffin followed

Lawton for approximately three minutes with only his lights on[1]. During this time, Lawton never went over the speed limit, engaged Griffin in pursuit, or tried to elude Griffin. *Id.* at 27–28. Before entering Lawton's home without a warrant, Griffin saw Lawton unlock her front door, noticed that there were signs on the doors stating "no trespassing, private property," and, when he called for backup, was informed by Lieutenant Sammy Vann ("Vann") that someone lived in the building and he should not enter. *Id.* at 28, 30–31.

After entering Lawton's home without a warrant, Griffin asked Lawton why she never stopped after he had turned on his cruiser lights. *Id.* ¶ 21. Lawton explained to Griffin the excruciating pain she was in, and she apologized for not noticing the silent lights behind her. Lawton Sworn Statement at ¶ 22. Griffin called for an ambulance. *Id.* While Lawton was being transported into the ambulance, Griffin noticed the edge of a light-colored package, wrapped in plastic wrap and packing tape. Griffin Tr. 39. The package was partially covered by a tarp. *Id.* Griffin could only see about three by four inches of the package. *Id.* at 40. Without any other evidence to suggest what was in the package, Griffin seized the package and gave it to Vann, a deputized agent for the Drug Enforcement Agency.

[1]According to Griffin, Lawton was traveling at 55 miles per hour and he followed him for three miles. Griffin Tr. 27–28. That works out to about 3.27 minutes of time.

Id. These packages later tested positive for cocaine. Vann Tr. Of Grand Jury Proceedings 58.

Once the ambulance arrived, Lawton was immediately transported to McDaniel Medical Center. Lawton Sworn Statement ¶ 24. At McDaniel Medical Center, Lawton was informed that she needed emergency surgery to remove her appendix. *Id.* at ¶ 25. While Lawton was awaiting her emergency surgery, Griffin entered Lawton's hospital room and commanded her to urinate into a cup for a DUI investigation. *Id.* at ¶ 25. Lawton refused and eventually consented to blood draw but describes this time as a blur. *Id.* at ¶ 25–27. Lawton's blood alcohol content came back at a .04. Griffin Tr. 49.

On July 7, 2023, Defendant Jamie Lawton ("Lawton") was indicted on three charges, including that Lawton (1) knowingly had actual or constructive possession of five kilograms or more of cocaine, (2) conspired with Kell Halstead ("Halstead") to possess with the intent to distribute more than five kilograms of cocaine, and (3) operated a motor vehicle under the influence of alcohol while in possession of a federally issued common carrier license. Indictment at ¶¶ 1–3.

ARGUMENT

The Fourth Amendment guarantees the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches." U.S. Const. amend IV. The home holds a special place in Fourth Amendment

jurisprudence. At the Fourth Amendment's core "stands the right of a man to retreat into his home and there be free from unreasonable government intrusion." *Collins v. Virginia*, 138 S. Ct. 1663, 1670 (2018). The Fourth Amendment "draw[s] a firm line at the entrance to the house." *Payton v. New York*, 445 U.S. 573, 590 (1980). The PPD crossed this line and violated Lawton's fundamental right to be secure in her home. As a result, the drugs found in Lawton's home and the BAC results must be suppressed for two reasons. First, the PPD illegally entered Lawton's home without a warrant. Second, once illegally inside Lawton's home, the PPD conducted an illegal search.

I. PPD Needed a Warrant to Enter Lawton's Home

The "basic principle of Fourth Amendment law" is that "searches and seizures inside a home without a warrant are presumptively unreasonable." *Payton*, 445 U.S. at 586. There are very few exceptions that permit warrantless home entry, and those are "jealously and carefully drawn." *Lange v. California,* 141 S. Ct. 2011, 2018-2019 (2021) (citation omitted). The government may attempt to argue that PPD permissibly entered Lawton's home because (1) Griffin believed the home was abandoned or (2) exigent circumstances allowed Griffin to enter Lawton's home. However, neither justification is reasonable.

A. Griffin did not have a reasonable belief that Lawton's home was abandoned.

While the Fourth Amendment allows police officers to make mistakes of fact, it requires that "the mistakes must be those of reasonable men." *Hein v. North Carolina*, 574 U.S. 54, 60 (2014) (internal citations omitted). Here, no police officer could reasonably believe that Lawton's home was abandoned. First, there is no evidence that Lawton intended to relinquish her expectation of privacy. Second, it is unreasonable to assume from the appearance of a home alone that it is abandoned.

For officers to reasonably believe that real property is abandoned, there must be "clear, unequivocal and unmistakable evidence" that the person "intended to relinquish his legitimate expectation of privacy." *United States v. Harrison*, 689 F.3d 301, 309 (3d Cir. 2012) (*cert. denied*). Here, there is no evidence that Lawton intended to relinquish her expectation of privacy in her property. In fact, the circumstances presented to Griffin before illegally entering Lawton's home showed that Lawton maintained her expectation of privacy. First, Griffin knew that someone lived inside the building. Griffin Tr. 28. After radioing for backup, Vann called Griffin and told him that someone lived there. *Id.* Second, there were signs on Lawton's doors that said "no trespassing, private property," and Griffin saw both signs before entering Lawton's home. *Id.* at 30. Third, Griffin saw Lawton unlock the door before entering her home. *Id.* at 31. While Griffin maintains that

Lawton left the door open, Lawton remembers closing and locking the door behind her. Lawton Sworn Statement at ¶ 20. Before Griffin entered the building, Vann saw the door swing shut after Lawton entered her home. Vann Tr. 56. Furthermore, both Vann and Halstead heard the door slam shut. *See* Halstead Sworn Statement at ¶11; Vann Tr. 56. Here, there was "clear, unequivocal and unmistakable evidence" that Lawton had an expectation of privacy in her home, and therefore no reasonable officer would have entered. *Harrison*, 689 F.3d at 309.

While Lawton's home may have appeared dilapidated from the outside, it is "unreasonable to assume that a poorly maintained home is an abandoned home." *Harrison*, 689 F.3d at 311. In *Harrison*, the Third Circuit held that officers reasonably believed that a home was abandoned because of prior observations made outside *and* inside the home over a period of four months. *Id.* at 312. The court emphasized that the rundown exterior alone was not enough to justify police entering without a warrant. *Id.* at 311. Whereas here, Griffin observed Lawton's home for mere minutes, entering almost immediately after calling for backup. Griffin Tr. 28. In this short period of time, Griffin incorrectly assumed that the building was abandoned based on his one-time observation of the outside of the home. *Id*. Because it is "unreasonable to assume that a poorly maintained home is an abandoned home," Griffin did not have a reasonable belief of abandonment and

was not entitled to enter Lawton's home without a warrant. *Harrison*, 689 F.3d at 31.

B. There were no exigent circumstances that justified Griffin's unlawful entry.

Police are allowed to enter a home without a warrant when "the delay required to obtain a warrant would bring about 'some real immediate and serious consequences.'' *Lange*, 141 S. Ct. at 2017–2018 (quoting *Welsh v. Wisconsin*, 460 U.S. 740, 751 (1984)). The Court has delineated specific exigent circumstances that allow a police officer to enter a home without a warrant, including to (1) render emergency aid to a seriously injured person (*see Brigham City, Utah v. Stuart*, 547 U.S. 398, 403 (2006)), (2) prevent the imminent destruction of evidence (*see Kentucky v. King*, 563 U.S. 452, 460 (2011)), or (3) while in hot pursuit of a fleeing felon (*see United States v. Santana*, 427 U.S. 38, 42–43 (1976)). When police enter a home without a warrant, the "burden is on the government to demonstrate exigent circumstances." *Welsh v. Wisconsin*, 460 U.S. at 750. Here, the government cannot meet its burden. First, Griffin did not have knowledge of a medical emergency until after entering Lawton's home. Second, Griffin did not have a reasonable belief that the destruction of evidence was imminent. And third, police may not enter a home when the person fleeing is suspected of a minor crime.

a. Griffin did not have knowledge of a medical emergency until after illegally entering Lawton's home.

Police are allowed to enter a home without a warrant if "they reasonably believe that a person within is in need of immediate aid." *Mincey v. Arizona*, 437 U.S. 385, 392 (1978). This exigent circumstance arises out of the "'need to protect or preserve life or avoid serious injury.'" *Id.* (quoting *Wayne v. United States*, 318 F.2d 205, 212 (D.C. Cir. 1963)). Here, no reasonable officer would believe that Lawton was seriously injured or in need of immediate aid before entering Lawton's home. Griffin saw Lawton throw up a little bit of liquid. Griffin Tr. 21. It was such a small amount of liquid that Griffin couldn't say for sure whether Lawton was simply rinsing out her mouth. *Id.* Griffin saw Lawton clutching her lower stomach area. *Id.* at 31. Based on these facts, no reasonable officer could conclude that Lawton was seriously injured or in need of immediate aid. At most, an officer could conclude that Lawton had an upset stomach, but that fails to rise to the level demanded to create an exigency.

b. Griffin did not have a reasonable belief that destruction of evidence was imminent.

The government may try to argue that Griffin reasonably believed that two types of evidence were likely to be destroyed: (1) Lawton's blood alcohol content and (2) the drugs seized after the illegal entry. However, neither the destruction of

blood-alcohol content nor the mere suspicion of drugs in a home is sufficient to justify warrantless entry.

First, warrantless home entry “cannot be upheld simply because evidence of the petitioner’s blood-alcohol level might have dissipated while the police obtained a warrant.” *Welsh*, 460 U.S. at 754. In *Welsh*, the Supreme Court determined that warrantless home entry and arrest for a DUI violated the Fourth Amendment. *Id.* The Court emphasized that warrantless home entry “should rarely be sanctioned when there is probable cause to believe that only a minor offense . . . has been committed.” *Id.* Here, Griffin may have had probable cause of a DUI, but that is a minor traffic offense, and the destruction of blood-alcohol content cannot overcome “the principles of the Fourth Amendment.” *Id.* at 754.

Second, Griffin did not have a reasonable belief that destruction of evidence was imminent or likely. In *Ramirez*, the Eighth Circuit concluded that no reasonable officer would believe that the destruction of evidence was likely when they merely had knowledge that drugs were in a hotel room. *United States v. Ramirez*, 676 F.3d 755, 763 (8th Cir. 2012). Here, Griffin did not even have personal knowledge that an illegal substance was inside Lawton’s home before he entered. Vann had merely told him that the DEA believed someone was using Lawton’s home as a stash house and there was likely cocaine inside. Griffin Tr. 28; Vann Tr. 54.

Furthermore, the Eighth Circuit highlighted that the officer didn't hear any suspicious sounds that indicated evidence was being destroyed—"no dead bolt lock being engaged, no toilet flushing or a shower or faucet running, and no shuffling noises or verbal threats." *Id.* Similarly, Griffin heard voices, but no noises that would suggest that drugs were being destroyed. Griffin Tr. 32. With no personal knowledge of any illegal substances in the building and without hearing any suspicious noises, Griffin did not have a reasonable belief in the destruction of evidence.

c. Police cannot enter a home without a warrant when the person fleeing is suspected of a minor crime.

While police can enter a home if a felony suspect is fleeing, this exigent circumstance does not apply to this case for two reasons. First, police cannot enter a home without a warrant when the person fleeing is suspected of a minor crime. Second, no reasonable officer would believe that Lawton was fleeing from police.

First, the "flight of a suspected misdemeanant does not always justify a warrantless entry into a home." *Lange*, 141 S. Ct. at 2024. In *Lange*, the Supreme Court held that flight of a misdemeanant alone is not enough to create its own exigent circumstance. *Id.* When Griffin illegally entered Lawton's home, he had a reasonable suspicion that Lawton was driving while under the influence, a misdemeanor. *See* State of Stetson § 14-227a(2)(1). Griffin did not know that

Lawton had a common carrier license, and therefore had no probable cause to believe that a felony had been committed.

The government may try to argue that Griffin had probable cause for a felony because he believed the driver was Kevin James, who had previously been convicted of a DUI. *See* State of Stetson § 14-227a(2)(b). However, Griffin's belief that the driver was James was not reasonable. Griffin observed that Lawton had blonde, straight hair that was pulled back into a bun. Griffin Tr. 22. James has brown, shaggy hair that he doesn't wear in a bun. *Id.* Griffin could not tell whether Lawton was a man or a woman because all he could see was the driver's head, shoulders, and upper back. *Id.* at 23. Griffin could not see the driver's face. *Id.* 22. Although the truck was similar to James' truck, Griffin never ran a plate to confirm the identity of the truck's owner. *Id.* at 21. Griffin may have had probable cause to pull over a driver for a misdemeanor DUI, but Griffin did not have probable cause that felony had been committed.

Even if Griffin had probable cause for a felony, it was unreasonable for Griffin to conclude that Lawton was fleeing from him. First, Griffin turned on his lights, but never activated his siren when he attempted to pull over Lawton. Griffin Tr. 27. During the three minutes Griffin silently followed Lawton, Lawton never went over the speed limit, tried to engage Griffin in pursuit, or tried to elude him. *Id.* at 28. When Lawton arrived home, she did not run into her home, she walked.

See id.; Vann Tr. 56. A reasonable officer in Griffin's position would conclude that Lawton had not noticed the police officer following silently behind her, not that she was fleeing.

Even if an officer could reasonably believe that Lawton was fleeing, Griffin illegally entered Lawton's home without a warrant. The government cannot meet their burden to prove that Griffin reasonably believed Lawton's home was abandoned or that any exigent circumstance existed. Not only must the cocaine be suppressed because of the illegal entry, but so must the BAC test results.

C. The BAC results must be suppressed because the illegal entry tainted Lawton's consent to a blood draw.

While Lawton consented to a blood draw, her consent was tainted by the illegal entry. Again, it is the government's burden to prove that "illegal entry did not taint that consent." *United States v. Davis*, 44 F.4th 685, 688 (7th Cir. 2022) (*cert denied*). And again, the government cannot meet its burden. Courts use several factors to determine whether consent was tainted by illegal entry, including (1) the temporal proximity of the illegal entry and consent, (2) the presence of intervening circumstances, and (3) the purpose and flagrancy of the police misconduct. *United States v. Robeles-Ortega*, 348 F.3d 679, 681 (7th Cir. 2003) (citing *Brown v. Illinois*, 422 U.S. 590, 603-604 (1975)). Here, the intervening circumstances and the purpose of the police misconduct tainted Lawton's consent to a blood draw.

Courts consider whether intervening circumstances "provide the defendant an opportunity to pause and reflect, to decline consent." *United States v. Whiteson*, 765 F.3d 938, 942 (8th Cir. 2014) (citations omitted). Here, the intervening circumstances did the opposite – they limited Lawton's ability to reflect before consenting. Between Griffin's initial illegal entry and Lawton's consent to a blood draw, Lawton suffered acute appendicitis, was transported to a hospital, and was prepared for immediate emergency surgery. Lawton Sworn Statement 63–65. Lawton described this time as a "blur" because she was in so much pain. *Id*. at 65. Although more than fifteen minutes elapsed between Griffin's illegal entry and Lawton's consent to a blood draw, the intervening circumstances did not allow Lawton time to process her decision or to reflect on whether she should consent to a blood draw. Therefore, her consent was not too far attenuated from the illegal entry.

The most important factor in determining whether an illegal entry tainted consent is whether the police misconduct was "purposeful or flagrant." *Davis*, 44 F.4th at 689. When determining whether police misconduct was purposeful or flagrant, the Eighth Circuit asks whether the violation was "investigatory in design and purpose and executed in the hope that something might turn up." *Whiteson*, 765 F.3d at 942 (citation omitted). Here, Griffin was hoping that something might turn up. Before he entered, Vann told him that they suspected Lawton's home was

a stash house and directed Griffin not to enter. Vann Tr. 54; Griffin Tr. 28. Griffin disregarded those orders and illegally entered and searched Lawton's home. When his illegal search produced drugs, Griffin said "exactly what I thought" or "exactly what I thought I'd find." Vann Tr. 58; Halstead Sworn Statement 70. Here, Griffin hoped that if he entered Lawton's home, drugs would turn up. His illegal entry was a purposeful and flagrant violation of the Fourth Amendment.

Because Griffin illegally entered Lawton's home without a warrant, the drugs found in her home and the results of the BAC test must be suppressed. The evidence must also be suppressed because Griffin illegally searched Lawton's home after his illegal entry.

II. PPD Illegally Searched Lawton's Home

A basic premise of the Fourth Amendment is that "searches … inside a home without a warrant are presumptively unreasonable." *United States v. Delva*, 858 F.3d 135, 147 (2d Cir. 2017). To suppress evidence seized in an unlawful search, a defendant must show "that he had a reasonable expectation of privacy in the place or object searched." *Id.* Once a privacy interest has been established, the heavy burden falls to the government to prove that the search was lawful because it falls under one of the narrow exceptions to the warrant requirement. *Id.* Here, the government may argue that (1) the items seized were in in plain view of the officer, or (2) that the search was lawful because the evidence would have been

discovered under the inevitable discovery doctrine. However, both arguments are meritless.

A. Griffin's entry and search fail the plain view exception to the warrant requirement.

A "warrant is generally required to permit law enforcement officers to search a place or seize an item." *United States v. Garcia*, 496 F.3d 495, 508 (6th Cir. 2007). The government may argue that the covered package was in "plain view" of the officer and thus a warrant was not required. However, Griffin's search of the residence fails the most basic requirements of the plain view exception to the warrant requirement. It is well settled that for the plain view doctrine exception to the warrant requirement to apply, there are four factors that must be satisfied. *Id.* For the plain view doctrine to apply, (1) the object must be in plain view; (2) the officer must be legally present in the place from which the object can be plainly seen; (3) the object's incriminating nature must be immediately apparent; and (4) the officer must have a right of access to the object. *Id.* Though it can be conceded that the package itself was in plain view, it cannot be said that Griffin's search satisfies any of the other requirements.

a. Griffin was not legally present in Lawton's home.

For reasons stated above, the argument that the plain view doctrine applies fails first because the officer was not legally present in Lawton's home. *See supra* 5–13.

b. The object's incriminating nature was not immediately apparent.

To determine whether the incriminating nature of an object was immediately apparent, courts look at various factors including,

> (1) a nexus between the seized object and the items particularized in the search warrant"; (2) "whether the 'intrinsic nature' or appearance of the seized object gives probable cause to believe that it is associated with criminal activity"; and (3) whether "the executing officers can at the time of discovery of the object on the facts then available to them determine probable cause of the object's incriminating nature.

Garcia, 496 F.3d at 510–11.

First, no nexus exists between the seized object and items notated in a warrant, because Griffin illegally entered the residence without a warrant. Second, the intrinsic nature of a few inches of a package wrapped in tape can hardly be associated with criminal activity. If we were to follow this logic, *any* package wrapped in packing tape would be associated with criminal activity. Finally, it is ludicrous to suggest that Griffin, the executing officer, was able to deduce the "incriminating nature" of the package. Griffin, by his own admission, describes the package as something that "*looked like* the edge of *something* … partially *covered* by a tarp." Griffin Tr. 39 (emphasis added). In fact, Griffin admits to only having seen "three inches … by four inches" of this package. *Id.* at 40. Though Griffin attempts to relate his training to his observations, this Court need not review his

training manual to confirm that seeing a few inches of a covered package is simply insufficient to establish probable cause that the package contained drugs.

Additionally, warrantless searches cannot be justified using plain view when the item is not "obvious to the senses." *United States v. Norman*, 701 F.2d 295, 297 (4th Cir. 1983). In *United States v. Norman*, the court held that marijuana seized onboard a vessel did fall under the plain view doctrine because a distinct odor of marijuana permeated the containers. *Id.* In *Norman*, the court emphasized that the distinct odor, coupled with the officer's opportunity to see and feel the containers was imperative in holding that no warrant was required. *Id.* Unlike *Norman*, Griffin did not utilize scent or substantive observations in deciding to search the containers. *Id.* Griffin instead simply describes "the *edge* of *something* light-colored wrapped in plastic wrap and packing tape." Griffin Tr. of Grand Jury Proceedings 39 (emphasis added). It is preposterous to presume that the edge of "something" wrapped in plastic would be "obvious to the senses." *Id.; Norman* 701 F.2d at 297.

c. Griffin did not have a right of access to the object.

As has been discussed above, *see supra* 5–13, Griffin illegally entered Lawton's home, and thus there was no legal right of access to any objects within the residence.

B. The inevitable discovery doctrine does not apply.

As has been noted, there are limited exceptions to warrantless searches. The government may attempt to pin Griffin's careless and illegal search on the inevitable discovery doctrine. For the government to meet their burden of proof, they must prove "by a preponderance that there was a reasonable probability that the evidence would have been discovered by lawful means in the absence of police misconduct and that the government was actively pursuing a substantial, alternative line of investigation at the time of the constitutional violation." *Hogan v. Kelley*, 826 F.3d 1025, 1028 (8th Cir. 2016). The government cannot meet its burden of proof, and thus this argument will necessarily fail.

When officers make no effort to secure a search warrant, the simple fact that there was an avenue for a search warrant does not allow for the government to apply the inevitable discovery doctrine. *United States v. Cherry*, 759 F.2d 1196, 1207 (5th Cir. 1985). In *Cherry,* the court held that evidence would not have been discovered by lawful means when information that alerted officers to the contraband was obtained via an illegal search. *Id.* In *Cherry,* a defendant appealed his murder conviction on the basis that evidence was obtained illegally under the Fourth Amendment. *Id.* at 1196-1206. The court emphasized that because the police officers made no effort to obtain a search warrant, the evidence collected after the illegal search was inadmissible. *Id.* at 1206-07. Like *Cherry*, Griffin

illegally entered Lawton's residence. Additionally, by Griffin's own admission, there was the possibility to work with the DEA to secure a warrant. Griffin Tr. 40. Instead of attempting to navigate the legal avenues available to him, Griffin simply ignored the core principles of the Fourth Amendment.

Beyond the fact that the government will be unable to prove that Griffin's actions are sufficient to fall under the doctrine of inevitable discovery, there are strong policy reasons for this Court to hold that this search was not protected by the doctrine of inevitable discovery. It is commonly held that the core purpose of the exclusionary rule is to deter police conduct and ensure that the prosecution must not be put in a better position as a result of police illegality. *United States v. Lamas*, 930 F.2d 1099, 1102 (5th Cir. 1991). It has already been discussed that there were countless opportunities for law enforcement to course-correct their actions, choose a *legal* avenue, and navigate the processes set forth. However, as has become clear, law enforcement made no effort to do so. Thus, to hold that these deliberate and irresponsible actions should be overlooked, without any evidence that one of the limited exceptions applies here, goes directly against the spirit of the Fourth Amendment.

CONCLUSION

Because PPD illegally entered and searched Lawton's home, this court must suppress the drugs found in Lawton's home and the results of Lawton's BAC test.

Dated: September 4, 2021

Respectfully submitted,

/s/ TEAM 105

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