TEAM NO. 106

Case No. 2023-CR-812

IN THE

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF STETSON

UNITED STATES OF AMERICA

v.

JAMIE LAWTON,

Defendant.

NON-MOVANT'S MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS

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INTRODUCTION

Defendant, Jamie Lawton, filed a Motion to Suppress evidence seized from his warehouse, alleging that his Fourth Amendment rights were violated. The Government files this Memorandum in opposition to Defendant's Motion to Suppress. Law enforcement officers legally pursued Defendant into the warehouse under the hot pursuit doctrine. During a confrontation with Defendant, law enforcement officers seized thirty-one pounds of cocaine at Defendant's warehouse in accordance with existing Supreme Court plain view precedence. The Government respectfully requests that the Court deny Defendant's Motion to Suppress.

STATEMENT OF FACTS

OFFICER GRIFFIN'S PATROL. On June 8, 2023, Officer Taylor Griffin stopped his vehicle at the traffic light at the intersection of 49th and Raymond around 16:00. (Officer Taylor Griffin's Grand Jury Test. ("Griffin Test.") 18.) While stopped at the intersection, Officer Griffin noticed the driver of a red pickup truck open the door, heave, and vomit. (Griffin Test. 21–22.) Officer Griffin recognized that the truck belonged to Kevin James, a local man whom Officer Griffin had arrested multiple times. (Griffin Test. 20.) Most recently, James had been arrested by Officer Griffin for a DUI in 2021. (Griffin Test. 20.) Officer Griffin participated in James's DUI plea deal six months prior, which resulted in a suspension of James's driver's license. (Griffin Test. 23.)

Officer Griffin also noticed that the rear license plate had been removed from the truck, and the driver had dyed his hair. (Griffin Test. 23.) The driver slowly pulled into the intersection when the light turned green. (Griffin Test. 24.) As Griffin followed the truck,

the driver swerved the truck into the emergency lane multiple times. (Griffin Test. 25.) Additionally, the driver kept reaching into the passenger's compartment in a furtive movement, which Officer Griffin's training and experience indicated was a sign of weapons, drugs, or other contraband in the truck. (Griffin Test. 25–26.)

Under these circumstances, Officer Griffin activated his police car's emergency lights to pull over the driver for drunk driving during a probationary period—a third-degree felony. (Griffin Test. 26–27.) Officer Griffin reasonably believed the driver was intoxicated from his years of experience and training with the Petersburg Traffic Enforcement Division. (Griffin Test. 16–17.) However, the driver sped up and did not pull over for approximately three miles. (Griffin Test. 27–28.)

THE WAREHOUSE. The driver pulled into a public parking lot outside of what appeared to be an abandoned warehouse at 900 49th Street, Petersburg, Stetson 33711. (Griffin Test. 28; Lieutenant Samy Vann's Grand Jury Testimony ("Vann Test.") 53.) Griffin watched as the driver quickly fled into the abandoned warehouse. (Griffin Test. 28.) Before Officer Griffin pursued Defendant inside, however, Lieutenant Vann of the Petersburg Police Department Narcotics Unit called him on his cell phone. (Griffin Test. 28.) Lieutenant Vann has been a narcotics officer for eighteen years and works as a federal agent for the Drug Enforcement Administration ("DEA") in addition to his capacity as a state law enforcement officer. (Vann Test. 51, 53.) Lieutenant Vann told Officer Griffin that the DEA was surveilling the warehouse in a long-term investigation and that the DEA suspected drugs were in the building. (Griffin Test. 28.) Lieutenant Vann ordered Officer

Griffin not to enter the warehouse, given the ongoing investigation; however, Officer Griffin was already in pursuit and followed Defendant into the building. (Vann Test. 54.)

During Defendant's flight into the warehouse, he left the door open. (Griffin Test. 31; Vann Test. 56–57.) Officer Griffin pursued Defendant to prevent the destruction of evidence from a drop in blood alcohol content ("BAC"). (Griffin Test. 29.) Officer Griffin announced his presence as he entered a large, mostly empty, room. (Griffin Test. 32.)

Once inside the warehouse, Officer Griffin quickly reestablished visual contact with Defendant. (Griffin Test. 30.) At this point, Officer Griffin began questioning Defendant and learned that Defendant was not Kevin James. (Griffin Test. 35.) During this interaction, Defendant repeatedly spoke of being sick and needing a doctor. (Griffin Test. 34–36.) Officer Griffin noted that Defendant looked like he needed immediate medical attention and called an ambulance. (Griffin Test. 35.)

THE SUSPICIOUS BEHAVIOR. While waiting for the ambulance, Officer Griffin noticed the other person in the warehouse, Kell Halstead, kept looking toward a wooden pallet. (Griffin Test. 36.) These repeated looks put Officer Griffin on alert that weapons or drugs could be nearby. (Griffin Test. 37.) As the EMTs took Defendant out of the Warehouse, Officer Griffin walked past the area that Halstead repeatedly looked at. (Griffin Test. 38.) As Officer Griffin walked past this area, he saw a light-colored plastic wrap and packing tape in plain view. (Griffin Test. 38; Vann Test. 57–59.) Lieutenant Vann observed Officer Griffin when he saw the drugs and claimed that "Griffin discovered the cocaine in plain sight." (Vann Test. 59.)

ARGUMENT

I. Officer Griffin reasonably entered Defendant's warehouse without a warrant because exigent circumstances existed, and Defendant did not have an objectively reasonable expectation of privacy.

The United States Constitution safeguards individuals from unreasonable searches of their persons, houses, papers, and effects. U.S. Const. amend. IV. Generally, warrantless searches and seizures inside a home are presumptively unreasonable. *Payton v. New York*, 455 U.S. 573, 586 (1980). Even so, a warrantless search of a home may become reasonable in certain carefully delineated circumstances. *See, e.g.*, *Michigan v. Tyler*, 436 U.S. 499, 509 (1978) (ongoing fire); *United States v. Santana*, 427 U.S. 38, 42–43 (1976) (hot pursuit of a fleeing felon); *Schmerber v. California*, 384 U.S. 757, 770–71 (1966) (destruction of evidence).

Likewise, the Fourth Amendment's privacy safeguards do not reach every aspect of individuals' lives—the Court has explained that individuals must have a reasonable expectation of privacy to qualify for Fourth Amendment protection. *Katz v. United States*, 389 U.S. 347, 361 (1967) (Harlan, J., concurring). The first factor of the *Katz* test requires a person to exhibit an actual, subjective expectation of privacy. *Id.* The second factor requires that the person's expectation of privacy is a reasonable one that society is prepared to recognize. *Id.* It thus follows that anything a person knowingly exposes to the public cannot receive the protection of the Fourth Amendment, even if in a person's home or office. *Id.* at 351.

A. Exigent circumstances existed to permit Officer Griffin's entry into the warehouse.

The reasonableness of an officer's warrantless entry should be determined by what the officers justifiably believed at the time of their entry. *Ker v. California*, 374 U.S. 23, 40 n.12 (1963) (citing *Johnson v. United States*, 333 U.S. 10, 17 (1948)). The Court must consider whether the circumstances would lead an objectively reasonable officer to enter under the same circumstances. *Brigham City v. Stuart*, 547 U.S. 398, 404 (2006). In the current case, an objectively reasonable officer would conclude that warrantless entry was reasonable because he was in hot pursuit of a fleeing felon, and there was a need to prevent the destruction of evidence.

1. Officer Griffin was in hot pursuit of a fleeing felon.

When an arrest begins in a public place, a suspected felon's retreat into the home does not defeat an arrest that has already begun. *Santana*, 427 U.S. at 43. For the pursuit to qualify, however, law enforcement officers must immediately and continuously pursue the felon from the crime scene. *Welsh v. Wisconsin*, 466 U.S. 740, 753 (1984).

In *Santana*, the police initiated an arrest of a narcotics dealer while she was standing in the doorway to her home. *Santana*, 427 U.S. at 40. The police identified themselves, the dealer retreated inside, and the police followed her and arrested her without a warrant. *Id.* at 40–41. The Supreme Court held that the officers' warrantless entry and arrest were reasonable because they began the arrest in a public place. *Id.* at 43. The Court reasoned that allowing Santana to avoid arrest would have permitted her to destroy any evidence

inside her house. *See id.* at 42–43. Simply, the need to act was great and the intrusion of privacy was small. *See id.* at 43.

In contrast, in *Welsh*, a man drunkenly crashed his car in a field and fled the accident scene by walking home. 466 U.S. at 742. When the police arrived and identified the car, the officer proceeded to Welsh's house and arrested him in the middle of the night. *Id.* at 743. The Court held that the warrantless entry and arrest were unreasonable for multiple reasons. *Id.* at 754. First, the Court did not find that a true hot pursuit existed because the officer was not in an "immediate or continuous pursuit" of Welsh. *Id.* at 753. Secondly, Welsh's car had been left at the scene of the accident, so there was no continuing threat to public safety. *Id.*

In the present case, Officer Griffin observed Kevin James's truck driving on public roadways. (Griffin Test. 20.) Griffin knew James from prior arrests, including a DUI, which meant the current suspected DUI would be a felony. (Griffin Test. 20, 23.) While stopped at a light, Griffin witnessed the driver of James's truck open the door and vomit. (Griffin Test. 22.) As he followed behind the suspect, Officer Griffin witnessed the truck swerve into the emergency lane multiple times, which led him to engage his emergency lights and initiate a traffic stop. (Griffin Test. 26.) The driver, however, did not pull over until he reached a warehouse three miles away from the initial engagement. (Griffin Test. 27–28.) The suspect then fled inside the warehouse. (Griffin Test. 28.)

When Officer Griffin entered the warehouse, he was engaged in a hot pursuit of a fleeing felon. Officer Griffin began the pursuit in public, he had remained in immediate and continuous pursuit of the suspect, and the suspect entered a building to evade the arrest.

While the hot pursuit may not resemble an action movie car chase, a hot pursuit need not be extensive or action-packed to qualify for the exception—there must simply be a pursuit. *Santana*, 427 U.S. at 43. Thus, Officer Griffin reasonably entered the warehouse in hot pursuit.

2. Officer Griffin entered the warehouse to prevent the destruction of evidence.

The Supreme Court has clearly explained that exigent circumstances, including the likely destruction of evidence, permits law enforcement officers to conduct otherwise permissible searches without obtaining a warrant. *Kentucky v. King*, 563 U.S. 452, 455 (2011). Preventing the destruction of evidence can take the form of avoiding the loss of evidence or stopping a suspect from intentionally destroying evidence. *Birchfield v. North Dakota*, 579 U.S. 438, 471 (2016). The current case involves circumstances where Officer Griffin entered to prevent dissipation of Defendant's BAC and stop any destruction of narcotics on the scene related to an ongoing narcotics investigation.

The dissipation of alcohol in the bloodstream is an exigency in specific cases. *Id.* at 456 (citing *Schmerber*, 384 U.S. at 770). Even so, the dissipation of alcohol does not create a per se exigency in every case that would support a warrantless blood test of an individual. *Missouri v. McNeely*, 569 U.S. 141, 156 (2013). Yet, the Court has recognized that the government has a paramount interest in preserving the safety of public highways, including minimizing the deadly threat posed by drunk drivers. *Birchfield*, 579 U.S. at 464–65. Thus, the Court has authorized warrantless breath tests in suspected drunk driving cases due to the nature of the crime and the loss of the evidence. *See id.* at 476.

In the present case, Officer Griffin observed a suspected drunk driver swerving in and out of lanes after vomiting from the truck. (Griffin Test. 22, 26.) After the driver avoided pulling over, the driver swiftly entered the rundown warehouse. (Griffin Test. 28.) Officer Griffin then entered the building to stop a suspected serial drunk driver by maintaining evidence of alcohol in his blood system. (Griffin Test. 29.)

In addition to preventing the loss of evidence in the form of a BAC drop, Officer Griffin also entered the building to prevent Defendant's destruction of physical evidence. The destruction of narcotics evidence creates an exigent circumstance. *See, e.g.*, *King*, 563 U.S. at 455. In *King*, the police knocked on an apartment door where illegal narcotics were allegedly sold, and they heard shuffling and noises indicating evidence was being destroyed. *Id.* at 455–56. The police kicked open the door and arrested the suspects possessing cocaine. *Id.* The Court held that the warrantless entrance was reasonable, given that the police had acted reasonably in knocking on the door and responded to the situation as it presented itself. *See id.* at 471.

Here, Officer Griffin had pursued Defendant for three miles before arriving at the warehouse. (Griffin Test. 27.) During that pursuit, Officer Griffin watched Defendant act as if he was attempting to conceal drugs, weapons, or some other form of contraband. (Griffin Test. 25–26.) Once at the warehouse, Griffin was informed by Lieutenant Vann that it was under a long-term DEA investigation and that the officers believed drugs were currently inside the building. (Griffin Test. 28; Vann Test. 54.) At this point, Griffin had reason to believe that Defendant would attempt to destroy any drugs in his possession or

hidden in the warehouse. (Griffin Test. 29.) Ultimately, Griffin seized thirty-one pounds of cocaine that would have been destroyed. (Griffin Test. 40.)

B. Defendant did not have an objectively reasonable expectation of privacy in his warehouse.

The *Katz* test requires that an individual's expectation of privacy be objective or, in other words, one that society is prepared to recognize as reasonable. *Katz*, 389 U.S. 361. Moreover, the police are permitted to inspect what they can see from a public vantage point if they have a right to be there. *Florida v. Riley*, 488 U.S. 445, 449 (1989). Thus, an open door or window will defeat an individual's expectation of privacy. *Santana*, 427 U.S. at 42 (holding that an individual does not have privacy through an open door). In *Riley*, the police inspected a partially covered greenhouse by using a helicopter to find that marijuana was grown inside. *Id.* at 448–49. The Supreme Court held that Riley exhibited a subjective view of privacy by erecting a fence and signs. *Id.* at 450. However, the Court found that society did not accept Riley's view of privacy because parts of the greenhouse were open to public view. *Id.* at 450.

Here, Officer Griffin pursued Defendant into a public parking lot as Defendant fled into what appeared to be an abandoned warehouse. (Griffin Test. 28; Vann Test. 53.) The warehouse has dozens of windows, a significant portion of which are broken. (Griffin Test. 74; Ex. 4.) Additionally, when Defendant fled inside the warehouse, he left the door open for Officer Griffin to see inside the warehouse and enter inside. (Griffin Test. 31; Vann Test. 56–57.) Thus, there was no expectation of privacy as to the bottom floor of the warehouse,

and Officer Griffin did not violate the Fourth Amendment by entering the warehouse in pursuit of Defendant.

Therefore, Officer Griffin's entry into the warehouse was objectively reasonable, as dictated by Supreme Court precedent. Officer Griffin entered the warehouse in pursuit of a fleeing felon and to prevent the imminent destruction and loss of evidence. Any reasonable police officer would have acted the same under the circumstances, meaning the evidence should not be suppressed because of Officer Griffin's entry.

II. The thirty-one pounds of cocaine was properly discovered because the plain view doctrine and the inevitable discovery doctrine apply.

During Officer Griffin's hot pursuit of a fleeing felon, he engaged in a legal search and seizure of thirty-one pounds of cocaine. The Constitution prohibits police officers from entering someone's home and making an unreasonable search and seizure of evidence. U.S. Const. amend. IV. Even so, the ultimate test under the Fourth Amendment is reasonableness. *King*, 563 U.S. at 459. Thus, the Supreme Court has held that law enforcement officers are permitted to enter a suspect's home without a warrant and seize any evidence of a crime under certain reasonable circumstances. *See, e.g.*, *Santana*, 427 U.S. at 42–43; *Schmerber*, 384 U.S. at 770–71. A reasonable entry can occur under certain exigencies, such as when an officer is engaged in the "hot pursuit" of a suspect or to prevent the destruction of evidence. *See, e.g.*, *Santana*, 427 U.S. at 42; *Schmerber*, 384 U.S. at 770–771. As discussed above, Officer Griffin was engaged in a pursuit of Defendant for drunk driving and pursued him into the warehouse. (Griffin Test. 21.) Upon entering the warehouse, Officer Griffin discovered approximately thirty-one pounds of cocaine.

(Griffin Test. 40.) When a police officer sees incriminating evidence in plain view, the officer may seize that evidence even without a search warrant. *Coolidge v. New Hampshire*, 403 U.S. 443, 465 (1971). During Officer Griffin's investigation of Defendant for drunk driving, Officer Griffin came across the thirty-one pounds of cocaine in plain view. (Griffin Test. 39–40.) Thus, Officer Griffin's seizure of the cocaine was legal under the plain view doctrine.

However, even if Officer Griffin had not seized the cocaine during his investigation, or if the Court finds his actions unreasonable, the DEA would have inevitably seized the cocaine as part of its investigation. (Griffin Test. 28; Vann Test. 59.) Under the inevitable discovery rule, unreasonably seized evidence is admissible when law enforcement officers would have inevitably discovered that same evidence through lawful means. *Sutton v. Pfister*, 834 F.3d 816, 821 (7th Cir. 2016) (citing *Nix v. Williams*, 467 U.S. 431, 444 (1984)). Here, Lieutenant Vann was in the middle of a months-long investigation of Defendant for drug trafficking and knew that Defendant was in possession of a large amount of narcotics. (Griffin Test. 28; Vann Test. 51–52, 54.) Thus, even if Officer Griffin had not seized the cocaine during his DUI investigation within the warehouse, the DEA would have inevitably seized the drugs.

A. Officer Griffin acted reasonably under the plain view doctrine when he seized the cocaine.

The well-established plain view doctrine states that police may seize evidence of a crime in plain view without a warrant. *Coolidge*, 403 U.S. at 465; *Arizona v. Hicks*, 480 U.S. 321, 324 (1987). The plain view doctrine encompasses circumstances where the initial

intrusion of the police brings them within the view of the evidence. *Id.* In short, a reasonable entrance without a warrant allows the police to seize any evidence of a crime within the officer's plain view. *Id.* For an officer to employ the plain view doctrine, they must: (1) be in a position where the officer is behaving legally when he encounters the evidence; (2) the evidence is located in a place where the officer can gain physical access to the evidence; and (3) the officer has probable cause to believe that the object is evidence of a crime. *Hicks,* 480 U.S. at 324. The plain view doctrine extends to warrantless seizures in nonpublic places such as the home. *Payton*, 445 U.S. at 586.

Here, Officer Griffin entered the warehouse in hot pursuit of Defendant because Defendant did not stop his vehicle when Officer Griffin turned on his lights. (Griffin Test. 21–24, 29.) Likewise, once Defendant fled inside the warehouse, Officer Griffin entered to prevent the destruction of any illicit narcotics and to prevent the loss of evidence in the DUI investigation of Defendant. (Griffin Test. 29.) Thus, Officer Griffin legally entered the warehouse under the well-established Supreme Court precedent of hot pursuit, which satisfies the first element of the plain view doctrine.

During his investigation of Defendant for driving under the influence, Officer Griffin noticed Kell Halstead inside the warehouse. (Griffin Test. 34.) While questioning Defendant, Officer Griffin watched Halstead repeatedly look toward a wooden pallet on the floor, focusing on a nearby package. (Griffin Test. 37.) When Officer Griffin looked in that direction, he saw a package in plastic wrapping sticking three to four inches out from under the pallet. (Griffin Test. at 39–40.) Officer Griffin investigated the area to ensure that no weapons were in the warehouse and to further investigate the existence of any

narcotics. (Griffin Test. at 35–36.) Thus, when Officer Griffin perceived the package, it was in a place where he could easily gain physical access, which satisfies the second element of the plain view doctrine.

The third element of the plain view doctrine requires that an officer have probable cause to believe that the object is evidence of a crime. *Hicks*, 480 U.S. at 324. The determination of probable cause is based on the observations of police officers. *Texas v. Brown*, 460 U.S. 730, 739 (1983). Under that standard, the facts available to the officer must support a reasonable belief that the items may be evidence of a crime. *Id.* at 742. Probable cause does not require an officer to know with absolute certainty that the evidence is directly related to a crime, but the items seized must reasonably appear to be incriminating evidence. *Illinois v. Gates*, 462 U.S. 213, 231 (1983) (holding that probable cause allows for factual and practical considerations that reasonable people make every day) (citing *Brinegar v. United States*, 338 U.S. 160, 175 (1949)). When deciding if probable cause exists, courts often consider the collective information known to the law enforcement officers working on an investigation. *United States v. Balser*, 70 F.4th 613, 619–22 (1st Cir. 2023); *United States v. Sandoval-Venegas*, 292 F.3d 1101, 1104–06 (9th Cir. 2002). Federal courts give weight to the inferences that law enforcement agents draw from the facts based on the officer's training and experiences. *United States v. Cortez*, 449 U.S. 411, 418 (1981) (holding that trained police officers draw inferences and make deductions that an untrained person might not make).

The package Officer Griffin observed during his investigation looked identical to the packages of drugs he was taught to identify during his training at the Petersburg Police

Academy. (Griffin Test. 40–41.) In addition to its appearance, Lieutenant Vann had alerted Officer Griffin to the narcotics within the warehouse moments before Officer Griffin entered the warehouse that Defendant and Halstead were using to traffic large amounts of cocaine. (Griffin Test. 28.) In total, at the time Officer Griffin seized the packages totaling thirty-one pounds of cocaine, he knew the following facts: (1) the packages appeared to be those used in the trafficking of illicit narcotics, (2) Officer Griffin knew these were the types of packages used by drug traffickers from his drug training, (3) Lieutenant Vann told Officer Griffin that Defendant was the subject of an ongoing drug trafficking investigation, and (4) that there were drugs on the premises. Thus, Officer Griffin had probable cause to believe that the package he saw was incriminating evidence. Therefore, his seizure of the thirty-one pounds of cocaine was reasonable and conformed with Supreme Court precedent.

B. The DEA inevitably would have discovered and seized the thirty-one pounds of cocaine even if Officer Griffin had not seized it.

Even if the Court finds Officer Griffin's seizure of the thirty-one pounds of cocaine unreasonable, the Court should not suppress the evidence of the thirty-one pounds of cocaine because the DEA would have seized the thirty-one pounds of cocaine. The inevitable discovery doctrine holds evidence should not be suppressed when the information would inevitably be discovered by lawful means. *Nix*, 467 U.S. at 444. The inevitable discovery doctrine applies when the prosecution can show by the preponderance of the evidence that the evidence would have been seized through a legal seizure. *Id.* The Government must show that it had, or would obtain, a legal justification to conduct the

search that lead to the discovery of the evidence, and that it would have conducted that search absent the challenged conduct. *Sutton*, 834 F.3d at 821 (citing *United States v. Howard*, 729 F.3d 655, 663 (7th Cir. 2013)).

The Tenth Circuit has considered matters similar to this case in *United States v. Christy*, 739 F.3d 534, 540–41 (10th Cir. 2014). The Tenth Circuit noted that it has applied the inevitable discovery doctrine to situations where one investigation would have inevitably led to a search warrant by independent lawful means but was halted prematurely because police officers entered and searched the home without a warrant. *Id.* at 540; *see also United States v. Cunningham*, 413 F.3d 1199, 1203–05 (10th Cir. 2005); *see generally United States v. Souza*, 223 F.3d 1197, 1203 (10th Cir. 2000).

In *Christy*, the FBI was tracking a man suspected of engaging in sexual activities with a minor who fled her home in California. *Christy*, 739 F.3d at 537–40. After tracking the suspect to New Mexico, the FBI informed the local police department that a man living in their community was the prime suspect in the investigation. *Id.* at 539–40. The local police then conducted an illegal search of the man's home and apprehended the suspect. *Id.* The suspect subsequently moved to dismiss all the evidence obtained from this illegal search; however, the district court and the Tenth Circuit both ruled that the evidence was admissible under the inevitable discovery doctrine. *Id.* Although the search was illegal, the Tenth Circuit reasoned that because the officers had enough evidence to lawfully obtain a warrant before the illegal search, the evidence obtained would have been inevitably discovered and was thus admissible. *Id.* at 541–44.

Here, Officer Griffin seized the cocaine from the warehouse where Lieutenant Vann and the DEA had been investigating Defendant and his partner for narcotics trafficking. (Vann Test. 53.) The investigation into Defendant's activities began when a confidential informant notified Lieutenant Vann that Defendant was engaging in suspicious activity, moving large packages on and off trains during off hours. (Vann Test. 52.) The DEA and Lieutenant Vann surveilled Defendant for over three months, attempting to determine who passed the shipments to Lawton. (Vann Test. 52–53.) When Officer Griffin arrived at the warehouse, Lieutenant Vann ordered him not to enter because Defendant was the target of an ongoing investigation. (Vann Test. 54–55.) Additionally, Lieutenant Vann warned him that there was a large amount of cocaine in the building. (Vann Test. 54–55.)

Since the DEA and Lieutenant Vann had been building a case against Defendant for months, had Officer Griffin not prematurely halted their investigation, Lieutenant Vann was confident that the DEA had enough evidence to lawfully obtain a search warrant for the warehouse. (Vann Test. 53.) Given that the DEA had ample evidence of Defendant's narcotics trafficking, the evidence obtained by Officer Griffin would have been inevitably discovered during Lieutenant Vann's investigation. (Vann Test. 53.) In light of the precedent from the Tenth Circuit Court and the factual similarities with the search and seizure in this case, the Court should admit the thirty-one pounds of cocaine because the narcotics investigation would have obtained a warrant if a premature search had not halted it.

Finally, the Supreme Court in *Nix* examined the purpose of the exclusionary rule to conclude that the rule's purpose is to deter police officers from violating people's

constitutional rights. *Nix.* 467 U.S. at 442. However, the benefit the exclusionary rule provides to American citizens comes at a high social cost of excluding evidence that shows a suspect's guilt. *Id.* The inevitable discovery doctrine is an exception to the exclusionary rule that allows evidence tainted by an illegal search to be admissible at trial because the evidence would be inevitably discovered. *Id* at 43–45. If the prosecution can prove that the evidence would have been discovered lawfully, then the deterrence rationale is counter balanced by the need to offer all probative evidence against Defendant, thus allowing the evidence at trial. *Id.* In this case, the application of the exclusionary rule would prevent the admission of thirty-one pounds of cocaine seized by Officer Griffin. The exclusion of that evidence would not only place the prosecution in a worse position than it would have been in if no unreasonable conduct had occurred, but it would also allow a known drug trafficker to go back into the community.

CONCLUSION

For the foregoing reasons, the Government respectfully requests that this Court deny Defendant's Motion to Suppress because Officer Griffin acted reasonably under the Fourth Amendment and Supreme Court precedent. Therefore, the thirty-one pounds of cocaine should not be suppressed.

Respectfully Submitted,

/s/ Team 106
Attorneys for the Prosecution