TEAM: 108

Case No: 2023-CR-812

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IN THE
UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF STETSON
September 4, 2023

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THE UNITED STATES OF AMERICA,

*Prosecution,*

v.

JAMIE LAWTON,

*Defendant.*

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

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## TABLE OF CONTENTS

**Page**

# TABLE OF AUTHORITIES

**Authorities** **Pages**

**United States Constitution**



**Statutes**



**Supreme Court Cases**

**U.S. Circuit Court Cases**

**U.S. District Court Cases**

## INTRODUCTION

The Defendant's Motion to Suppress evidence should not be granted because law enforcement was justified in entering onto his property without a warrant, and both the search of his property and the seizure of evidence were lawful. The Defendant was indicted for possessing, with intent to distribute, 31 pounds of cocaine, conspiring to distribute that cocaine, and operating a motor vehicle while under the influence of alcohol or drugs. Though the Defendant is a first-time offender, the circumstances surrounding his arrest allowed the police to uncover a key player in a conspiracy that moved large amounts of cocaine through Stetson and neighboring states via the West Stetson Railway. Officer Griffin lawfully entered the Defendant's warehouse without a warrant based on exigent circumstances. Once inside, evidence of cocaine was in plain view of the officer, and he seized it. Because this evidence was uncovered within the bounds of the Defendant's constitutional protections, the court should deny the motion to suppress.

## STATEMENT OF FACTS

Officer Taylor Griffin ("Griffin") is a patrol officer for the Petersburg Police Department assigned to patrol the streets for people driving under the influence ("DUI"). Grand Jury Transcript for Taylor Griffin 16; 27 ("Tr. Griffin"). Griffin has been a patrol officer for almost three years and has completed DUI investigation training. *Id.* In the Academy, he did drug training to identify how drugs are packaged

for transport and sale. *Id*. at 40.

On June 8, 2023, Griffin was on patrol when he stopped at a stoplight at the intersection of 49th and Raymond in Petersburg, Stetson. *Id.* at 17-18. While stopped at the light, he saw the Defendant in the driver's seat of a red Chevrolet S10 truck with an after-market suspension. *Id.* at 21. The truck had a bumper sticker illustrating a stick figure peeing on a Ford logo. *Id.* at 20. Griffin recognized this truck as belonging to Kevin James ("James"), whom he previously cited for a DUI in 2021. *Id.* at 20-21. While the light was red, Griffin saw the driver lean out of the truck towards the ground and vomit. *Id.* at 21.

When the light turned green, Griffin followed Defendant and saw him swerve in and out of his lane multiple times. *Id.* at 25. Griffin noticed the Defendant making "furtive movements" by reaching his arm toward the passenger seat. *Id.* at 25-26. Griffin turned his police lights on, but Defendant kept driving for about three miles until he pulled into a parking lot next to a seemingly abandoned warehouse. *Id.* at 27-28. Defendant stumbled out of the truck and hurried into the warehouse. *Id.* at 28. Griffin called for backup and Lieutenant Samy Vann ("Vann"), head of the Narcotics Unit, told him that this warehouse is likely used to stash large amounts of cocaine. *Id.* at 28.

Griffin then entered the warehouse to apprehend the Defendant when he heard two voices talking in another room. *Id*. at 32. Griffin followed the voices and

overheard someone say, "[w]e got a good deal going down tonight and need the cash. . ." *Id.* at 34. Griffin announced to the Defendant that he was investigating him for a DUI and asked for his driver's license. *Id.* at 35. Defendant, who was pale, sweating, and had bloodshot eyes, gave his license and Griffin called him an ambulance. *Id.* at 36-37. During his questioning, Griffin noticed the second individual repeatedly looking at a wooden pallet behind a shelf, putting Griffin on high alert for his safety. *Id.* at 39.

Soon after, the emergency medical technicians ("EMT's") arrived and transported Defendant to the hospital by exiting the warehouse through a green door. *Id.* at 38. As Griffin followed them out, he naturally got closer to the wooden pallet and saw what looked like the edge of a light-colored substance wrapped in plastic wrap and packing tape. *Id.* Though it was partially covered by tarp, Griffin could see a portion that was about three by four inches long. *Id.* at 40. He recognized this item as drugs packaged for transport. *Id.* Griffin pulled the tarp back and discovered 31 pounds of cocaine, which he seized. *Id.*

## ARGUMENT

### A. THE EVIDENCE SHOULD NOT BE SUPPRESSED BECAUSE THE EXIGENCIES OF THE SITUATION MADE GRIFFIN'S ENTRANCE INTO THE WAREHOUSE OBJECTIVELY REASONABLE.

"[A]n officer may make a warrantless entry when 'the exigencies of the situation' create a compelling law enforcement need." *Lange v. California*, 141 S. Ct. 2011, 2016 (2021) (quoting *Kentucky v. King*, 563 U.S. 452, 460 (2011)). On June 8th, 2023, the exigencies of the situation allowed Griffin to legally enter the warehouse at 900 49th Street in Petersburg, Stetson. Hot pursuit, combined with the risk of flight, destruction of evidence, and harm, objectively compelled Griffin to enter the warehouse without a warrant.

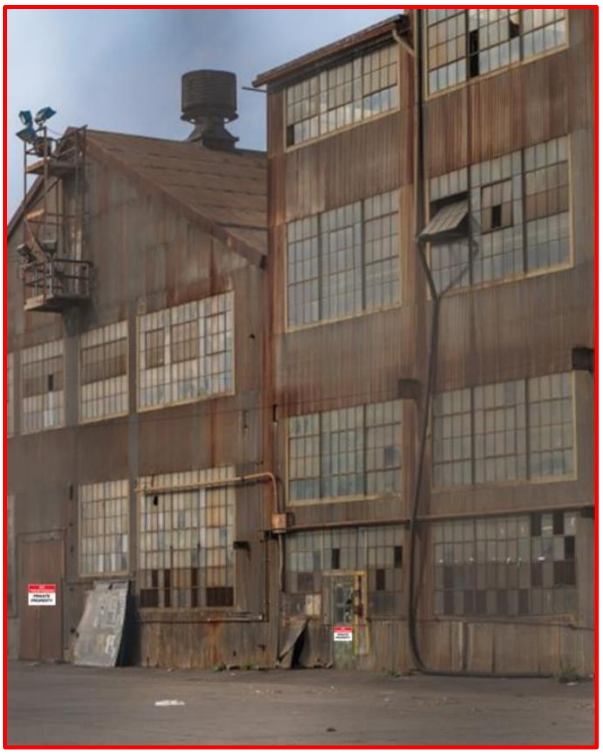
The Fourth Amendment grants people the right "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. "The ultimate touchstone of the Fourth Amendment is reasonableness." *Lange*, 141 S. Ct. at 2017 (quoting *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006)). The Supreme Court has held that searches and seizures inside a home without a warrant are presumptively unreasonable. *Stuart*, 547 U.S. at 403. However, the warrant requirement is subject to certain exceptions. *Id*. One exception to the warrant requirement is when "the exigencies of the situation make the needs of law enforcement so compelling that [a] warrantless search is objectively reasonable under the Fourth Amendment." *Mincey v. Arizona*, 437 U.S. 385, 394

(1978). To determine if a warrantless search was legal, the relevant test is reasonableness. *Cooper v. California*, 386 U.S. 58, 87 (1967).

**1. The warrantless search was objectively reasonable because the Defendant has less of a reasonable expectation of privacy in a warehouse than in his home.**

"The [Fourth] Amendment does not protect the merely subjective expectation of privacy, but only those 'expectation[s] that society is prepared to recognize as reasonable.'" *Oliver v. United States*, 466 U.S. 170, 171 (1984) (quoting *Katz v. United States*, 389 U.S. 347, 361 (1967) (Harlan, J., concurring)). The Fourth Amendment protects people and not places, however reference to the place where the right is being asserted is essential to applying the objective standard for determining whether the expectation of privacy is reasonable. *Katz*, 389 U.S. at 361. The Fourth Amendment explicitly recognizes the right of people to be secure in their houses. U.S. CONST. amend. IV. As such, a person has the highest expectation of privacy within their home. This is one that society is prepared to recognize as reasonable.

Defendant's expectation of privacy within the warehouse is objectively less than that within a house. Here, Griffin did not enter anyone's house. He entered a seemingly abandoned warehouse that showed no signs of occupancy or control other than two "no-trespass" signs posted on the doors (see below).



**Warehouse Exterior (Ex. 4)** **Warehouse Interior (Ex. 5)**

Warehouses such as the ones in Exhibits 4 and 5 tend to be safehouses for criminals and squatters. In fact, Defendant said himself that he had to remove squatters living in this warehouse. Statement of Jamie Lawton ¶7. Squatters occupy abandoned warehouses because they do not recognize anyone's right to privacy on that property. This is direct evidence that society does not recognize the same expectation of privacy in a rundown warehouse as it would for someone's house. To analyze whether the officer's search was reasonable, the court must consider the interests infringed.

Defendant might try to argue this was his home, but it is a common tactic

among drug traffickers to create makeshift homes in abandoned warehouses to give the appearance that someone lives there. Tr. Vann 53. As Exhibits 4 and 5 show, there was no indication to Griffin that this was a residence before or immediately after he entered. Defendant admits that he hardly spends time there and did not want to call an ambulance to the warehouse despite being in pain because he "didn't want to call attention to his property." Tr. Griffin ¶8; ¶17. No reasonable person in similar circumstances would avoid calling an ambulance unless they had something to hide. Because this was a warehouse and not a residence, the Defendant had a lower expectation of privacy.

**2. Griffin had probable cause to arrest the Defendant for committing a felony offense.**

Next, the court must consider whether the exigencies of the situation made the warrantless search objectively reasonable. Looking at the totality of the circumstances, Griffin had probable cause to believe the Defendant was driving under the influence. Griffin first saw Defendant driving a red truck while stopped at a stoplight. Tr. Griffin 20. It was a sunny day and Griffin had a clear view of Defendant's truck from one lane over and two cars behind. *Id*. at 18-19. Griffin saw Defendant open his door and noticed him heaving and then throwing up. *Id.* at 21-22. Once the light turned green, it took Defendant three to four seconds longer to accelerate. *Id.* at 24.

After witnessing this, Griffin moved into the lane behind Defendant where he noticed his speed was fluctuating and him "drift into the emergency lane a couple of times." *Id.* at 24-25. Griffin got directly behind the truck where he saw Defendant hunch over and reach toward the passenger seat. *Id*. This put Griffin on alert because he was trained that "a driver who reaches around the passenger compartment . . . can be indicative of hiding drugs, weapons, or other contraband." *Id.* at 25-26. At this point, Griffin had probable cause to believe that Defendant was driving under the influence.

It is well established that "probable cause requires that the facts and circumstances within the officer's knowledge, of which he or she has reasonably trustworthy information, would cause a prudent person to believe, under the circumstances show, that the suspect has committed . . . an offense." *Duncan v. City of Sandy Springs*, No. 20-13867, 2023 WL 3862579, at *3 (11th Cir. June 7, 2023) (quoting *Kingsland v. City of Miami*, 382 F.3d 1220, 1231 n.11 (11th Cir. 2004)). Further, "probable cause to arrest 'requires only a probability or substantial chance of criminal activity, not an actual showing of such activity.'" *Barnett v. MacArthur*, 956 F.3d 1291, 1297 (11th Cir. 2020) (quoting *District of Columbia v. Wesby*, 583 U.S. 48, 57 (2018)). Here, Griffin observed Defendant throw up, fluctuate speeds, swerve in and out of his lane, and reach towards his passenger seat. Based on the totality of these circumstances, there was a substantial chance that Defendant was

driving under the influence. Therefore, Griffin had probable cause to believe that Defendant was committing a crime.

driving under the influence is a first-degree misdemeanor. If a person is convicted of a second DUI within three years of a prior conviction, it becomes a felony offense. STET. STAT. §14-227a(2)(b). Griffin had an objectively reasonable belief that he was pursuing Kevin James, someone he previously arrested for a DUI, and that he was driving under the influence for a second time. This was objectively reasonable because he identified the truck as one belonging to James based on the unique bumper sticker and the model, make, and alterations of the truck. When the driver leaned out of his truck to throw up, Griffin matched the driver's build with that of James. Tr. Griffin 22. He also identified the driver's hair as bleach blonde and styled in a tucked-in ponytail. *Id*. Even though the driver had a different hairstyle and color than James did six months prior, it did not dispel Griffin's belief that it was James. *Id*. This is because it is not unusual for someone to grow out and bleach their hair within six months. *Id.*

**3. Griffin was in hot pursuit of the Defendant**.

"[A] suspect may not defeat an arrest which has been set in motion in a public place . . . by the expedient of escaping to a private place." *United States v. Santana*, 427 U.S. 38, 43 (1976). In *Santana*, the Court upheld a warrantless search into a

home when police, who had probable cause to arrest, were in hot pursuit of a suspect. *Id.* "[H]ot pursuit means some sort of a chase, but it need not be an extended hue and cry in and about (the) public streets." *Id.* at 42-43. "[A] claim of hot pursuit is 'unconvincing' where there was no 'immediate and continuous pursuit of the petitioner from the scene of a crime.'" *United States v. King*, 634 F. App'x 287, 289 (11th Cir. 2015) (quoting *Welsh v. Wisconsin*, 466 U.S. 740, 753 (1984)).

Here, Griffin turned his lights on after having probable cause to arrest the Defendant for a felony. However, Defendant never pulled over. He continued to drive for about three miles until he eventually parked in the lot of a warehouse, stumbled out of his truck, and hurried inside. Tr. Griffin 27-28. Defendant had ample time and opportunity to see the police lights and pull over within those three miles. Instead, he fled and ran into a warehouse attempting to thwart his arrest. From the moment Defendant refused to pull over, Griffin was in hot pursuit of the Defendant.

**4. The exigencies of the situation created a compelling law enforcement need to enter the warehouse without a warrant.**

As previously stated, a warrantless entry is lawful when the "exigencies of the situation create a compelling law enforcement need." *Lange*, 141 S. Ct. at 2016 (quoting *King*, 563 U.S. at 460). Exigent circumstances include "hot pursuit of a felon, imminent destruction or removal of evidence, the threatened escape by a suspect, or imminent threat to the life or safety of the public, police officers, or a

person in residence." *Bilida v. McCleod*, 211 F.3d 166, 171 (1st Cir. 2000). "The flight of a suspected misdemeanant does not always justify a warrantless entry into a home." *Lange*, 141 S. Ct. at 2025. However, an officer must consider all the circumstances in a pursuit case, and, on many occasions, these exigent circumstances give an officer good reason to enter. *See id.*

Here, all these exigencies existed. Griffin was in hot pursuit of Defendant, whom he had probable cause to believe was committing a felony. There was an imminent risk that Defendant would destroy the evidence of cocaine because he knew he was being followed by the police. There was also a risk that Defendant's blood alcohol content ("BAC") would dissipate. Further, because the Defendant fled once before, there was a threat the Defendant would evade arrest again by escaping into a warehouse with multiple escape routes.

Finally, when Griffin observed Defendant reach into his passenger seat while driving, he had reason to believe the Defendant could be grabbing a weapon or hiding contraband. Tr. Griffin 25. Griffin knew this warehouse was used to stash large amounts of cocaine and that drug traffickers often use weapons to protect their payload. *Id.* at 28. Because Griffin was a singular police officer parked outside of a drug stash house, this posed an imminent risk to his safety. Considering the totality of the exigent circumstances, Griffin was objectively compelled to enter the warehouse without a warrant.

Identifying the driver as James gave Griffin probable cause to believe the driver was committing a felony DUI, rather than a misdemeanor. But even if it was unreasonable for Griffin to believe the driver was James, the exigent circumstances still warranted the entry. The imminent threat to Griffin's safety, the reasonable belief that evidence would be destroyed, and the risk that Defendant would flee again were all factors that objectively compelled Griffin to enter the warehouse without a warrant.

**5. Griffin's warrantless entry was objectively reasonable.**

In conclusion, the warrantless entry must be judged on a standard of reasonableness. The court must consider the Defendant's rights against law enforcement's compelling interests. Though the Defendant has a reasonable expectation of privacy in his warehouse, the Fourth Amendment does not protect the merely subjective expectation of privacy. *Oliver*, 466 U.S. at 171 (quoting *Katz*, 389 U.S. at 361 (Harlan, J., concurring)).

Griffin entered a seemingly abandoned warehouse. Any expectation of privacy was outweighed by law enforcement's compelling interests and the exigencies existing at the time of the search—hot pursuit, risk of flight, destruction of evidence, and harm to Griffin. In considering the totality of the circumstances, Griffin was objectively compelled to enter the warehouse without a warrant. Thus,

Griffin's warrantless entrance into the warehouse was lawful and not a violation of Defendant's Fourth Amendment rights.

### B. THE EVIDENCE OF COCAINE SHOULD NOT BE SUPPRESSED BECAUSE IT WAS LAWFULLY DISCOVERED AND SEIZED UNDER THE PLAIN VIEW DOCTRINE.

The plain view doctrine governs the admissibility of evidence discovered and seized by law enforcement officers during a lawful search. An officer's observation of an item left in plain view does not typically constitute a search under the Fourth Amendment. *Horton v. California*, 496 U.S. 128, 136-137 (1990) (citing *Texas v. Brown*, 460 U.S. 730, 740 (1983)). When weapons or contraband are found in a public place, and an officer has probable cause to associate the property with criminal activity, the Court has held that the seizure of property does not infringe on the Fourth Amendment right to privacy. *See Payton v. New York*, 445 U.S. 573, 587 (1980). When weapons or contraband are discovered in plain view on private property, upholding a seizure requires the following three conditions: (1) the officer is lawfully in the place where he discovered the evidence; (2) the evidence is in their plain view; and (3) the incriminating nature of the evidence is immediately apparent. *Horton*, 496 U.S. at 136-137 (1990). Probable cause that an item is associated with criminal activity is always required to implicate the plain view doctrine for a seizure. *Arizona v. Hicks*, 480 U.S. 321, 326 (1978).

**1. The exigent circumstances warranted Griffin's entry and, therefore, he was lawfully present in the warehouse when he found the cocaine.**

For all the reasons detailed in section A of this memorandum, Griffin's entry into the warehouse was lawful. Because Griffin was lawfully present when he observed the evidence of cocaine, the first condition is satisfied.

**2. Griffin observed the package of cocaine in plain view as he was leaving the warehouse.**

Generally, when an officer views contraband from a lawful vantage point, there is no legitimate expectation to privacy. *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993). Whether an officer changes his position or bends down to see an object more clearly is irrelevant to Fourth Amendment analysis because the item would still be visible to an inquisitive ordinary person. *Brown*, 460 U.S. at 740 (1983). "If, while lawfully engaged in an activity in a particular place, police officers perceive a suspicious object, they may seize it immediately." *Id*. at 739.

While Griffin was questioning the Defendant, he noticed the other man repeatedly glance at a wooden pallet located behind a shelf and in the direction of a green-colored door. *Id*. at 37. Griffin became suspicious of the wooden pallet because he was alone in the warehouse and did not know if there were weapons, contraband, or anything that could compromise his safety. As his investigation unfolded, Griffin called an ambulance to treat the Defendant who was eventually carried in a gurney through the green doors. *Id*. at 36. Griffin followed the EMT's

out of the warehouse to continue his investigation. *Id*. at 39. On his path to the exit, he passed the wooden pallet which gave him a closer vantage point. *Id*. From here, Griffin saw a three by four-inch item on the edge of the pallet that was partially uncovered by a tarp. *Id*. at 40. The item looked like a light-colored substance that was wrapped in plastic wrap and packing tape. Id. Because the package was visible as he passed the pallet, the item was within his plain view.

**3. It was immediately apparent to Griffin that the item was evidence of a crime because he had probable cause to believe it was drugs.**

"Probable cause is a flexible and common-sense standard." *Brown*, 460 U.S. at 742. It cannot be precisely defined because it depends on the totality of the circumstances and deals with probabilities. *Maryland v. Pringle*, 540 U.S. 366, 371 (2003). For an officer to have probable cause that certain items could be evidence of a crime, the Court looks to the facts available to the officer and whether those facts would warrant a reasonably cautious man to believe so. *Brown*, 460 U.S. at 742. The only thing required is "a 'practical, nontechnical' probability that incriminating evidence is involved." *Id.*

Requiring that evidence be "immediately apparent" is important for preventing law enforcement officers from engaging in general exploratory searches. *United States v. Jaimez*, 15 F. Supp. 3d 1338, 1344 (N.D. Ga. 2013), *aff'd*, 571 F. App'x 935 (11th Cir. 2014). "The incriminating nature of an item is 'immediately

apparent' if the officers have 'probable cause' to believe that the item is either evidence of a crime or contraband." *Id*. When an officer takes an action unrelated to the objectives of the authorized intrusion, this produces a new invasion that requires probable cause. *Id*. (citing *Hicks*, 480 U.S. at 325-26).

Griffin had reason to believe the Defendant was driving under the influence based on the totality of his observations. Though he could not identify whether the Defendant was under the influence of alcohol or drugs, Griffin did not rule out either option. He entered the warehouse reasonably believing he might find evidence supporting his DUI investigation of the Defendant.

Upon entering, Griffin followed the voices of two men talking and heard one of them say, "[w]e got a good deal going down tonight and need the cash . . . ." *Id.* at 34. These facts, combined with the suspicious glances toward the pallet, and his knowledge that this might be a stash spot, made it objectively reasonable for him to believe something illegal might be by the pallet. Considering the totality of these circumstances, Griffin had probable cause to believe the item he saw on the pallet could be evidence of a crime.

In his drug training, Griffin was shown the different ways that drugs can be packaged and transported. *Id.* at 40. When he looked at the pallet, Griffin recognized the item in plastic wrap and duct tape as similar to the packaged drugs he had seen before. *Id.* After this initial observation, Griffin lifted the tarp and discovered more

packages that looked exactly the same. *Id*. at 40. Because Griffin knew the warehouse might be a stash spot, overheard talks of a deal going down that night, and was familiar with the appearance of packaged drugs, it was immediately apparent to him that the item he saw on the pallet was likely drugs.

The Defendant might argue that Griffin engaged in a new and exploratory search when he approached the pallet and lifted the tarp. This argument fails for two reasons. First, Griffin has already established he was able to see the item as he was walking out. He did not go out of his way to seek the pallet and only got a closer view because it was in the path of the exit that the EMT's used. Griffin was within his lawful right to look around the warehouse on his way out. Second, lifting the tarp to uncover the drugs was not exploratory because Griffin had probable cause to do so.

In *United States v. Jaimez*, the Eleventh circuit affirmed that a search inside spiral notebooks was unlawful without probable cause to open them. 15 F. Supp. 3d at 1345. In this case, police officers were searching the defendant's home for drugs or weapons when they found a collection of spiral notebooks. *Id*. at 1342. The notebooks had normal covers and there was nothing visible on the outside to suggest their contents. *Id*. at 1345. Police officers opened the notebooks and found written drug transactions. *Id*. at 1342. Because it was not immediately apparent that the notebooks were evidence of a crime before opening them, the court found no

probable cause to search its contents. *Id*. at 1345.

The court's rationale for suppressing the notebooks in *Jaimez* hinged on the lack of probable cause. But that is not the case here. Had there been something on the outside of the notebooks to indicate that records of drug sales were written inside, opening the notebooks would have been lawful. Here, Griffin could see a portion of the item that was outside of the tarp. Based on his training, it looked like drugs. Because this was immediately apparent to Griffin, he had probable cause to believe that evidence of drugs was under the tarp and lifting the tarp to uncover the remaining packages was lawful.

**4. Because all conditions of the plain view doctrine are met, the evidence was properly seized and should not be suppressed.**

Under the plain view doctrine, Griffin's seizure of the cocaine was lawful and should be allowed as evidence in trial. Griffin was lawfully in the warehouse, the evidence was readily visible, and it was immediately apparent that the item was drugs. With all of these conditions satisfied, he was within his lawful right to seize the items.

## C. THE EVIDENCE AGAINST DEFENDANT WOULD HAVE INEVITABLY BEEN DISCOVERED.

Even if the court finds Griffin's actions unconstitutional, the evidence should not be suppressed under the inevitable discovery rule. *Nix v. Williams*, 467 U.S. 431,

444 (1984). The inevitable discovery rule, sometimes called the ultimate discovery exception, "allows for the admission of evidence that would have been discovered even without the unconstitutional source." *Utah v. Strieff*, 579 U.S. 232, 238 (2016). This rule applies if the government can make two showings. The first is a showing by a preponderance of the evidence that, even if there was no constitutional violation, the evidence would have been discovered anyway. *Nix*, 467 U.S. at 444. And second, "the lawful means which made discovery inevitable were being actively pursued prior to the occurrence of the illegal conduct.'" *United States v. Watkins*, 13 F.4th 1202, 1211 (11th Cir. 2021) (quoting *United States v. Johnson*, 777 F.3d 1270, 1274 (11th Cir. 2015)). The purpose of this rule is to "put the police in the same, not a worse, position tha[n] they would have been in if no police error or misconduct had occurred." *Nix*, 467 U.S. at 443.

Here, Vann was conducting a long-term DEA narcotics trafficking investigation on Defendant. Tr. Vann 51. A confidential informant had already put Defendant on Vann's radar. The CI told Vann that Defendant, who works as a railroad conductor for West Coast Stetson Railway, was moving large packages onto the train during off hours. *Id.* at 52. This tip was corroborated by surveillance footage of Defendant. After trailing Defendant for two months, Vann found out that Defendant was moving these packages to the warehouse in question. *Id.* at 53.

From Vann's testimony, it is clear the government was actively pursuing the

discovery of the evidence in question. In fact, the government was holding out on a search in an attempt to find the suppliers of the cocaine. The only other step that would certainly lead to probable cause and issuance of a warrant would be an undercover relationship with the suspects to confirm the drugs were inside. There is no doubt that Vann would have followed through with this step. Therefore, it is more likely than not that, despite the alleged constitutional violation, the drugs would have inevitably been discovered. Even if the court finds that Griffin's entry into the warehouse was unconstitutional, the inevitable discovery exception would apply. Thus, the evidence in question should not be suppressed under any circumstances.

## CONCLUSION & PRAYER

The cocaine seized from the Defendant's warehouse is critical to upholding the charges against him and dismantling the drug trade in Petersburg, Stetson. Officer Griffin acted as any objectively reasonable officer would with the information available to him. Griffin reasonably believed the Defendant was a felony DUI offender and attempted to pull him over. When Griffin turned his lights on and the Defendant refused to pull over, drove for three more miles, and hurried into a warehouse—Griffin's traffic stop turned into a hot pursuit. The hot pursuit exception to the warrant requirement justified Griffin's entry into the warehouse, where he saw the drugs in his plain view as he was leaving. Because this was a lawful search and seizure, we respectfully pray that this Honorable Court deny the Defendant's motion

to suppress the evidence of cocaine.

Dated: September 4, 2023

Respectfully Submitted,

*/s/ Team 108*

*Attorneys for Prosecution*

Team 108