TEAM NO: 110

Case No. 2023-CR-812

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

UNITED STATES OF AMERICA,

Prosecution,

-against

JAMIE LAWTON,

Defendant.

THE STATE'S MEMORANDUM OF LAW IN RESPONSE TO THE DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

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INTRODUCTION

The Government submits its answer opposing defendant Jamie Lawton's (hereinafter "Lawton") Motion to Suppress.

On July 13, 2023, Lawton filed a Motion to Suppress, claiming Officer Taylor Griffin committed two Fourth Amendment violations. R. at 8. Specifically, Lawton claims that both the entry into the residence and the seizure of the cocaine were "unreasonable" under the Fourth Amendment. *See U.S. Const. amend IV.*

The people of the State of Stetson respectfully ask this Court to dismiss Lawton's Motion to Suppress. Both the entry into the warehouse and the seizure of the cocaine were reasonable under the Fourth Amendment.

Lawton was arrested and charged with knowingly having actual or constructive possession of five kilograms or more of cocaine, with the intent to distribute, in violation of Title 21 of the United States Code Sections 841(a)(1), (b)(1)(A), conspiracy to possess with intent to distribute five kilograms or more of cocaine, in violation of Title 21 of the United States Code Sections 846, 841(a)(1), (b)(1)(A), and driving a motor vehicle while under the influence of alcohol and while in possession of a federally issued common carrier license, in violation of Title 18 of the United States Code, Section 342(b). R. at 5-6.

STATEMENT OF FACTS

Officer Griffin is a patrol officer for the Petersburg Police Department (hereinafter "PPD"). R. at 15. He has been with the PPD for almost three years. R. at 16. Officer Griffin is part of the PPD's Traffic Enforcement Division. R. at 16. Officer Griffin's role with the

Traffic Enforcement Division is to look out for potential Driving Under the Influence (DUI) activity. R. at 16.

Officer Griffin participated in Basic Training with the Law Enforcement Academy to become an officer. R. at 17. Officer Griffin passed the Stetson State Officer Certification Examination within the first ninety days of his job. R. at 17. Officer Griffin also took and completed a six-week DUI investigation course. R. at 17. In these courses, Officer Griffin learned that a person's blood alcohol content begins to drop an hour after they stop drinking. R. at 29.

On June 8, 2023, Officer Griffin was on patrol duty. R. at 17. Officer Griffin patrolled 49 Street on June 8. R. at 17. Officer Griffin was in a marked patrol car. R. at 26. While on duty, Officer Griffin saw a red Chevrolet S10 pickup truck. R. at 19. The truck was raised further off the ground than a typical truck. R. at 20. The truck also had a unique bumper sticker. R. at 21.

Officer Griffin saw the driver of the car vomit outside the door. R. at 17. When the driver drove away, his speed fluctuated. R. at 25. Officer Griffin measured the speed fluctuation from his speedometer. R. at 25. The driver also drifted into the emergency lane. R. at 26. Officer Griffin noticed the driver was hunched over when driving. R. at 25. Officer Griffin learned in training that a driver leaning over indicates they may be hiding something illegal. R. at 26.

Officer Griffin thought the truck driver was known-felon Kevin James (hereinafter "James"). R. at 20. Officer Griffin had arrested James for DUI in the past. R. at 20. On June 8, Officer Griffin thought James was on probation and under DUI suspension. R. at

27. The last time Officer Griffin saw James was approximately six months earlier. The last time Officer Griffin saw James, he had stringy, shaggy, and light brown hair. R. at. 22-23. R. at 23. Officer Griffin had seen James drive the same truck, in the same condition, and with the same bumper sticker that he saw on June 8. R. at 21. There was no license plate on the truck. R. at 21.

The driver of the truck was the same size and build as James. R. at 22. The driver had stringy hair, which was pulled into a man bun and dyed blonde. R. at 22.

Officer Griffin followed the truck driver with his lights on. R. at 26. Officer Griffin followed the driver for approximately three miles. R. at 27. The driver pulled into the parking lot of a warehouse. R. at 28. The driver stumbled out of the vehicle. R. at 29. The driver ran into the warehouse. R. at 29.

When Officer Griffin arrived at the warehouse, he called for backup. R. at 31. Then, Lieutenant Sammy Vann called his cell phone. R. at 47. Lieutenant Vann is a lieutenant in the narcotics unit of the PPD and a deputized agent for the Drug Enforcement Agency. R. at 50. Lieutenant Vann told Officer Griffin that the warehouse was under investigation for narcotics trafficking. R. at 47. The investigation involved Lawton. R. at 50. Lieutenant Vann had already set up surveillance at the warehouse. R. at 54.

Officer Griffin entered the warehouse. R. at 31. Officer Griffin knocked and announced his presence a few seconds after entering the warehouse. R. at 32. Officer Griffin announced that he was at the warehouse under suspicion that the driver of the red truck was driving under the influence. R. at 34. Only upon entering the warehouse did Officer Griffin realize that the driver was not James. R. at 48.

Officer Griffin noted that Lawton had bloodshot and watery eyes. R. at 37. Officer Griffin learned in his DUI training that those symptoms indicate alcohol consumption. R. at 37. EMTs took Lawton out of the warehouse. R. at 38.

Once Lawton went to the hospital, Officer Griffin attempted to leave the warehouse. Officer Griffin passed by a light-colored item wrapped in plastic wrap and packing tape, covered by a tarp. R. at 37. The item was in plain sight. R. at 59. Officer Griffin had been taught in training that items wrapped in this manner commonly contain drugs. R. at. 40. The prosecution moves to dismiss the Motion to Suppress.

ARGUMENT

Officer Griffin's entry and search were constitutional under the Fourth Amendment because those actions were reasonable under the circumstances. The Fourth Amendment prohibits only those searches and seizures that are unreasonable. U.S. Const. amend. IV. Reasonableness is the ultimate touchstone of the Fourth Amendment. *Kentucky v. King,* 563 U.S. 452, 459 (2011). As such, the Fourth Amendment's warrant requirement is subject to certain reasonable exceptions. *Id.* These exceptions include mistake of fact, exigent circumstances, the plain view doctrine, and the exclusionary rule. The Government has met its burden of establishing that the search or seizure was valid under these exceptions. *See Welsh v. Wisconsin*, 466 U.S. 740, 750 (1984).

I. THE ENTRY OF THE WAREHOUSE BY OFFICE GRIFFIN WAS CONSTITUTIONAL.

Office Griffin's entry into the warehouse at 900 49th Street was constitutional. Officer Griffin's mistakes of fact concerning the driver's identity and the driver's potential

intoxication were reasonable, considering the circumstances. The reasonableness of Officer Griffin's mistakes of fact validated Officer Griffin's inference that the driver was committing a felony. By combining the belief that the driver was committing a major crime with the driver's flight upon pursuit, Officer Griffin's actions fall within the provisions of the exigent circumstances exception to the warrant requirement. In fact, Officer Griffin's actions are covered by two different exigencies: the destruction of evidence exception and the hot pursuit exception.

A. Officer Griffin's mistakes of fact as to the identity of the driver and the intoxication of the driver validated Officer Griffin's inference that the driver was committing a felony.

Officer Griffin reasonably believed that the driver was in the process of committing a felony. Officer Griffin reasonably inferred that the driver was Kevin James and not Jamie Lawton, and that the driver was driving under the influence of alcohol. If Officer Griffin had been correct, and Kevin James had been driving under the influence, then the driver's activity would have constituted a felony. Since the activity had risen to felony behavior, the entry of the warehouse is justified by exigent circumstances.

Police officers must often take "necessarily swift action predicated upon the on-the-spot observations of the officer on the beat." *Terry v. Ohio*, 392 U.S. 1, 12 (1968). Such activity is not subjected to the warrant procedure. *Id.* Considering the pressure placed on officers in such situations, the Fourth Amendment does not require factual accuracy, or correctness. *Illinois v. Rodriguez*, 497 U.S. 177, 185 (1990).

Determinations concerning search, seizure, and entry require this Court to ask: "would the facts available to the officer at the moment of the seizure or the search 'warrant

a man of reasonable caution in the belief' that the action taken was appropriate?" *Terry*, 392 at 21-22. After all, the Constitution permits reasonable searches. *See Elkins v. United States*, 364 U.S. 206, 222 (1960). The police officer must identify "specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." *Id.* at 21.

Warrantless searches based on a reasonable mistake of fact are permitted. *United States v. Vazquez*, 724 F.3d 15, 26 (1st Cir. 2013). In other words, a warrantless search is permitted if the search would have been valid under the circumstances that the officer reasonably believed to exist. *Id.*

A stop is constitutional where the police officer knows that the registered owner of a vehicle has a revoked license, and that the vehicle is actually being driven. *Kansas v. Glover*, 140 S. Ct. 1183, 1188 (2020). In *Glover*, the officer made the rational inference from those facts that the registered owner was likely the driver of the vehicle. *Id.* The reasonableness of the officer's inferences was not negated even though the registered owner of a vehicle is not always its driver. *Id.* A stop is reasonable unless the officer possesses information negating their reasonable inference, such as knowledge that "the registered owner of the vehicle is in his mid-sixties but observes that the driver is in her mid-twenties." *Id.* at 1190.

Since Officer Griffin identified specific and articulable facts, the inference that the driver had been drinking was reasonable. Swerving is a reasonable sign of drunk driving. *Id.* at 1189 (citing *Prado Navarette v. California*, 527 U.S. 393, 402 (2014)). Officer Griffin observed not only the vehicle swerving, but also the driver vomiting as if

intoxicated to sickness and the vehicle's speed fluctuating inconsistently. R. at 27. Additionally, Officer Griffin observed "furtive movements," which can be indicative of hiding contraband. R. at 25-26.

Officer Griffin had actual knowledge of the same facts as the *Glover* officer: that the vehicle's registered owner's license was suspended, and that the vehicle was nonetheless being driven. R. at 27. Also, Officer Griffin possessed no information that negated the inference that the registered owner was the operator of the vehicle. In fact, the additional facts available to Officer Griffin only reinforced Officer Griffin's inference. Officer Griffin identified that the driver's build matched that of Kevin James, the registered owner of the vehicle in question. R. at 22. The vehicle lacked a back license plate and the driver's hair was colored and styled differently than James's, but Officer Griffin assumed that these changes were meant to conceal the identity of a driver committing unlawful behavior. R. at 23.

The fact that James's license had been suspended cannot make Officer Griffin's inference unreasonable. The *Glover* Court explicitly disputed this argument: "[e]mpirical studies demonstrate what common experience readily reveals: Drivers with revoked licenses frequently continue to drive and therefore to pose safety risks to other motorists and pedestrians." *Id.* at 1188.

Therefore, Officer Griffin reasonably believed that the driver was in the process of committing their second Driving Under the Influence charge within twelve months of a first conviction for that same charge. By statute and by stipulation, a conviction under that charge would constitute a felony. Stetson Gen. Stat. § 14-227(a)(2)(b); R. at 4.

Officer Griffin's mistake of fact was reasonable. Officer Griffin's inferences—that Kevin James was the driver of the vehicle registered in his name, and that James was intoxicated while operating the vehicle—were reasonable given the facts of which Officer Griffin was aware. Under those inferences, Officer Griffin was required to take "necessarily swift action." Therefore, Officer Griffin's belief that the driver was committing a felony was reasonable. The belief that a felony is in progress will validate a police officer's entry under exigent circumstances.

B. The entry of the warehouse was constitutional under exigent circumstance exceptions because it was required to prevent the destruction of evidence and halt the flight of a believed felon.

Officer Griffin's entry of the warehouse was reasonable under two separate exigent circumstance exceptions. Officer Griffin's actions are protected because they were necessary to prevent the destruction of evidence, and also because Officer Griffin was in hot pursuit of a felon. A warrantless search may proceed when the demands of the circumstances are so compelling that a warrantless search is objectively reasonable. *Missouri v. McNeely*, 569 U.S. 141, 148-49 (2013).

A warrantless search may become reasonable where "there is compelling need for official action and no time to secure a warrant." *Michigan v. Tyler*, 436 U.S. 499, 500 (1978). Moreover, police officers are tasked with making decisions in "tense, uncertain, and rapidly evolving" circumstances. *Graham v. Connor*, 490 U.S. 386, 396-97 (1989). Under certain conditions, exigency exceptions allow police officers to perform their duties fully and properly, without the necessity of pausing to secure a warrant.

There is no definitive framework for the identification of an exigent circumstance. Instead, a totality of the circumstances test is used. *McNeely*, 569 U.S. at 149. The totality of the circumstances test is applied because warrantless police action lacks "the traditional justification that . . . a warrant provides." *Atwater v. Lago Vista*, 532 U.S. 318, 347 (2001). "The fact-specific nature of the reasonableness inquiry" demands instead that each case of potential exigency is assessed based "on its own facts and circumstances." *Ohio v. Robinette*, 519 U.S. 33, 39 (1996); *Go-Bart Importing Co. v. United States*, 282 U.S. 344, 357 (1931).

Among the most important factors that are evaluated is the gravity of the suspected crime. *See Welsh*, 466 U.S. at 753. While an exception "in the context of a home entry should rarely be sanctioned when there is probable cause to believe that only a minor offense" is involved, "[w]hen the totality of the circumstances shows an emergency—such as imminent harm to others, . . . destruction of evidence, or escape from the home—the police may act without waiting." *Id.*; *Lange v. California*, 141 S. Ct. 2011, 2021 (2021).

i. The entry of the warehouse was constitutional because Office Griffin needed to prevent the imminent destruction of evidence.

In certain circumstances, police officers may conduct a warrantless search to prevent the imminent destruction of evidence. *McNeely*, 569 U.S. at 149. The dissipation of alcohol in the blood constitutes destruction of evidence, which may permit a warrantless search under certain circumstances. *Id.* at 156.

Ordinarily, a court's decision is individualized by each jurisdiction's specific warrant process. An exigency may be established by such factors as the procedures in place

for obtaining a warrant or the availability of a magistrate judge. *Id.* at 164. However, in less typical cases, which do not involve a straightforward traffic stop, the arithmetic shifts. A delayed entry may occur as a result of time taken to perform other police duties that are necessitated by the circumstances. *See Schmerber v. California*, 384 U.S. 757, 771 (1966).

Drunk driving and driving without a valid license are independently dangerous behaviors. "Drunk driving continues to exact a terrible toll on our society." *McNeely*, 569 U.S. at 160. Also, drivers with invalid licenses are disproportionately likely to be involved in a fatal accident. "[A]pproximately 19% of motor vehicle fatalities from 2008-2022 'involved drivers with invalid licenses.'" *Kansas v. Glover*, 140 S. Ct. 1183, 1188 (2020).

In the instant matter, Officer Griffin knew that it was crucial for a breath, blood, or urine Blood Alcohol Concentration (BAC) sample to be obtained as soon as possible, in order to secure a felony Driving Under the Influence charge. R. at 29. Officer Griffin knew that a significant delay in testing would have harmed the probative value of the results, R. at 29, since blood alcohol level gradually declines soon after an individual stops drinking. *McNeely*, 569 U.S. at 152.

Exigent circumstances permitted Officer Griffin to enter the warehouse. The entry was delayed by the driver's refusal to pull over their vehicle. R. at 27. Officer Griffin followed the driver for three miles before reaching the warehouse. R. at 27. During that time, while the driver did not exceed the speed limit, they increased their speed by about five miles per hour. R. at 27. After arriving at the warehouse, the driver fled, quickly walking away from Officer Griffin's vehicle. R. at 28. Officer Griffin could not have been certain as to how long the driver may have been intoxicated, and the wait for a warrant

would only extend that delay. It was rational for Officer Griffin to presume that the additional time taken to secure a warrant would prevent the receipt of the BAC sample before the evidence of intoxication was destroyed.

Additionally, Officer Griffin's entry was justified by the seriousness of the suspected offense. Officer Griffin reasonably inferred that the driver was committing a crime that would constitute a felony. R. at 27. Furthermore, drunk driving is inherently dangerous. Officer Griffin also inferred that the driver had an invalid license. R. at 23. Drivers with invalid licenses are disproportionately more dangerous to themselves and others than drivers with valid licenses. Therefore, Officer Griffin's entry was justified by the exigency of the prevention of the destruction of evidence.

ii. The entry of the warehouse was constitutional because Officer Griffin was in hot pursuit.

Additionally, Officer Griffin's entry into the warehouse was justified by Officer Griffin's need to engage in hot pursuit of a fleeing suspect, the driver. *See McNeely*, 569 U.S. at 149. The application of the hot pursuit exception requires only "some sort of a chase"; the chase need not be "extended." *United States v. Santana*, 427 U.S. 38, 43 (1976). However, the pursuit must be immediate and continuous. *United States v. Johnson*, 256 F.3d 895, 907 (9th Cir. 2001). A valid arrest which began in a public place may not be invalidated based on the suspect's escape to a private place. *Id.* The hot pursuit of a fleeing felon constitutes an exigent circumstance. *Welsh*, 466 U.S. at 450.

Generally, when the suspect does not flee, a court should hesitate to find exigent circumstances. *Lange*, 141 S. Ct. at 2020. However, a suspect's flight will change that

calculus. *Id.* at 2021. A fleeing suspect may signal an intent to discard evidence or flee again while police await a warrant. *Id.*

Here, Officer Griffin's pursuit of the driver began in a public place, on 49th Street around the intersection of 49th and Raymond Boulevard. R. at 17, 23. Once Officer Griffin turned on the police car's lights to signal the driver to pull over, the driver did not acquiesce. R. at 26. Instead, after Officer Griffin turned on the police vehicle's lights, the driver proceeded to drive for another three miles, R. at 27, and even increased their speed by about five miles per hour. R. at 28. Then, the driver attempted to escape into a warehouse. R. at 28.

The pursuit was immediate, occurring as soon as Officer Griffin reasonably recognized the suspect as a suspended driver who was driving while intoxicated. Furthermore, the pursuit was continuous. Officer Griffin paused only to answer a telephone call from Lieutenant Vann. R. at 28. This behavior is not synonymous with the facts of *Johnson,* where a police officer chose to halt a search for thirty minutes to wait for backup to arrive. *Johnson,* 256 F.3d at 907.

When an arrest is set in motion in a public place, it may not be defeated by escape to a private place. *Santana*, 427 U.S. at 43. The gravity of the offense is of extreme relevance as a factor. *Welsh*, 466 U.S. at 753. Courts have hesitated to identify an exigent circumstance where the accused has committed only a minor offense, and where the accused did not flee. *Lange*, 141 S. Ct. at 2020. However, the calculus changes where it is reasonably believed that a major offense has occurred, and where the accused takes flight.

Id. at 2021. Officer Griffin reasonably believed the driver to have committed a felony. Moreover, the driver fled arrest.

Officer Griffin's entry into the warehouse was lawful. Considering the circumstances, Officer Griffin's mistakes of fact were reasonable. The reasonableness of Officer Griffin's mistakes of fact validated Officer Griffin's inference that the driver was committing a major crime. When considering that belief in combination with the driver's flight, Officer Griffin's actions fall within the provisions of the destruction of evidence and hot pursuit exceptions to the warrant requirement.

I. OFFICER GRIFFIN CONDUCTED A REASONABLE SEIZURE BECAUSE THE COCAINE WAS IN PLAIN VIEW AND THE INEVITABLE DISCOVERY WOULD ALLOW THE COCAINE TO BE PUT INTO EVIDENCE.

Officer Griffin conducted a reasonable seizure of the cocaine. The plain view doctrine allows for the seizure of the cocaine. Furthermore, the inevitable discovery exception to the exclusionary rule would allow the cocaine to be into evidence.

A. The seizure is reasonable under the plain view doctrine because Officer Griffin had legal entry into the warehouse, the cocaine was discovered inadvertently, and the cocaine could be seized reasonably without a warrant.

Officer Griffin's search was reasonable under the plain view doctrine. The Fourth Amendment protects someone's "reasonable expectation of privacy." *Katz v. United States,* 389 U.S. 347, 360 (1967). If an item is in plain view, a seizure is reasonable, as it does not invade anyone's reasonable expectation of privacy. *See Horton v. California,* 496 U.S. 128, 134 (1990).

For an item to be admitted into evidence under the plain view doctrine, three elements must be met: (1) The officer must be in a place where they are lawfully allowed to be; (2) the discovery of said evidence is inadvertent; and (3) seizing the item falls under another exception to the warrant requirement. *See Coolidge v. New Hampshire*, 403 U.S. 443, 469- 470 (1971). It is also necessary to immediately note the item's incriminating nature. *See Kentucky v. King,* 563 U.S. 452, 458 (2011).

As this court should find, the prosecution has already met its burden that Officer Griffin entered the warehouse lawfully. Thus, the prosecution has already met element one.

The discovery of the cocaine was inadvertent. The definition of inadvertent discovery does not mean the discovery was unexpected, but rather, that the officer did not look for that item during his search. *See Horton v. California,* 496 U.S. 128, 139 (1990).

Even if an officer expects that a certain item will be in the location of the search, it does not mean an officer must pretend he did not see the item. *See id.* It has been held that an officer that sees a weapon in plain view can be seized under the plain view doctrine, even if the officer expected the item to be in the home. *See id.* at 131.

The cocaine can be reasonably seized without a warrant. The reasonable seizure of an item without a warrant. The reasonable seizure of an item without a warrant applies if there are exigent circumstances where an officer has reason to believe the item will be destroyed if the officer left the scene. *See Missouri v. McNeely,* 569 U.S. 141, 149 (2013).

The incriminating nature of the cocaine was immediately apparent. The incriminating nature of an item is determined based on probable cause. *See Illinois v. Gates,* 462 U.S. 213, 227 (1982). Probable cause is based on a totality of the circumstances analysis. *See id*.

Corroborating evidence and credibility of the anonymous informant are two factors that can lead to probable cause. *See id.* at 244. *In Illinois v. Gates,* the Court held that an anonymous letter with accurate corroborating information was enough for probable cause. *See id*. at 246. Further, it has been held that a bag commonly used to transport drugs is enough for probable cause that the bag contains drugs. *See California v. Acevedo,* 500 U.S. 565, 568 (1991).

While Officer Griffin knew there was a narcotics investigation taking place at the warehouse, he did not specifically seek out the cocaine. R. at. 29. Officer Griffin went to the warehouse to not lose the evidence of Lawton's blood alcohol content. R. at 29. The discovery of the cocaine was purely accidental. R. at 39. Therefore, the discovery was inadvertent.

Officer Griffin had reason to believe the cocaine would be destroyed if he left the warehouse. There were other people in the warehouse, who were nervous and shifted their gaze towards the cocaine while Officer Griffin was present. R. at 39. Since Officer Griffin had reason to believe the cocaine would be destroyed if he left, there were exigent circumstances that allowed him to seize the cocaine without a warrant.

Further, Officer Griffin learned in his police training that drugs are stored in a manner similar to how they were stored in the warehouse. R. at 47. Officer Griffin received the information about the narcotics investigation from Lieutenant Vann, a lieutenant of the narcotics division of the PPD. R. at 50. Since Officer Griffin had a trustworthy source that gave him the information, and corroborating information that there was cocaine in the warehouse, Officer Griffin had the requisite probable cause to seize the cocaine.

Officer Griffin had lawful entry into the warehouse, discovered the cocaine inadvertently, and the cocaine could be seized reasonably without a warrant. Further, Officer Griffin immediately recognized the incriminating nature of the cocaine. Therefore, Officer Griffin could seize the cocaine under the plain view doctrine.

B. The cocaine can be admitted into evidence as an exception to the exclusionary rule because the cocaine would have been inevitably discovered.

Under the exclusionary rule, an item found via an unreasonable search or seizure is normally excluded from evidence. *See* U.S. Const. amend. IV. The exclusionary rule is used to deter unreasonable searches and seizures – the purpose is not to hinder investigations. *See United States v. Moorehead,* 912 F.3d 963, 969 (6th Cir. 2019). Exceptions to the exclusionary rule were created so the police would remain in the same position in their investigation they would have been in if they did not partake in the unreasonable search. *See Murray v. United States,* 487 U.S. 533, 537 (1988).

If the court rules that the entry was unreasonable, this court may still permit the evidence to be admitted under the exception to the exclusionary rule. One exception to the

exclusionary rule is that the item would have been inevitably discovered through another manner. *See Nix v. Williams,* 467 U.S. 431, 443 (1984).

The cocaine may be admitted under inevitable discovery. If the evidence would have likely been discovered, in the same state, by other means, the evidence is admissible. *See id*. at 438.

Evidence is admissible if there is a pending investigation that would have likely discovered the evidence in a similar state to how it was found. *See id.* In *Nix v. Williams,* Williams was the suspect in a murder investigation. *See id.* at 431. Williams was questioned in the patrol car when he gave police the location of the body. *See id*. at 436. The officers, without a warrant, seized the body. Meanwhile, a search team had already begun searching for the body. *See id*. The search team was near the body. *See id*. Further, the search team had already found items belonging to the victim. *See id.* at 435. Since the search team would have found the body without this confession, the body was admissible under inevitable discovery. *See id.* at 444.

The narcotics division of the PPD and the Drug Enforcement Agency already had surveillance in the warehouse. R. at 53. Due to the current investigation and the surveillance put in place, it is likely the PPD would have found the cocaine. The narcotics division's investigation would have found the cocaine, even if Officer Griffin had not entered the warehouse. Therefore, the evidence is admissible under the inevitable discovery exception.

CONCLUSION

For the reasons listed above, the Government respectfully requests that this Court deny the Defense's Motion to Suppress. Officer Griffin's entry and search were constitutional, and thus the evidence must not be suppressed. The motion to suppress must be denied.

DATED: September 4, 2023

BY: ***S/ Team No. 110***
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