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

Case No. 2023-CR-812

UNITED STATES OF AMERICA,

v.

JAMIE LAWTON

Defendant.

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

/s/ 111
Attorneys for Jamie Lawton

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INTRODUCTION

This Court should grant Mr. Lawton's Motion to Suppress because law enforcement committed two Fourth Amendment violations to find the cocaine, both of which warrant suppression.

Officer Griffin violated Mr. Lawton's Fourth Amendment rights by entering his home without a warrant to pursue a misdemeanor driving under the influence (DUI) suspect. Flight of a misdemeanor suspect does not create a categorical exception to the warrant requirement. Declining blood alcohol content (BAC) does not present the traditional risk of destruction of evidence because a suspect cannot take any affirmative action to cause their BAC to decline faster. Without an adequate exigency, Officer Griffin's warrantless entry was unreasonable.

Officer Griffin violated Mr. Lawton's Fourth Amendment rights by searching a wooden pallet near his kitchen without a warrant. For the plain view exception to apply, the incriminating nature of contraband must be immediately apparent without an additional search. To find the packages of cocaine, Officer Griffin had to pull back a tarp that covered a wooden pallet. At the time of this search, Griffin only knew the warehouse was under surveillance, and did not have probable cause to believe that drugs were currently in the warehouse. Accordingly, the plain view exception does not apply, and Officer Griffin's warrantless search was unreasonable.

STATEMENT OF FACTS

A series of unfortunate events. On June 8, 2023, Jamie Lawton was playing pool with friends when he noticed he felt sick. R. at 62. As he was stopped at an intersection while driving home, he got a sharp pain in his stomach and leaned out of his driver's side door to vomit slightly. R. at 62-63. Unfortunately for Mr. Lawton, he had appendicitis and had caught the attention of a police officer waiting behind him in traffic. R. at 21. Compounding Mr. Lawton's lousy luck, Officer Taylor Griffin mistakenly assumed that Mr. Lawton was Kevin James, a person with a similar truck who Griffin knew was convicted of DUI in January of 2023. R. at 22. Hunched over his steering wheel in significant pain, Mr. Lawton did not notice that he was driving slowly and failing to maintain a single lane, nor that Officer Griffin had activated his police lights. R. at 24.

The renegade rookie. Three miles later, Mr. Lawton arrived at his home—a warehouse he was converting into a living space for himself. R. at 61. Griffin watched Mr. Lawton walk to the warehouse door, use a key, and go inside. R. at 31. Lieutenant Samy Vann then called Officer Griffin and gave him explicit orders not to enter the warehouse. R. at 28. Lieutenant Vann told Griffin that the warehouse was under surveillance by the Drug Enforcement Agency (DEA) and one person was known to live there. R. at 28. Looking to make a "bigtime" DUI arrest, Officer Griffin entered the warehouse, ignoring direct orders and multiple no-trespassing

signs. R. at 27, 31. After finding Mr. Lawton and his friend, Kell Hallstead, in the kitchen, Griffin ignored both of their demands for him to leave. R. at 64.

Uncovering the cocaine. Griffin remained in the kitchen and continued the DUI investigation before getting medical attention for Mr. Lawton. R. at 64. Once Mr. Lawton had been taken away by an ambulance, Officer Griffin was leaving the warehouse when he noticed Kell Hallstead looking over at a wooden pallet covered with a tarp. R. at 70. Griffin then walked over to the pallet, lifted the tarp, and found three packages totaling thirty-one pounds of cocaine. R. at 70. While Officer Griffin claims that part of a package was in plain view, he seized and removed the packages from the warehouse without taking any photos of how the tarp and cocaine were originally positioned. R. at 41. Mr. Lawton was subsequently indicted for possession with intent to distribute five kilograms or more of cocaine and conspiracy to possess with intent to distribute five kilograms or more of cocaine, in violation of 21 U.S.C. Sections 841(a)(1), (b)(1)(a), and 846.

ARGUMENT

I. The cocaine should be suppressed because law enforcement violated Mr. Lawton's Fourth Amendment rights by entering his home without a warrant.

A fundamental principle of Fourth Amendment jurisprudence is that "searches and seizures inside a home without a warrant are *presumptively unreasonable*." *Payton v. New York*, 445 U.S. 573, 586 (1980) (emphasis added). The Government has the burden of demonstrating that a warrantless search falls within one of the

narrow exceptions to the warrant requirement. *United States v. Carbajal*, 956 F.2d 924, 930 (9th Cir. 1992). When the Government cannot show that a warrantless search is supported by consent, an exigent circumstance, or another exception, the search is unreasonable and is barred by the Fourth Amendment. *United States v. Uscanga-Ramirez*, 475 F.3d 1024, 1027 (8th Cir. 2007).

A. Mr. Lawton established a reasonable expectation of privacy in his warehouse by hanging no-trespass signs, locking the door, and telling others he lived there.

As people struggle to find housing during the current home shortage, creative living situations such as tiny homes, renovated warehouses, and co-ops are becoming increasingly common. *See* R. at 93; *see also* Chris Arnold, *There's never been such a severe shortage of homes in the U.S. Here's why*, NPR (Mar. 29, 2022, 7:00AM), https://www.npr.org/2022/03/29/1089174630/housing-shortage-new-home-construction-supply-chain. Though the exterior may not be the same as a traditional home, warehouse occupants can take steps to establish the same expectation of privacy that owners of apartments, condominiums, or family homes enjoy. For the Fourth Amendment to apply, warehouse owners must show that they have exhibited a subjective expectation of privacy that society would find reasonable. *Katz v. United States*, 389 U.S. 347, 361 (1967) (Harlan, J., concurring).

An open door does not defeat Fourth Amendment privacy interests unless contraband is in plain view or the door is left open with clear intent to acquiesce to

police authority. *See United States v. Gori*, 230 F.3d 44, 52 (2d Cir. 2000) (upholding a warrantless entry of a home when contraband was in plain view of the open front door); *United States v. Vaneaton*, 49 F.3d 1423, 1425 (9th Cir. 1995) (upholding a warrantless arrest in a home when the defendant opened the door after looking out the window and seeing police).

For example, in *Coffin v. Brandau*, the Eleventh Circuit recognized, in the context of a Section 1983 lawsuit, that law enforcement violated the Fourth Amendment rights of a homeowner when police entered her garage as she attempted to shut the garage door. *Coffin v. Brandau*, 642 F.3d 999, 1012 (11th Cir. 2011). The act of trying to close the garage door, though not complete, demonstrated an intent to maintain an expectation of privacy in the home. *Id.* at 1012-13. Similar to entering a closing garage door, law enforcement entering a door that a homeowner has unsuccessfully attempted to close also violates the Fourth Amendment. *See id.*

It would be bad public policy to hold that a warehouse converted into a living space is not entitled to the same protections as a home just because it is not a traditional residence. *See* Alexander Porro, *Dwelling in Doubt: Do Tenants Have a Reasonable Expectation of Privacy in the Common Area of Their Apartment Buildings?*, 2018 U. Chi. Legal. F. 333, 353 (2018) (explaining that people of poorer socioeconomic status will be disadvantaged if Fourth Amendment rights are contingent on the style of a person's housing). The people who are most affected by

the current housing crisis are those with the least means to secure a traditional home. *See The Problem*, NAT'L LOW INCOME HOUS. COAL., https://nlihc.org/explore-issues/why-we-care/problem (last visited Aug. 1, 2023). To deny Fourth Amendment protections to Mr. Lawton would establish a precedent that freedom from unreasonable government intrusion must be purchased. *See* U.S. Const. amend. IV (recognizing *all* persons have a right to be secure in their papers, houses, and effects from unreasonable government intrusion).

Mr. Lawton exhibited a subjective expectation of privacy in his warehouse. By hanging no-trespassing signs on the building, Mr. Lawton communicated to the public that the warehouse was private property, and that entry was forbidden. R. at 74. This is not a situation where a makeshift door was constructed to keep the public out—the warehouse had a heavy metal door equipped with a deadbolt. R. at 64. Because Mr. Lawton prevented others from invading the privacy of his home, he exhibited a subjective expectation of privacy.

Mr. Lawton's expectation of privacy was reasonable. Before Officer Griffin's unlawful entry, he learned from Lieutenant Vann that a person was known to live there, and he saw Mr. Lawton use a key to unlock the front door. R. at 28, 31. Notably, a no-trespassing sign was on the very door that was entered by Mr. Lawton and subsequently used by Griffin. R. at 31. The no-trespassing signs, the information that the warehouse was a person's home, and the observation of Mr. Lawton using a

key to unlock the door would lead any reasonable person to conclude that the warehouse was a home and Mr. Lawton was the homeowner.

Contrary to Officer Griffin's claim that the warehouse door was left open, Mr. Lawton closed the door behind him. R. at 64. This is confirmed by Kell Halstead, who heard the warehouse's metal door bang shut when Mr. Lawton entered. R. at 69. Even assuming that the door did not properly lock and may have reopened after Mr. Lawton tried to shut it, this does not defeat his reasonable expectation of privacy. *Coffin*, 642 F.3d at 1012-13. Similar to *Coffin*, it is not the fact that the door remained open but the attempt by the homeowner to close it that protects the expectation of privacy. *Id.*

Finally, even if the door was left open, there was no contraband in plain view of the door that would permit a warrantless entry. *See Gori*, 230 F.3d at 52. Officer Griffin had to walk thirty yards into the warehouse, take a right turn, and walk an additional distance before he found the cocaine that he purports was in plain view. R. at 32. Consequently, Officer Griffin needed a warrant or probable cause and an exigent circumstance to enter Mr. Lawton's home. *Payton*, 445 U.S. at 590.

B. Officer Griffin was not in pursuit of a fleeing felon because he did not have probable cause to believe that Mr. Lawton had previously been convicted of driving under the influence.

A long-recognized exception to Fourth Amendment protections is that law enforcement may enter a home without a warrant when in hot pursuit of a fleeing

felon. *See Payton*, 445 U.S. at 598; *United States v. Santana*, 427 U.S. 38, 43 (1976). That exception, however, requires police have probable cause to believe a felony has occurred. *Santana*, 427 U.S. at 42. Probable cause exists if the facts and circumstances known to the officer would warrant a person of reasonable caution to believe that a crime has been or is being committed. *Brinegar v. United States*, 338 U.S. 160, 175-76 (1949).

In the State of Stetson, a person's first DUI offense is classified as a first-degree misdemeanor. STETSON PENAL CODE § 14-227a(2). The offense only becomes a third-degree felony if an individual is convicted of DUI a second time within three years of their first conviction. *Id.* § 14-227a(2)(b). To rely on the Fourth Amendment exception for hot pursuit of a felon, the Government must demonstrate both that a reasonable person would believe that the driver Officer Griffin observed was under the influence, *and* that there was reason to believe this driver had been previously convicted of DUI within the past three years. *Id.*

According to his grand jury testimony, Officer Griffin claimed that he believed the driver was Kevin James, an individual Griffin knew was convicted of DUI in January of 2023. R. at 21-23. Officer Griffin testified that this belief started when he saw a person of average build driving a truck similar to the one Kevin James owned—a lifted, red Chevy S10 with a distinct bumper sticker. R. at 21. An average build and a similar truck are where the similarities to James ended. The driver of the

car had long blonde hair pulled back into a bun, while Griffin knew James to have brown hair in a shaggy cut. R. at 22-23. Griffin admitted that he could not even tell whether the driver was a man or a woman. R. at 23. Despite the driver leaning out of the car at the intersection and the fact that Griffin followed the car for over three miles, Griffin claimed he never saw the driver's face to confirm if the driver was James. R. at 27.

Officer Griffin did not have probable cause to believe that the driver he saw was committing felony DUI. Even if there was reason to believe the truck Griffin saw belonged to James, that is insufficient to establish probable cause for a felony DUI in Stetson. STETSON PENAL CODE § 14-227a(2)(b). Considering the commonplace practice of people loaning their cars to others, Officer Griffin, without additional facts, had no reason to believe the driver was Kevin James. In contrast, Officer Griffin's observations lend against an inference that James was the driver, because the driver did not match James's physical characteristics. Consequently, the Government cannot justify the warrantless entry into Mr. Lawton's home under the Fourth Amendment exception for hot pursuit of a fleeing felon.

C. Absent other exigencies, pursuit of a fleeing misdemeanant suspected of driving under the influence does not provide an exception to the warrant requirement.

To uphold Officer Griffin's warrantless entry, the Government must show his entry was justified based on the flight of a misdemeanor DUI suspect, or that another

exception to the warrant requirement applies. *Uscanga-Ramirez*, 475 F.3d at 1027. The Government is unable to do this for three reasons: first, flight of a misdemeanor suspect does not inherently create an exception to the warrant requirement; second, a suspect's declining BAC does not present the traditional risk of destruction of evidence; and third, the emergency aid doctrine does not apply here.

1. The flight of a misdemeanor suspect does not establish a categorical exigency.

In *Lange v. California*, the Supreme Court held flight of a misdemeanor suspect does not create a categorical exception to the warrant requirement. *Lange v. California*, 141 S.Ct. 2011, 2024 (2021). Rejecting California's categorical approach allowing warrantless entry in every case of misdemeanant flight, the Supreme Court held these situations must be analyzed on a case-by-case basis to determine whether exigent circumstances, if any, justify the intrusion. *Id.* As some misdemeanants "may flee for innocuous reasons and in non-threatening ways," flight does not always provide an exigency. *Id.* at 2021. When there is no risk of further flight or destruction of evidence, law enforcement should wait for a warrant. *Id.*

The fact that Mr. Lawton went into his home rather than pulling over for Officer Griffin is alone insufficient to justify Griffin's warrantless entry. *See id.* at 2024. Moreover, Mr. Lawton did not pose a risk of further flight because he was under DEA surveillance. R. at 28. Had he attempted to leave the warehouse and

return to the road, a joint state and federal task force would have prevented him from doing so. R. at 28. Consequently, to rely on the pursuit of a fleeing misdemeanant to justify Officer Griffin's warrantless entry, the Government must show a separate exigent circumstance justified the entry. *Lange*, 141 S.Ct. at 2024.

2. Declining blood alcohol content does not justify the warrantless entry of a home.

For almost fifty years, the Supreme Court has held that the need to obtain BAC evidence in DUI cases is an insufficient justification for a warrantless entry of a home. *See Welsh v. Wisconsin*, 466 U.S. 740, 754 (1984). In *Welsh v. Wisconsin*, police entered the defendant's home without a warrant after he was visibly intoxicated when he fled the scene of an accident. *Id.* at 742. The Supreme Court cautioned that warrantless entry for minor offenses risks displaying "a shocking lack of all sense of proportion." *Id.* at 751 (quoting *McDonald v. United States*, 335 U.S. 451, 459 (1948) (Jackson, J., concurring)).

Though states have a significant interest in preventing drunk driving, the need to obtain evidence of the defendant's BAC did not justify the warrantless intrusion. *Id.* at 754. While *Welsh* recognized its holding was influenced by the fact that DUI was classified as a non-jailable offense at that time, *id.*, subsequent case law demonstrates that the destruction of BAC evidence does not justify warrantless intrusions. *See Missouri v. McNeely*, 569 U.S. 141, 153 (2013).

In *Missouri v. McNeely*, the Supreme Court recognized that "blood testing is different in critical respects from other destruction of evidence cases." *Id.* While in other situations a person can take affirmative actions to destroy evidence, *e.g.*, by flushing contraband down a toilet, a person's BAC can only decrease with time, in a gradual and predictable manner. *Id.* Moreover, retrograde extrapolation—the practice of an expert calculating a person's BAC at the time of the alleged offense based on their BAC at the time of the blood draw—is available to prosecuting agencies. *See id*. at 156.

In the context of warrantless blood draws, the natural dissipation of blood alcohol does not provide an adequate exigency to invade a person's privacy interest in their body without a warrant. *Id.* at 165. While a warrant or consent is required, blood testing is minimally intrusive. *See id.* at 143. In contrast, an invasion into a person's home, "the chief evil against which the wording of the Fourth Amendment is dictated," implicates a greater privacy interest. *Welsh*, 466 U.S. at 749.

The need to collect BAC evidence was an inadequate justification for a warrantless entry in *Welsh,* and it is an inadequate justification here. *Id.* at 754. A suspect's naturally decreasing BAC does not present the typical risk of destruction of evidence because a suspect cannot take any affirmative action to cause their BAC to decrease faster. *McNeely*, 569 U.S. at 153. Any delay in drawing blood due to getting a warrant can be mitigated through expert testimony using available

scientific techniques to calculate BAC at the time of the offense. *Id.* at 156. Consequently, there were insufficient exigent circumstances to uphold Officer Griffin's warrantless entry based on the pursuit of a fleeing misdemeanant. *Lange*, 141 S.Ct. at 2024.

3. The emergency aid doctrine does not apply here because it is unreasonable for law enforcement to enter a home to render aid for a stomachache.

Law enforcement may enter a home without a warrant if police are rendering "emergency assistance to an injured occupant or to protect an occupant from imminent injury." *Kentucky v. King*, 563 U.S. 452, 460 (2011). For warrantless entry to be upheld based on providing emergency assistance, the entry must be objectively reasonable in light of the purported injury or risk of harm. *See Brigham City, Utah v. Stuart*, 547 U.S. 398, 404 (2006) (upholding a warrantless entry when police saw a physical fight occurring in the residence); *see also Sutterfield v. City of Milwaukee*, 751 F.3d 542, 579 (7th Cir. 2014) (upholding a warrantless entry when police were conducting a wellness check for a suicidal occupant).

Here, the Government cannot rely on the emergency aid doctrine to justify Officer Griffin's warrantless entry because it is unreasonable to invade the privacy of a person's home to provide aid for a stomachache. Prior to his unlawful entry, Officer Griffin knew of only two facts that suggested Mr. Lawton may need medical

assistance: first, Mr. Lawton slightly vomited while stopped at the intersection, R. at 22; second, Mr. Lawton held his stomach while walking into his home. R. at 30.

If evidence of a stomachache is all that is necessary for law enforcement to invade the privacy of a person's home, the Fourth Amendment is rendered meaningless. Therefore, no exception to the warrant requirement applies to justify Officer Griffin's warrantless entry into Mr. Lawton's home and all evidence found pursuant to the unlawful entry should be suppressed. *See Uscanga-Ramirez*, 475 F.3d at 1027.

II. The cocaine should be suppressed because law enforcement violated Mr. Lawton's Fourth Amendment rights by searching his home without a warrant.

If this Court disagrees with Mr. Lawton and finds Officer Griffin's warrantless entry into the home was reasonable, the cocaine should still be suppressed because Griffin had to commit an additional search once inside the home to find contraband. The Government has the burden of demonstrating evidence was in plain view. *United States v. Delva*, 858 F.3d 135, 148 (2d Cir. 2017). If the plain view exception does not apply, the Government has the burden of showing a warrantless search is supported by probable cause and an exigent circumstance. *United States v. Tarazon*, 989 F.2d 1045, 1049 (9th Cir. 1993). Here, the Government fails to meet both burdens.

A. The plain view exception does not apply because the cocaine was completely concealed by a tarp, requiring an additional search to reveal the contraband.

While law enforcement may seize evidence in plain view, the incriminating nature of the evidence must be immediately apparent. *Horton v. California*, 496 U.S. 128, 136 (1990). For the purposes of the Fourth Amendment, there is a distinct difference between looking at an object and moving it even just a few inches. *Arizona v. Hicks*, 480 U.S. 321, 325 (1987). If an additional search is required for law enforcement to determine if an object is contraband, the plain view exception does not apply. *See United States v. Loines*, 56 F.4th 1099, 1107 (6th Cir. 2023).

If an officer exposes concealed portions of an object, the officer's actions constitute a search. *Id.* For example, in *Arizona v. Hicks*, officers were in an apartment to respond to a shots-fired call when they noticed turntables that seemed out of place. *Id.* at 323. Suspecting they may have been stolen, an officer picked up the turntables and checked the serial numbers. *Id.* The Supreme Court held the act of picking up the turntables was an unreasonable search. *Id.* at 329. A plain view observation requires nothing more than "merely looking at what is already exposed to view, *without disturbing it*." *Id.* at 328 (emphasis added). Any disturbance of an object purportedly in plain view qualifies as a search. *Id.*

The cocaine was not in plain view because Officer Griffin had to commit an additional search before the incriminating nature of the package was apparent. Each

package of cocaine was completely concealed under the tarp. R. at 69. After pulling back the tarp, Officer Griffin said, "That's exactly what I *thought* I'd find." R. at 70 (emphasis added). In *Hicks*, the officer *thought* the turntables were stolen, which is why an additional search was conducted to see the serial numbers. Here, Officer Griffin *thought* that there might be contraband under the tarp, which is why he pulled back the tarp to see what it concealed. Just because Officer Griffin had a hunch that turned out to be correct does not mean that the plain view exception applies.

The only evidence the Government can rely on to prove whether the cocaine was fully or partially concealed is the word of a rookie who directly defied the orders of a superior officer to get to the place where contraband was found. *See* R. at 28. Officer Griffin ensured that no other evidence could be provided, because he failed to take any pictures of how the cocaine and tarp were positioned prior to pulling back the tarp, seizing the packages, and removing them from the warehouse. R. at 41.

Officer Griffin has a pattern of telling falsehoods in his line of work as a police officer. In August of 2022, Officer Griffin falsely reported *one-hundred hours* of overtime and was found to have made a material misstatement on his time sheet. R. at 44. Griffin claimed he did not notice the extra pay he received for this significant amount of overtime until it was brought to his attention by Internal Affairs. R. at 44. Continuing this pattern of telling falsehoods, Griffin testified at the grand jury that

he seized the packages immediately, rather than waiting to take pictures, because he was concerned that Kell Hallstead would destroy evidence. R. at 41. His testimony is directly contradicted by the testimony of Lieutenant Vann, who witnessed Hallstead run out of the warehouse and be arrested by DEA agents as soon as Griffin pulled back the tarp. R. at 58.

Griffin lied about the amount of overtime he worked, he lied about why he seized the packages immediately, and he lied about finding the packages in plain view in the first place. Because the cocaine was completely concealed by the tarp, requiring that Officer Griffin commit an additional search to find the contraband, the plain view exception cannot apply. *Loines*, 56 F.4th at 1107.

B. Officer Griffin did not have probable cause to justify conducting a warrantless search of the warehouse for evidence of a drug crime.

To search a home without a warrant, law enforcement must have probable cause and an exigent circumstance. *Tarazon*, 989 F.2d at 1049. To show that probable cause existed to search for drugs, the facts and circumstances must show that a reasonable person would believe drugs were currently in the place to be searched. *See Brinegar*, 338 U.S. at 175-76. Furtive gestures, while relevant to the probable cause analysis, "add little" to the Government's case unless coupled with other specific facts. *United States v. Ingrao*, 897 F.2d 860, 864 (7th Cir. 1990).

The fact that a person or home is under surveillance is alone insufficient to provide probable cause that evidence will be found. When courts have previously

held probable cause existed in cases involving surveillance, probable cause was supported by facts gathered through surveillance, not just the presence of surveillance itself. *See Illinois v. Gates*, 462 U.S. 213, 243 (1983) (holding an anonymous tip corroborated by surveillance established probable cause to believe a drug crime was occurring); *see also United States v. Olvera*, 178 F. App'x 373, 374 (5th Cir. 2006) (recognizing information gained through surveillance established probable cause to believe that the defendant was transporting drugs).

The warrantless search of Mr. Lawton's home was unreasonable because Officer Griffin did not have probable cause to believe a drug crime had occurred. *Tarazon*, 989 F.2d at 1049. At the time he pulled back the tarp, Griffin only knew that the DEA had Mr. Lawton's home under surveillance and that Kell Hallstead was looking in the direction of the pallet. R. at 28, 39.

The analysis would be different if there were any facts to suggest that the DEA had observed suspicious activity at the warehouse when conducting surveillance. *See Gates*, 462 U.S. at 243; *Olvera*, 178 F. App'x at 374. The sole fact that the warehouse was under surveillance, however, does not establish probable cause that evidence of a drug crime would be found under the tarp. Similarly, Kell Hallstead looking in the direction of the pallet, without additional facts, adds little to any argument by the Government that there was probable cause for a warrantless search. *Ingrao*, 897 F.2d at 864.

The cocaine found inside Mr. Lawton's home was only discovered when Officer Griffin conducted a warrantless search, unsupported by probable cause, for evidence of a drug crime. Without probable cause, this Court does need even have to address the question of whether exigent circumstances justified the search to find that Griffin's actions were unreasonable. *See Tarazon*, 989 F.2d at 1049. Because the cocaine was the fruit of an unreasonable search, suppression is warranted. *Uscanga-Ramirez*, 475 F.3d at 1027.

CONCLUSION

This Court should grant Mr. Lawton's Motion to Suppress because the cocaine was only discovered when law enforcement violated his Fourth Amendment rights. Officer Griffin's warrantless entry of Mr. Lawton's home was not justified by probable cause or an exigent circumstance. Moreover, Griffin committed an additional warrantless search once inside the home to find the cocaine. Because the evidence was obtained in violation of the Fourth Amendment, the cocaine found by Officer Griffin should be suppressed.

Respectfully submitted,

/s/ 111
Attorneys for the Defendant