TEAM: 115

Criminal No.: 2023-CR-812

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF STETSON
September 2, 2023

THE UNITED STATES OF AMERICA,

Prosecution,

v.

JAMIE LAWTON,

Defendant.

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

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INTRODUCTION

This Court should deny Defendant Jamie Lawton's (hereinafter "Lawton") Motion to Suppress because (I) Officer Taylor Griffin's (hereinafter "Officer Griffin") warrantless entry into the warehouse was lawful in that (A) Lawton had a reduced expectation of privacy as a holder of a federally issued common carrier license and (B) in the alternative, Officer Griffin's warrantless entry was excepted from the Fourth Amendment's warrant requirement because exigent circumstances existed; and (II) because Officer Griffin's discovery of the cocaine was lawful because it's discovery was inevitable.

STATEMENT OF FACTS

On June 8, 2023, Officer Griffin, a Petersburg Police Officer assigned to the traffic division with nearly three years of experience, was patrolling in Petersburg County when he crossed paths with Lawton. (Transcript of Grand Jury Proceeding, Officer Taylor Griffin (hereinafter "Tr. Ofc. Griffin"), dated July 6, 2023, 15:7-17:20). Although this would be Officer Griffin's first encounter with Lawton, Lawton was not unknown to law enforcement – in fact, Lawton the "target of a long-term DEA narcotics trafficking investigation." (Transcript of Grand Jury Proceeding, Officer Samy Vann (hereinafter "Tr. Ofc. Vann), dated July 6, 2023, 51:19-21).

June 8, 2023 was a sunny summer day in Petersburg, Stetson, and unusually, there were no thunderstorms that day. (Tr. Ofc. Griffin 17:24-18:5) At approximately 16:00, Officer Griffin was driving southbound on 49th Street when he witnessed Lawton at a red

light open the driver's side door of a red Chevrolet S10 with no license plate, lean out of the driver's side vehicle, and vomit on to 49th street. (Tr. Ofc. Griffin 17:22-23, 19:22-20:14, 21:20-22:1). Once the light turned green, Lawton paused for three to four seconds, closed the vehicle's door, and proceeded down 49th street at approximately 45-50 miles per hour. (Tr. Ofc. Griffin 23:26-24:24). Officer Griffin began following Lawton and observed Lawton's speed was fluctuating, Lawton's vehicle was drifting into the emergency lane multiple times, and that Lawton was engaging in "furtive movements" – reaching towards the right side of the vehicle, which can be indicative of a driver who is stashing contraband. (Tr. Ofc. Griffin 24:19-26:2).

Officer Griffin subsequently turned on his lights and attempted to pull Lawton over, but Lawton continued driving for approximately three miles, and increased his speed by about five miles per hour, from 45-50 miles per hour to the speed limit, 55 miles per hour. (Tr. Ofc. Griffin 26:10-12, 27:18-28:3). Lawton turned into a parking lot adjoining an abandoned-looking warehouse at 900 49th Street (hereinafter "the Warehouse"), and Officer Griffin followed. (Tr. Ofc. Griffin, 28:5-10). For his own safety, Officer Griffin radioed for backup, and Officer Samy Vann (hereinafter "Officer Vann") responded, advising Officer Griffin that the building at 900 49th Street was occupied by one person purporting to live there and using the property as a stash house for large quantities of cocaine. (Tr. Ofc. Griffin, 28:9-28:22).

Officer Griffin subsequently observed Lawton stumble out of the truck and walk fast towards the door to the warehouse, unlock the door, and run inside, leaving the door open and swinging in the wind. (Tr. Ofc. Griffin, 30:23-31:13). Officer Griffin followed

Lawton into the warehouse, and once Lawton was in his field of view again, he announced his presence. (Tr. Ofc. Griffin, 31:25-32:3). Officer Griffin advised Lawton that he suspected him of driving under the influence of alcohol or drugs, and Lawton responded that he was sick and needed a doctor. (Tr. Ofc. Griffin, 34:21-35:2). Officer Griffin noticed that Lawton didn't look good – his face was pale and was sweating – so he called an ambulance for Lawton out of an abundance of caution. (Tr. Ofc. Griffin, 36:12-15). Officer Griffin waited with Lawton as the ambulance was coming, and during that time he advised Lawton that he was investigating a DUI and discovered that Lawton was employed by the federal government as a railway conductor. (Tr. Ofc. Griffin, 36:15-17). After the ambulance arrived to transport Lawton to the hospital, Officer Griffin followed Lawton and the EMTs out through a greenish-colored door in the far corner of the room, and as he was following the EMTs he noticed the edge of something light-colored wrapped in plastic wrap and packing tape beneath a tarp. (Tr. Ofc. Griffin, 39:10-23). Based upon the drug training he received at the Petersburg Police Academy coupled with the information he received from Officer Vann, Officer Griffin thought that he had probable cause to believe that the light-colored substance wrapped in plastic wrap and packing tape was cocaine. (Tr. Ofc. Griffin 40:7-40:14). Fearing the suspected cocaine would be hidden or destroyed before a warrant could be obtained by the DEA, Officer Griffin pulled back the tarp and observed not one, not two, but three large packages containing a white, powdery substance. (Tr. Ofc. Griffin, 40:14-21). Thereafter, Officer Griffin seized the cocaine and delivered it to Officer Vann and the DEA team outside of the warehouse for testing and weighing. (Tr.

Ofc. 40:22-26). Law enforcement officers later discovered that the packages seized by Officer Griffin contained thirty-one pounds of cocaine. (cite)

On July 6, 2023, a grand jury was convened, and Officer Griffin and Officer Vann testified before the grand jury under oath. (Tr. Ofc. Griffin 15:1-44:12; Tr. Ofc. Vann 50:1-60:2). Only July 7, 2023, the grant jury returned an indictment on three counts: possession with intent to distribute five kilograms or more of cocaine, conspiracy to contribute five kilograms or more of cocaine, and operation of a motor vehicle while under the influence of alcohol and/or drugs by a person who holds a federally issued common carrier license. (Indictment of Jamie Lawton, dated July 13, 2023 ("Indict.") at ¶ 1-3). Lawton was arraigned on July 13, 2023 and Attorney Noa, Lawton's attorney subsequently filed the Motion to Suppress at bar. (Arraignment Transcript; Stipulation 9).

ARGUMENT

It is undisputed that citizens of the United States have a constitutional right "to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures," *but that right is not absolute*. U.S. Const. Amend. IV. The Supreme Court of the United States has explicitly enumerated various exceptions to the Fourth Amendment in an effort to strike a balance between the privacy interests of American citizens and legitimate needs of law enforcement officers. See *Griffin v Wisconsin,* 483 U.S. 868 (1987), *Kentucky v. King,* 563 U.S. 452 (2011) and *Mincey v. Arizona,* 437 U.S. 385 (1978).

I. OFFICER GRIFFIN'S ENTRY INTO THE WAREHOUSE WAS NOT UNLAWFUL.

Officer Griffin's entry into the warehouse was lawful because (A) Lawton had a reduced expectation of privacy as a holder of a federally issued common carrier license and (B) in the alternative, Officer Griffin's warrantless entry was excepted from the Fourth Amendment's warrant requirement because exigent circumstances existed at the time warrantless entry was made.

A. DEFENDANT DID NOT HAVE A REASONABLE EXPECTATION OF PRIVACY THAT WAS INFRINGED UPON BY THE GOVERNMENT.

For purposes of the Fourth Amendment, a search *only* occurs when the government infringes upon an expectation of privacy that society is prepared to consider reasonable. *U.S. v. Jacobsen,* 466 U.S. 109, 113 (1984); *Kyllo v. United States,* 533 U.S. 27, 33 (2001). It is well-settled that a search is generally unreasonable within the meaning of the Fourth Amendment if it is undertaken without issuance of a judicial warrant. *Skinner v. Ry. Labor Executives' Ass'n,* 489 U.S. 602, 619 (1989). However, the Supreme Court has recognized well-defined exceptions to the warrant requirement when "special needs, beyond the normal need for law enforcement, make the warrant and probable-cause requirement impracticable." *Id.* (citing *Griffin v. Wisconsin,* 483 U.S. 868, 873 (1987)). When such special needs arise, the courts balance governmental interests and individual privacy interests when assessing whether a warrant requirement is practical. *Id.* One such "special need" that has been recognized by our Supreme Court is "the Government's interest in regulating the conduct of railroad employees to ensure safety." *Id.* at 620. The Supreme Court in *Skinner* upheld the random drug and alcohol testing of

railway employees because, by virtue of their participation in a highly regulated industry, the expectation of privacy of railway employees in their blood, breath, and urine are diminished because those privacy interests are outweighed by the government's compelling interests in promoting public safety by ensuring railway employees are not intoxicated when controlling dangerous heavy machinery, like trains. *Id.* at 627.

Because Lawton is employed by the federal government as a railway conductor, the expectation of privacy he has in his own blood, breath, and urine is diminished because that privacy interest is outweighed by the government's compelling interest in regulating his conduct to ensure the safety of the general public. Because Lawton's expectation of privacy in his own blood, breath, and urine was diminished, and because the Supreme Court has explicitly enumerated an exception to the warrant requirement of the Fourth Amendment for railway employees, Officer Griffin's warrantless search of the Warehouse for purposes of obtaining blood, breath, and urine samples from Lawton pursuant to his DUI investigation was lawful.

Further, the Supreme Court has long held that "what a person knowingly exposes to the public, even in his own home . . . is not a subject of Fourth Amendment protection. *Katz v. United States,* 389 U.S. 347, 351 (1967). Here, the facts and circumstances indicate that Defendant has, in essence, opened the Warehouse to the public. Defendant purchased the Warehouse with the intention of using the majority of the space as a for-profit storage facility. Irrespective of whether or not the Defendant moved into a portion of the Warehouse, dispositively, Defendant opened his storage facility for business when he obtained his first customer – Kell Halstead. The Cambridge Dictionary defines "soft

opening" as "an occasion when a business is opened for the first time, but only to a limited number of people." Simply put, that is exactly what happened when the Defendant accepted money from Kell in exchange for storing his packages in the Warehouse. The Defendant effectively opened his storage facility business for the first time to a limited number of people – here, Kell Halstead. The relationship between the Defendant and Kell with respect to storing Kell's items rises above the level of helping a friend out. Based on the transactional nature and the fact that Kell paid the Defendant for the right to store his items in the Warehouse, the relationship became transactional in nature. And regardless of whether or not the Warehouse was, in fact, Defendant's home, the Defendant opened his home to the public by way of the soft opening of his storage facility. Because Defendant knowingly opened the Warehouse to the public, he necessarily could not have had a reasonable expectation of privacy upon which the government could intrude.

Because the Defendant had a diminished expectation of privacy in his blood, breath, and urine pursuant to *Skinner v. Ry. Labor Executives' Ass'n,* and because Defendant opened the Warehouse up to the public by virtue of the "soft opening" of his storage facility, Defendant did not have a reasonable expectation of privacy in the Warehouse and the government necessarily could not have infringed upon such a right. For these reasons, the Court should deny Defendant's Motion to Suppress.

B. ALTERNATIVELY, THE EXIGENT CIRCUMSTANCES EXCEPTION TO THE WARRANT REQUIREMENT APPLIES.

The Supreme Court has similarly recognized exceptions to the warrant requirement of the Fourth Amendment for exigent circumstances. *Kentucky v. King*, 563 U.S. 452, 460 (2011). "The exigent circumstances doctrine extends to situations involving 'danger of flight or escape, loss or destruction of evidence, risk of harm to the public or the police, mobility of a vehicle, and hot pursuit.'" *U.S. v. Fuller*, 572 Fed. Appx. 819, 820 (11th Cir. 2014) (quoting *U.S. v. Holloway*, 290 F.3d 1331, 1333 (11th Cir. 2002)). Furthermore, the Supreme Court has held that emergency medical situations categorically qualify as exigent circumstances. *King*, 563 U.S. at 460. The exigent circumstance exception generally applies when "the needs of law enforcement are so compelling that [a] warrantless search is objectively reasonable." *Lange v. California*, 141 S. Ct. 2011, 2017 (2021) (quoting *King*, 563 U.S. at 460). The government bears the burden of proving that exigent circumstances existed. *Coolidge v. New Hampshire*, 403 U.S. 443, 455 (1971).

In order to be excepted from the Fourth Amendment's warrant requirement, the government must also show that, in addition to an exigent circumstance, probable cause must also be present. *Fuller*, at 820. "'Probable Cause exists when, given the totality of the circumstances, a reasonable person could believe there is a fair probability that contraband or evidence of a crime would be found in a particular place.'" *Kleinholz v. U.S.*, 339 F.3d 674, 676 (8th Cir. 2003) (quoting *U.S. v. Fladten*, 230 F.3d 1083, 1085 (8th Cir. 2000).

Here, a reasonable person could have believed that there was a fair probability that evidence of a crime was within the Warehouse. Officer Griffin observed Jamie Lawton throw up and engage in furtive movements while he was driving, swerve into the emergency lane multiple times, and fail to react to Officer Griffin's police lights for three miles. Because, based on the aforementioned observations, a reasonable person could have believed Jamie Lawton was driving while intoxicated. Because Jamie Lawton fled into the Warehouse after he parked the vehicle, a reasonable person could believe that evidence of Jamie Lawton's DUI would be within the Warehouse – after all, Jamie Lawton was inside of the warehouse, so too was his blood, urine and breath that would confirm Officer Griffin's suspicions that Lawton was driving while intoxicated. Jamie Lawton's actions (to include vomiting while driving, swerving, and ignoring police lights), coupled with Lawton's flight into the Warehouse would unquestionably lead a reasonable person to believe that evidence of Lawton's DUI was within the warehouse. Because a reasonable person could believe that evidence of Jamie Lawton's DUI was within the warehouse, this Court should find that Officer Griffin had probable cause to enter the Warehouse.

It is well settled that the need to prevent the destruction of evidence is an enumerated exception to the Fourth Amendment's warrant requirement. *Kentucky v. King*, at 455. In the case at bar, the need to prevent the destruction of evidence was twofold. Not only was there a risk that the evidence of Lawton's suspected DUI diminish

over time[1], so too there was a risk that Lawton or another would hide or destroy the cocaine Officer Vann knew was in the Warehouse after being followed by police. Because the risk of destruction of evidence was significant, with respect to both the DUI and the suspected cocaine trafficking operation, Officer Griffin's warrantless entry into the Warehouse for the purpose of preventing the destruction of evidence should be excepted from the fourth amendment's warrant requirement pursuant to the 'destruction of evidence" exception.

Law enforcement officers in hot pursuit of a fleeing suspect have also been excepted from the warrant requirement of the Fourth Amendment for more than forty years. In 1976, the Supreme Court held that law enforcement officers could pursue a fleeing suspect into a home without a warrant when they have probable cause to make an arrest and when that arrest was already in motion in a public place within their jurisdiction. *United States v. Santana,* 427 U.S. 38, 43 (1976). On June 8, 2023, Officer Griffin had probable cause to arrest Lawton for both misdemeanor driving under the influence pursuant to Stetson Gen. Stat. § 14-227(a)(2)(a) and misdemeanor failing to stop when signaled and increasing speed to escape or elude officer pursuant to Stetson Gen. Stat. § 14-223(b). Further, Officer Griffin's arrest of Lawton was already in motion in a public place within his jurisdiction when he illuminated his lights on 49th Street in an

[1] (Tr. Ofc. Griffin, 29:12-29:17: "And the more time that passes, the more likely we are to lose evidence of what exactly the driver's blood alcohol content was during operation of the motor vehicle. A BAC od .08 is the legal limit to drive, so it is important to quickly apprehend a DUI suspect and obtain a breath, blood, or urine BAC test as soon as possible.")

effort to place Lawton under arrest. Because Officer Griffin had probable cause to arrest Lawton for violations of both Stetson Gen. Stat. § 14-227(a)(2)(a) and Stetson Gen. Stat. § 14-223(b), and because that arrest was already in motion in a public place at the time he pursued Lawton into the warehouse, Officer Griffin's warrantless search of the Warehouse was excepted from the Fourth Amendment's warrant requirement pursuant to *United States v. Santana*.

The Supreme Court recently addressed the hot pursuit exception to the Fourth Amendment's warrant requirement in the specific context of a fleeing misdemeanor suspect. In *Lange v. California,* the state of California sought a categorical exception to the warrant requirement for the hot pursuit of fleeing misdemeanor suspects. 141 S. Ct. at 2016. In *Lange,* a California state highway patrol officer was pursuing a driver who failed to comply with a police signal in violation of California law. *Id.* The officer followed the driver to his home and subsequently into his home, without a warrant, to question him based on his suspicion that the driver was operating the vehicle while under the influence, a misdemeanor in California. *Id.* The Supreme Court declined to extend a categorical exception to the Fourth Amendment's warrant requirement for fleeing misdemeanor suspects, instead holding that the totality of the circumstances must be considered. *Id.* at 2024.

The facts in the present case are strikingly similar to those of *Lange.* Here, Officer Griffin pursued Lawton after he failed to stop when Griffin illuminated his lights on 49th Street and followed Lawton to and into the Warehouse to question him for suspected driving under the influence. Even when the totality of the circumstances are considered,

Officer Griffin's conduct should be excepted from the warrant requirement of the Fourth Amendment. Officer Griffin witnessed Lawton vomiting out of his vehicle on a public roadway, Lawton fluctuating in speed, drifting into and out of the roadway, and engaging in furtive movements indicative of an attempt to hide contraband. Officer Griffin attempted to stop Lawton by engaging his lights, and in response Lawton increased his speed by five miles per hour in an attempt to elude Officer Griffin. When he pulled into the public lot next to the Warehouse, Officer Griffin observed Lawton run into the building and into a back room within the warehouse to evade Officer Griffin. The totality of the aforementioned circumstances, taken together, indicate that Officer Griffin's conduct qualifies for exception from the Fourth Amendment's warrant requirement, even after *Lange v. California*.

The Supreme Court has also recognized an exception to the Fourth Amendment's warrant requirement when the law enforcement officer believes someone occupying the premises is in need of medical attention. *Mincey v. Arizona*, 427 U.S. at 392. The medical attention exception to the warrant requirement requires only an objectively reasonable basis for believing that a person within the house is in need of immediate aid. *Michigan v. Fisher*, 558 U.S. 45, 47 (2009). Here, Officer Griffin had an objectively reasonable belief that someone inside of the Warehouse was in need of medical attention. Be it by virtue of actual illness, or by virtue of drug or alcohol intoxication, Officer Griffin nevertheless witnessed Lawton vomiting into 49th Street and swerving into and out of the roadway. Officer Griffin witnessed Lawton doubled over, seemingly in pain, walking across the parking lot and into the Warehouse. When Officer Griffin encountered Lawton again,

Lawton informed him that he was very ill and needed a doctor. Officer Griffin was so concerned for Lawton's health that he even called him an ambulance, and Lawton was subsequently transported by ambulance to the hospital. Because the aforementioned facts gave Officer Griffin an objectively reasonable belief that Lawton was in need of medical attention, his warrantless search of the Warehouse should be excepted from the Fourth Amendment's warrant requirement.

Because Officer Griffin had probable cause to enter the Warehouse, coupled with the attendant risk of destruction of evidence, Officer Griffin's hot pursuit of Lawton, and Officer Griffin's belief that Lawton was inside of the premises in need of medical attention, and because the government has met its burden in proving those circumstances existed at the time of Officer Griffin's warrantless entry into the warehouse, Officer Griffin's conduct should be excepted from the warrant requirement of the Fourth Amendment due to exigent circumstances. For these reasons, the Court should deny Defendant's Motion to Suppress.

II. OFFICER GRIFFIN'S DISCOVERY OF THE COCAINE WAS LAWFUL BECAUSE IT'S DISCOVERY WAS INEVITABLE.

Evidence obtained in violation of the Fourth Amendment may nevertheless be admissible if the prosecution can prove by a preponderance of the evidence[2] that its ultimate discovery by law enforcement by lawful means was inevitable. *Nix v. Williams*, 467 U.S. 431, 444 (1984). The Court reasoned that, in circumstances where discovery

[2] "The burden of showing something by a preponderance of the evidence requires the trier of fact to believe that the existence of a fact is more probable than its nonexistence." *Metro. Stevedore Co. v. Rambo*, 521 U.S. 121, 137 n.9 (1997).

was inevitable, the deterrence rationale behind the exclusionary rule is *de minimis* and thus such evidence should be accepted by the Court. *Id*. at 445. To determine whether a piece of evidence's discovery was inevitable, the court must focus on demonstrated historical facts capable of ready verification. *Id.* at 444 n.5. There is a circuit split with respect to whether an independent line of investigation is required for the inevitable discovery exception to apply. *United States v. Kennedy,* 61 F.3d 494, 498 (6th Cir. 1995).

Here, Officer Griffin's discovery of the cocaine should be excepted from the warrant requirement of the Fourth Amendment because its discovery by law enforcement was inevitable and demonstrable by historical facts. Officer Samy Vann testified before the grand jury in this case that Lawton was the target of a long-term DEA narcotics trafficking investigation. Vann testified that he surveilled Lawton over the course of a month to confirm information received from a confidential informant that indicated Lawton was trafficking cocaine. Vann testified that he was in the process of watching the Warehouse to determine where the cocaine was going, and that he was working to gather enough information to obtain a search warrant for the Warehouse. Here, the historical facts of this case surrounding Vann's investigation demonstrate that it was more likely than not that the cocaine would have inevitably been found through Officer Vann's lawful investigation.

Even if we are to assume, *arguendo,* that the Fourteenth Circuit would require an independent line of investigation for the inevitable discovery exception to apply, the independent line of investigation requirement is still met by the facts of this case. Officer Vann was already conducting an independent investigation into Jamie Lawton's

suspected narcotics trafficking at the time Officer Griffin conducted his warrantless search, entirely independent of Officer Griffin's DUI investigation. Because Officer Vann's independent investigation into Lawton with respect to the narcotics trafficking preceded and was independent of Griffin's DUI investigation, even if the Fourteenth Circuit imposed this additional requirement, the facts of this case would still satisfy the inevitable discovery exception based upon Officer Vann's independent investigation.

CONCLUSION

For the foregoing reasons, Defendant's Motion to Suppress should be denied because (I) Officer Taylor Griffin's (hereinafter "Officer Griffin") warrantless entry into the warehouse was lawful in that (A) Lawton did not have a reasonable expectation of privacy in either his blood, breath and urine or the Warehouse and (B) in the alternative, Officer Griffin's warrantless entry was excepted from the Fourth Amendment's warrant requirement due to the attendant exigent circumstances; and (II) Officer Griffin's discovery of the cocaine was lawful because it's discovery was inevitable.

WHEREFORE Prosecution respectfully prays this court DENY Defendant's Motion to Suppress.

Dated: September 1, 2023

Respectfully submitted,

/s/ Team 115

Attorneys for Prosecution