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

UNITED STATES OF AMERICA	)	
	)	
	)	
vs.	)	CASE NO.: 2023-CR-812
	)	
JAMIE LAWTON,	)	
Defendant.	)	

DEFENDANT'S MEMORANDUM IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE

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INTRODUCTION

Defendant Jamie Lawton, the defendant in the above captioned criminal case, hereby moves, pursuant to the Fourth Amendment of the United States Constitution and Fed. R. Crim. P. 12, 41, and 47 to suppress any evidence from 900 49th Street, Stetson, Florida, on June 8, 2023, including, but not limited to, any narcotics recovered from the residence.

STATEMENT OF FACTS

Jamie is 25 years old and lives at 900 49th Street in Petersburg, Stetson. R. 61. He has owned and lived at this residence for three months. *Id.* Jamie currently works both as a railroad conductor for West Coast Stetson Railway and also as a bartender. *Id.*

On June 8, 2023, Jamie was at the Right on Cue: Pool House & Casino in the afternoon with friends, where he consumed half a beer and then departed between 3:45pm to 4:00pm. R. 62. Jamie drove his cousin Kevin's truck. *Id.* Shortly into his drive, he began to feel "awful" with "sharp pain" in his stomach. *Id.* Jamie approached and stopped at the intersection of 49th and Raymond Blvd, and "threw up a little" in his mouth. *Id.* He opened the door to spit it out. *Id.*

At this point, Officer Taylor Griffin, a Patrol Officer for the Petersburg Police Department, approached the same intersection and witnessed Jamie "throwing up

out of the driver's side door of a red truck." R. 20. Officer Griffin was in a standard, marked, St. Petersburg SUV. R. 26. Officer Griffin mistakenly believed Jamie to be another individual, Kevin James. R. 20. Officer Griffin stated that he wasn't sure "[Jamie] wasn't just rinsing his mouth and spitting... but it looked like he was puking." R. 21. Officer Griffin also noted the difference between Jamie and James's hair style, reconciling the difference by guessing; "I figured [James's] hair grew out." R. 22. Officer Griffin further reconciled a difference in hair color between the two men stating, "I figured James dyed it." R. 23. Officer Griffin believed the truck's missing back plate was because "I believe James removed the back plate and dyed his hair to avoid getting caught for Operating with a DUI Suspension." *Id.* Officer Griffin could not tell from his vantage point whether the driver was a man or a woman. *Id.*

While stopped at the intersection, Jamie stated that "the pain worsened on the right side" of his stomach such that it "nearly took my breath away." R. 63. He drove straight home, minding the speed because he "was afraid if I drove too fast that [his cousin's] truck would break down." *Id.* Officer Griffin noted that Jamie's vehicle was "slow to get going", and that Jamie's speed fluctuated between 45-50 mph, under the 55 mph speed limit. R. 24. Officer Griffin then put on his lights to "pull the driver over" R. 26. Officer Griffin intended to arrest Jamie, believing him to be James, for a second DUI within three years, a violation of probation, as well as

Operating a Motor Vehicle under a DUI suspension and failure to display plates. R. 27. Officer Griffin then continued to follow Jamie's vehicle for three miles, but never turned on his sirens. *Id.* While Jamie's vehicle increased speed by "about 5 mph," Officer Griffin admits the acceleration wasn't "to the point of engaging me in pursuit or trying to elude me." R. 28.

While approaching Jamie's residence at 900 49th Street, Officer Griffin radioed for support. Lieutenant Samy Vann, a Task Force Officer who is head of the narcotics division of the St. Petersburg police, ordered Officer Griffin to not go in. *Id.* Lieutenant Vann explained that Jamie's residence was under surveillance and that at least one person "was purporting to live there". *Id.* Officer Griffin disregarded Lieutenant Vann's orders, believing that he had "probable cause to get the guy for a DUI and other charges" and that the longer he waited, the more likely Jamie's blood alcohol content level would drop. *Id.* Officer Griffin felt that "if the driver saw me following him and there were drugs in the building, the driver would probably get rid of them." R. 29. After Jamie parked, Officer Griffin noted the driver "stumbled out of the truck and walked fast toward the door." R. 31. Jamie entered without looking back at Officer Griffin. *Id.* Officer Griffin neither yelled at Jamie to stop, nor stopped to knock and announce himself prior to entering the Jamie residence. R. 32. As Officer Griffin followed Jamie into the residence, he noted the presence of "No Trespassing, Private Property" signs on each of two entry doors. R. 30, 74.

Without knocking on the resident's door, Officer Griffin entered Jamie's residence and found himself standing in a large space with an open area in the wall approximately thirty yards to his right. R. 33. Hearing voices, Officer Griffin approached an opening in the wall where he observed a kitchen to his left and shelving with pallets to his right. R. 33. In the kitchen, Officer Griffin found both Jamie and another individual, Kell Halsted, cooking food and talking. R. 34. Officer Griffin identified himself and requested to speak with Jamie, who Officer Griffin had now realized was definitely not Kevin James. *Id.* Officer Griffin explained to Jamie that he had observed Jamie's driving and believed he may be under the influence of alcohol or drugs. *Id.* Jamie apologized to Officer Griffin, explaining that he was extremely sick, did not see Officer Griffin behind him and needed to see a doctor immediately. R. 35. Officer Griffin ignored Jamie's and instead demanded that Jamie turn over his driver's license. *Id.* Officer Griffin observed Jamie doubled over, wincing as he struggled to remove his wallet from his back pant pocket. *Id.* At this time that Kell asked Officer Griffin to leave the residence, and Officer Griffin refused. *Id.* Jamie expressed to Officer Griffin that he would going to call an ambulance for himself and wanted Officer Griffin to leave. R. 36. Again, Officer Griffin refused. *Id.*

In observing Jamie's physical appearance and demeanor, Officer Griffin admitted that Jamie "didn't look good," was pale and sweaty, and his breath smelled

like peppermint. R. 38. Because of his appearance and symptoms, Officer Griffin radioed for an ambulance. R. 36. While waiting for medical personnel to arrive, Officer Griffin claimed to have observed Kell look over towards a wooden pallet that was positioned behind a shelf. *Id.* However, because of the pallet's location behind the shelving, and the large number of objects in the residence, Officer Griffin could not ascertain what precisely Kell was looking at. R. 36. During this time, Jamie explained to Officer Griffin that he was not drunk and had only had half a beer earlier in the day at the local pool hall, along with some peppermint Schnapps he used to wash the vomit taste out of his mouth. R. 37, 63. Jamie then informed Officer Griffin that he worked as a train conductor and bartender, which Officer Griffin confirmed when he later ran Jamie's license. R. 37. Officer Griffin also confirmed that Jamie had no criminal history. *Id.*

When the ambulance finally arrived, EMT's examined Jamie and surmised that he likely was suffering from acute appendicitis and would need to be admitted to the emergency room at McDaniel Medical Center immediately. R. 38. After loading Jamie onto a stretcher, Officer Griffin alleges that he followed the EMT's path as they left the residence. R. 39. In doing so, Officer Griffin did not walk to the door he entered, and instead walked to the left towards the wooden pallets. R. 48. While the door EMT's exited from was at an angle on the far-right side of the room, Officer Griffin took a wide arc and instead walked to the left of the room next to the

pallets. R. 70. Instead of continuing to follow the EMT's, Officer Griffin stopped, bent over, and lifted a large tarp that had been covering one of the pallets revealing three packages wrapped in saran wrap and duct tape. R. 48. The packages were turned over to DEA agents, who had surrounded Jamie's residence while Officer Griffin was inside. *Id.* At around 5:00 PM Lieutenant Vann applied for and was granted an emergency search warrant for the home, however no weapons, cash, packaging materials, nor other narcotics were in the home. R. 59. Kell was arrested shortly thereafter. R. 48.

Approximately thirty minutes after his discovery, Officer Griffin arrived at McDaniel Medical Center where Jamie was being treated. R. 49. Jamie, who had been diagnosed with acute appendicitis was awaiting emergency surgery to remove his appendix. *Id*. As Jamie was waiting to enter the operating room, Officer Griffin repeatedly requested that Jamie submit to a urine test. *Id.* Even though Jamie was in a severe amount of pain, he voluntarily offered to submit to a blood draw instead to document his blood alcohol content (BAC) level. *Id*. Nurse Connie Passwaters administered such test at approximately 5:45 pm and later lab results revealed a BAC of .04. *Id*. Following his surgery, Jamie was arrested for Conspiracy and Possession of Cocaine with Intent to Distribute, as well as Driving Under the Influence and is currently remanded in jail. R. 65.

ARGUMENT

I. OFFICER GRIFFIN'S ENTRY INTO THE LAWTON RESIDENCE WAS WITHOUT JUSTIFICATION FOR WARRANTLESS ENTRY AND VIOLATED JAMIE'S FOURTH AMENDMENT RIGHTS

The State of Stetson violated the Fourth Amendment when Officer Griffin entered Jamie's residence without a warrant. Officer Griffin lacked reasonable suspicion and probable cause to detain Jamie.

A. Officer Griffin Did Not Have Probable Cause, Let Alone Reasonable Suspicion, to Detain Nor Arrest Jamie.

Officer Griffin's intent to stop Jamie on June 8, 2023 was predicated on an unreasonable, subjective belief that Jamie's general description matched another individual and an unreasonable construal of vomiting as indicative of intoxication. R. 20. Officer Griffin's subsequent intent to effect an arrest of Jamie, based on flimsy facts, lacked probable cause. R. 27.

The Fourth Amendment affirms "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. CONST. amend. IV. While the Supreme Court has held that probable cause "is not a high bar", it has also qualified that "[i]t requires only the "kind of 'fair probability' on which 'reasonable and prudent [people,] not

legal technicians, act.'" *Kaley v. United States*, 571 U.S. 320, 338 (2019). The Court has established several exceptions to the probable cause requirement, notably that of a brief detention, or *Terry* stop, which is justified only when "in determining whether the officer acted reasonably in such circumstances, due weight must be given, not to his inchoate and unparticularized suspicion or 'hunch,' but to the specific reasonable inferences which he is entitled to draw from the facts in light of his experience." *Terry v. Ohio*, 392 U.S. 1, 27 (1968). The "'reasonable suspicion' standard is lower than probable cause." *United States v. Graves*, 877 F.3d 494, 498 (3rd Cir. 2017). The standard is objective, not subjective. "The principal components of either Inquiry are (1) a determination of the historical facts leading up to the stop or search, and (2) a decision on the mixed question of law and fact whether the historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to reasonable suspicion or to probable cause." *Ornelas v. United States*, 517 U.S. 690, 691 (1996).

Officer Griffin's initial intent to detain Jamie was predicated on nothing more than a 'hunch.' Indeed, Officer Griffin admits that he initially thought Jamie was another individual, Kevin James. R. 20. Officer Griffin noted several differences between Jamie and James, including different hair styles, hair color and differences between their two vehicles, but then rationalized away significant disparities such that his suspicion was not objectively reasonable. R. 22, 23. Officer Griffin

unreasonably concluded that his target had changed his hair style, dyed his hair color and removed a back license plate from his vehicle in order to avoid getting caught for operating with a DUI suspension. *Id.* Yet Officer Griffin didn't even bother to pull over the driver for a license plate infraction, which would have established identity, nor did he attempt to run the license plate to confirm registration. R. 21. In fact, Officer Griffin admits that he couldn't even tell if the driver was a man or woman. R. 23. Officer Griffin assumes that Jamie was "drunkenly throw[ing] up," but he admitted that he "can't say for sure [Jamie] wasn't just rinsing his mouth". R. 17. Reasonable suspicion "requires more than a mere hunch." *United States v. Campbell*, 549 F.3d 364, 370 (6th Cir. 2008). Here, Officer Griffin's assessment is so colored by unreasonable hypothesizing that it is almost delusional.

Officer Griffin's rationalization of contradictory facts fails a reasonable person, objective standard for the reasonable suspicion required for a *Terry* stop. His subjective assessment, even in good faith, is insufficient to meet an objective reasonable suspicion standard. The reasonable suspicion standard is lower than that of probable cause, and accordingly, Officer Griffin could not meet the even higher 'totality of circumstances' hurdle for probable cause needed to justify an intent to arrest.

B. Officer Griffin Did Not Meet the Exigent Circumstances Exemption for Warrantless Entry of a Residence.

Officer Griffin mischaracterizes his "hot pursuit" of Jamie because Jamie was never aware a police officer was following him and thus never in 'flight', a definitional requirement of the exigency itself. Furthermore, suspicion of driving under the influence fails to meet the gravity of underlying offense threshold required to qualify as an exigency permitting warrantless entry.

The Supreme Court has held that "no amount of probable cause can justify a warrantless search or seizure absent 'exigent circumstances.'" *Coolidge v. N.H.*, 403 U.S. 443, 468 (1971). "[E]xcept in carefully circumscribed instances, 'the Fourth Amendment forbids police entry into a private home to search for and seize an object without a warrant,'" *Payton v. N.Y.*, 445 U.S. 573, 581 (1980). The Court has identified "hot pursuit" as an exigent circumstance sufficient to justify "sufficient to justify the warrantless entry" of police, when "an arrest which has been set in motion in a public place." *United States v. Santana*, 427 U.S. 38, 43 (1976). However, "[a]n important factor to be considered when determining whether any exigency exists is the gravity of the underlying offense for which the arrest is being made." *Welsh v. Wis.*, 466 U.S. 740, 741 (1984). The Court has deferred to a state's classification of an offense to determine gravity, holding that in Wisconsin, for example, "a warrantless home arrest cannot be upheld simply because evidence of the petitione''s blood-alcohol level might have dissipated while the police obtained a warrant." *Id.* at 754. "[I]t is clear that, whatever 'rare' circumstances might justify

a warrantless home entry to investigate a misdemeanor, misdemeanor driving while under the influence, the very offense at issue in *Welsh* and cited by *Johnson*, does not fall within that very narrow exception." *Hopkins v. Bonvicino*, 573 F.3d 752, 769 (9th Cir. 2009) (citing *United States v. Johnson*, 256 F.3d 895 (9th Cir. 2001)). Stetson bifurcates the offense levels for its statutory classification of Driving under the Influence; the first violation is a first-degree misdemeanor while the second violation within three years after a prior conviction is a third-degree felony. 14. Stet. Stat. § 227a.

Assuming *arguendo* that Officer Griffin had probable cause for an arrest of Jamie when stopped at the intersection of 49th and Raymond, his entry of the residence of 900 49th Street required a warrant. First, Jamie was never in flight. "Flight is viewed in the law of evidence as admission by conduct which expresses consciousness of guilt." *United States v. Borders*, 693 F.2d 1318, 1325 (11th Cir. 1982). Yet even Officer Griffin cannot assert that Jamie was aware he was under arrest let alone attempting to evade arrest; in fact, he reports Jamie affirmed "I didn't see you behind me" when confronted. R. 35. Stetson's statute defining the offense of flight requires a *mens rea* element: "No person operating a motor vehicle … shall increase the speed of the motor vehicle in an attempt to escape or elude such police officer." 14. Stet. Stat. § 223. Jamie was not attempting to escape nor elude Officer Griffin and was not charged with violation of such statute. While Officer

Griffin indicates that he put his lights on to pull over Jamie for a presumed *Terry* stop, he never activated his sirens. R. 26, 27. Never is it apparent that Jamie is aware a police officer has set into motion an arrest, much less a "hot pursuit." For a hot pursuit exigency to exist, "there also must actually be a chase." *Knowles v. City of Benicia*, 785 F. Supp. 2d 936, 945 (E.D. Cal 2011). In fact, Officer Griffin admits that Jamie's vehicle speed never accelerated "to the point of engaging me in pursuit or trying to elude me". R. 28. Despite Officer Griffin's later subjective, unreasonable and contradictory statement that Jamie was "trying to elude" him, Officer Griffin curiously never yelled nor gave audible cues to Jamie to stop. R. 31. Indeed, Officer Griffin admits "[a]t no point did I observe the driver look back at me." R. 47.

Second, when Officer Griffin radioed for back up while turning into the warehouse, he was advised by Lieutenant Samy Vann that the warehouse was in fact a residence, underscoring the Fourth Amendment requirement for a warrant prior to entry. R. 28. Furthermore, the Supreme Court has clearly established that driving under the influence, when classified as a misdemeanor, does not meet the gravity of underlying offense requirement to meet exigent circumstances. *Welsh*, 466 U.S. at 741. While the State may argue that Officer Griffin, in good faith, made a mistake of fact in belief that he was chasing a suspect for whom a driving under the influence violation would constitute a felony, the "the exigency analysis must turn on 'the *gravity* of the underlying offense,' not its status as 'jailable' or 'nonjailable.'"

Hopkins, 573 F.3d at 768 (citing *Welsh*, 466 U.S. at 753). The Supreme Court has highlighted "minor, non-violent conduct" as precisely that where "officers can probably take the time to get a warrant. And at times that will be true even when a misdemeanant has forced the police to pursue him." *Lange v. California*, 141 S. Ct. 2011 (2021). Stetson has classified as a misdemeanor the first violation of driving under the influence, a clear indication that overall, the violation does not meet the "gravity of underlying offense" threshold required to justify warrantless entry of a residence. 14. Stet. Stat. § 227a.

"[T]he burden is on the government to demonstrate exigent circumstances that overcome the presumption of unreasonableness that attaches to all warrantless home entries." *Welsh*, 466 U.S. at 750. The State fails to do so here and as such, Officer Griffin's warrantless entry was unreasonable and unconstitutional.

II. OFFICER GRIFFIN'S UNLAWFUL SEIZURE OF JAMIE'S PROPERTY WITHOUT AN EXCEPTION TO THE WARRANT REQUIREMENT VIOLATED JAMIE'S FOURTH AMENDMENT RIGHTS

The State of Stetson violated the Fourth Amendment when Officer Griffin unlawfully searched Jamie's home absent an exception to the warrant requirement and seized property as a result of said search. As none of the recognized exceptions to the warrant requirement were present, the State's assertion that Officer Griffin's seizure is subject to the plain view doctrine is illegitimate for the foregoing reasons.

A. Officer Griffin's Seizure of Jamie's Property Was Outside the Scope of Original Alleged Exigency and Does Not Meet the Requirements of the Plain View Doctrine.

Unless one of the narrow exceptions to the warrant requirement is present, courts have held that any fruits of a search conducted at a residence without a warrant will be subject to the exclusionary rule. *Kirk v. La.*, 536 U.S. 635, 638 (2002). Where police entry into a home is nonconsensual, the Fourth Amendment is violated absent an arrest warrant, a search warrant, or probable cause and the existence of exigent circumstances. *Payton*, 445 U.S. at 590, 603. While courts have established that in conducting warrantless searches, specific circumstances may allow law enforcement to seize evidence found in plain view, such circumstances require one of the recognized exceptions to the warrant requirement to render such a search legitimate. *Coolidge*, 403 U.S. at 465.

For the plain view doctrine to apply three requirements must be met: (1) the officers must be lawfully in a position from which they view the object; (2) the officer must have a lawful right of access to the object; and (3) the incriminating nature of the object must be immediately apparent. *Horton v. Cal.*, 496 U.S. 128, 136 (1990). As Officer Griffin was in an unlawful position in Jamie's home, had no lawful right of access to Jamie's property, and the incriminating nature of Jamie's property was not immediately apparent, Officer Griffin's seizure was in direct violation of Jamie's Fourth Amendment rights.

B. Officer Griffin Was Not in a Lawful Position From Which he Viewed Jamie's Property and Therefore Had No Lawful Right of Access to It.

Courts have found that a required predicate to any lawful warrantless seizure of incriminating evidence, is that an officer "did not violate the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed." *Horton*, 496 U.S. at 136. In making this determination, courts look at whether a warrant or exception to the warrant requirement justified an officer's arrival at the "plain-viewing" position, as plain view alone is not enough to substantiate the warrantless seizure of evidence. *United States v. Paige*, 136 F.3d 1012, 1023 (1998); *Coolidge*, 403 U.S. at 468. Even if an officer, in observing potential evidence from a lawful position, suspects that certain items should be seized, that officer should consider whether the evidence is likely to be destroyed or disappear in the amount of time it would take them to obtain a warrant. *Lange*, 141 S. Ct. at 2017. In making such a determination, an officer must believe that there is "a 'substantial risk [that] would arise if the police were to delay a search until a warrant could be obtained." *United States v. Reid*, 226 F.3d 1020, 1027–28 (9th Cir. 2000) (quoting *United States v. Gooch*, 6 F.3d 673, 679 (9th Cir. 1993).

For example, in *United States v. McLeavin*, 310 F.3d 434, 443 (6th Cir. 2002), the Sixth Circuit found that since an officer's suspect was in custody, and other individuals living in the home were under surveillance, there was no risk of evidence being destroyed and therefore the officers had no lawful right of access to the items.

Here, at the time of Officer Griffin's seizure, Jamie was in the custody of paramedics, Kell was not near the potential evidence, and Drug Enforcement Agents were surrounding Jamie's residence. Upon seeing what he believed was contraband, he did not notify a supervisor or superior of his "findings," nor of his "fear" that potential evidence may be destroyed. Instead, in a moment of excitement, Officer Griffin decided to move the tarp that was covering the object, and then touch the evidence directly. There was no risk nor potential that evidence would be destroyed in the amount of time it would have taken Officer Griffin to notify his superior and obtain a warrant. Officer Griffin saw something wrapped in plastic, and instead of seeking out a warrant to further investigate what the object was, he removed a tarp covering the item and then claimed that he discovered the cocaine in 'plain view.' As a result of the aforementioned actions, Officer Griffin was not lawfully in a position from which he viewed Jamie's property and therefore had no lawful right of access to it.

C. **The Incriminating Character of Jamie's Property Was Not Immediately Apparent.**

To search an object under the plain view doctrine requires that its criminal nature be apparent at its initial discovery. *Ariz. v. Hicks*, 480 U.S. 321, 334 (1987). The incriminating character of a piece of evidence is "immediately apparent" when an officer has probable cause to associate the property with criminal activity.

Tex. v. Brown, 460 U.S. 730, 738 (1983). Absent probable cause, a police officer may not move an object to reveal its potentially incriminating nature before seizing it, nor does the doctrine does not apply to items or objects that an officer thinks are "suspicious." *McLevain*, 310 F.3d at 443. In *Hicks*, the Court found that an officer's moving of potential contraband to determine its criminal nature was a "search" considered separate and unrelated from a search that was the original lawful objective of entering a residence, and therefore not considered part of a plain view search. *Hicks*, 480 U.S. at 325. In cases where an item may look suspicious to an investigating officer, but further investigation is necessary to establish probable cause as to its connection with criminal activity, the item is not "immediately incriminating." *United States v. Byrd*, 2000 U.S. App. LEXIS 7284, at *7 (6th Cir. Apr. 18, 2000). In determining whether evidence is immediately apparent, courts also consider the totality of circumstances in assessing whether probable cause was present, including an officer's training, experience, and knowledge of the specific situation at hand. *Paige*, 136 F.3d at 1024.

In *United States v. Brown*, 79 F.3d 1499, 1509 (1996) the police observed a metallic, chrome object in a bag and suspected but did not know that the object was a weapon. Since it was only after the bag was opened that it became evident that the object was a gun, the court held that seizure of the gun was not valid as the gun's incriminating nature was not immediately apparent. *Id.* at 1501; *see also McLeavin*,

310 F.3d at 438 (reasoning that while items such as a "twist tie," a cut cigarette filter, and spoon with residue on it may be seen as "odd," such items could not be clearly identified as contraband by officers and therefore their nature was not clearly apparent).

Similarly, Officer Griffin did not have an open line of sight to the evidence. He observed something wrapped in plastic and suspected, but did not know, that the object was contraband. In fact, Lieutenant Vann heard Officer Griffin saying, "Exactly what I thought," after he had lifted the tarp and looked at the packages. R. 58. It was only after Officer Griffin turned over the packages to Lieutenant Vann and the DEA team that his hunch about the contents of the package were confirmed. R. 40. Officer Griffin was not trained in positive drug identification; his training had been limited to viewing only pictures of drugs packaged for sale. R. 40. He did not know for certain what was in the package, as evidenced in his direct testimony and his own initial description was that he saw something that "looked like the edge of something light-colored wrapped in plastic wrap and packing tape partially covered by a tarp." R. 39.

Even if Officer Griffin's prior conversation with Lieutenant Vann regarding the DEA's investigation into Jamie gave rise to Officer Griffin's suspicions that Jamie had drugs in his home, such suspicions were not enough for seizure. Courts have found that there are "many times when a police officer may 'expect' to find

evidence in a specific place, and that expectation may range from a weak hunch to a strong suspicion." *United States v. Hare*, 589 F.2d 1291, 1294 (6th Cir. 1979). Nonetheless, the Fourth Amendment forbids either a warrant to issue or a search based on such "expectation." *Id.*

CONCLUSION

This court should grant Defendant's Motion to Suppress evidence seized from the Lawton residence as it was obtained in direct violation of Jamie's Constitutional rights to be from illegal searches and seizures. In this case, the State's warrantless entry and search of 900 49th Street on June 8, 2023, was unconstitutional. The State did not have either an arrest or search warrant, nor did an exception to the warrant requirement exist at the time Officer Griffin entered the residence. Accordingly, the evidence seized by Officer Griffin must be suppressed.

Dated: September 1, 2023

Respectfully Submitted,

/s/ TEAM 116
Attorneys for Defense
Team 116