
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.	)	

STATE'S MEMORANDUM OPPOSING
DEFENDANT'S MOTION FOR SUPPRESSING EVIDENCE

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INTRODUCTION

The United States of America, by its undersigned attorneys, hereby responds to Defendant, Jaime Lawton's, Motion to Suppress Evidence and moves this Court to deny the motion pursuant to the Fourth Amendment to the United States Constitution and Fed. R. Crim. P. 12, 41(f), and 47.

STATEMENT OF FACTS

Taylor Griffin is a Patrol Officer within the Petersburg Police Department's Traffic Enforcement Division. R. 15–16. Defendant, Jamie Lawton, is a 25 years old and employed by the West Coast Stetson Railway as a railroad conductor. R. 61. Samy Vann is a Lieutenant in the Petersburg Police Department's Narcotics Unit, and a deputized agent for the Drug Enforcement Agency (DEA). R. 50. Kell Halstead is 34 years old and admits to smuggling narcotics for a cartel. R. 66. Between January 2023 and June 8, 2023, Halsted paid Defendant $1,000 per week to move packages via Defendant's access to the federal railway system. R. 66–67. Defendant referred to the contents of the packages as "Escobar product," an allusion to cocaine. R. 67.

Tipped off by a confidential informant, Lieutenant Vann and his team observed three separate occasions in which Defendant would clock out early or late, meet a truck on the side of the railyard, and load large duffle bags into the side of the train. R. 52. The team's surveillance led to an abandoned warehouse located at

900 49th Street in Petersburg, Stetson. *Id.* Defendant owns the warehouse, and the city of Petersburg owns the adjoining parking lot. R. 55.

On June 8, 2023, at approximately 1:00 p.m., Defendant, along with friends, purchased four beers and two alcohol shots at Right on Cue Pool House & Casino. R. 62, 95. At approximately 3:45 p.m., Defendant left Right on Cue. R. 62. At 4:00 p.m., Officer Griffin was patrolling in a marked Petersburg Police Department cruiser on 49th Street. R. 17, 26. Upon arrival at the intersection of 49th and Raymond Boulevard, Officer Griffin spotted a red "jacked-up" Chevrolet S10 four-door pickup truck with a distinctive bumper sticker. R. 18, 20.

As Officer Griffin came to a stop, he observed the truck driver vomit outside the driver's side door. R. 20–22. Based on the truck's unique appearance, Office Griffen presumed the driver was Kevin James, a known repeat offender. R. 20–21. James' description reasonably resembles Defendant. R. 22. Additionally, the truck was illegally missing a rear license plate, and Officer Griffin was unable to view the front license plate. *Id.* After the traffic light turned green, Defendant shut the driver's side door and drove away. R. 24. Officer Griffin pursued the truck as it traveled down 49th Street. *Id.* Defendant drove erratically at inconsistent speeds under the speed limit and drifted in and out of the lane. R. 24–25. Officer Griffin turned on the police car's lights, but Defendant did not pull over. *Id.* Officer Griffin kept the lights on and continued to pursue Defendant for approximately three miles. *Id.* Eventually,

Defendant turned into the parking lot of a warehouse building that Officer Griffin presumed was abandoned. *Id.* Officer Griffin observed Defendant exit the truck and stumble quickly towards the building. R. 28, 31. Defendant quickly entered the building, leaving the warehouse door ajar. R. 31.

Officer Griffin remained in the police car and radioed for backup. R. 28. Lieutenant Vann responded and explained Defendant was a target of a long-term DEA narcotics trafficking investigation, and the warehouse was under surveillance by a joint state and federal DEA task force. R. 28, 51. Vann told Officer Griffin that the warehouse was being used as a stash house to store and move large quantities of cocaine. R. 28. After speaking with Vann, Officer Griffin followed Defendant into the warehouse, as Lieutenant Vann pulled into the parking lot. R. 31, 56. Officer Griffin entered into a large, empty well-lit space. R. 32. Officer Griffin walked approximately 30 yards toward an opening in the wall, where he observed a makeshift kitchen on the left, and rough shelving and pallets on the right. *Id.* Officer Griffin heard Defendant moan, "I'm gonna puke, I'm so sick!" R. 34. A second voice responded, "Gross, stay away from me! We got a good deal going down tonight and need the cash – get yourself together!" *Id.*

Officer Griffin identified himself by loudly stating, "Good evening, Petersburg Police. I want to speak to you," pointing at Defendant. *Id.* Officer Griffin, while still suspecting Defendant of driving under the influence, realized that

Defendant was not Kevin James, but rather James' cousin, Jamie Lawton. R. 34, 62. Officer Griffin explained his concerns about Defendant's erratic driving and that he suspected Defendant of driving under the influence. R. 34. Defendant claimed he did not see Officer Griffin behind them but felt very sick and required medical attention. R. 35. Officer Griffin asked Defendant and companion, Kell Halstead, for their driver's licenses. *Id.* Halstead refused and demanded Officer Griffin leave. R. 35, 58. After Defendant handed over his driver's license, Defendant told Officer Griffin to leave. *Id.* Fearing Defendant and Halstead would hide or destroy evidence if he left, Officer Griffin stayed to complete his investigation. R. 36. Officer Griffin saw Defendant had bloodshot and watery eyes with dilated pupils, which based on Officer Griffin's DUI training was consistent with alcohol consumption. R. 37, 48. Officer Griffin radioed for an ambulance. R. 36.

While waiting for the ambulance to arrive, Officer Griffin noticed both Defendant and Halstead looking toward a particular wooden pallet that was partly behind a shelf. R. 38. Officer Griffin asked Defendant where Defendant had been prior to the drive. R. 37. Defendant told Officer Griffin he had been at a pool hall near Bishop Square, where had eaten food and drank half a beer. *Id.* Defendant repeatedly stated, "I am not drunk." *Id.* After approximately ten minutes, the ambulance arrived. R. 38. EMT's suspected Defendant was suffering from acute appendicitis and immediately took Defendant to McDaniel Medical. *Id.*

As Officer Griffin was exiting the warehouse using a different exit from where he entered, he spotted a 3" x 4" section of a light-colored package that appeared to contain a white powdery substance wrapped in plastic wrap and plastic tape that was partially draped under a tarp. R. 39–40, 48. Based on his training at the Police Academy and Lieutenant Vann's warnings, Officer Griffin suspected this package contained cocaine. R. 40. Officer Griffin removed the tarp and revealed three large packages containing 31 pounds of cocaine. *Id.* Officer Griffin seized the three packages and, once outside, handed them over to Lieutenant Vann and the DEA team for testing and weighing. *Id.* Officer Griffin left the warehouse to secure a urine sample from Defendant for DUI testing. R. 42.

At approximately 5:00 p.m., Lieutenant Vann applied for, and was granted, an emergency search warrant for the warehouse. R. 59. The search yielded no weapons or further drugs. *Id.* Lieutenant Vann reported that the warehouse was indeed just a "stash house" and not a residence. *Id.* At the hospital, in lieu of a urine sample, Defendant consented to a blood draw, which revealed a blood alcohol level of .04. R. 4

ARGUMENT

THE EVIDENCE COLLECTED BY OFFICER GRIFFIN SHOULD BE ENTERED AT TRIAL AS THERE WAS NO VIOLATION OF DEFENDANT'S FOURTH AMENDMENT RIGHT AGAINST UNLAWFUL SEARCHES AND SEIZURES

I. Officer Taylor Griffin's Entry Of The Warehouse Was Lawful And Did Not Violate Jaime Lawton's Fourteen Amendment Rights.

A. Officer Griffin's Entry Was Reasonable And Therefore Lawful Under Both The Hot Pursuit And Imminent Destruction Of Evidence Doctrine Exceptions.

The Fourth Amendment states in part that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated … ." U.S. CONST. amend. IV. Previous decisions by the Supreme Court held that "the ultimate touchstone of the Fourth Amendment is 'reasonableness.'" *Brigham City v. Stuart*, 547 U.S. 398, 403 (2006). While the reasonableness standard typically requires an officer to obtain a judicial warrant, the Supreme Court has enumerated several exceptions that waive the requirement for a warrant. *Id.* Historically, the Supreme Court has held that law enforcement officers may make a warrantless entry onto private property investigate a fire and its cause, *Mich. v. Tyler*, 436 U.S. 499, 509 (1978), to engage in the "hot pursuit" of a fleeing suspect, *United States v. Santana*, 427 U.S. 38, 42, 43 (1976), or to prevent the imminent destruction of evidence, *Ker v. Cal.*, 374 U.S. 23, 40 (1963). In the case at hand, the latter two exceptions apply; Officer Griffin was in hot pursuit of Defendant

and Officer Griffin had a reasonable concern of imminent destruction of evidence by Defendant.

During a search and seizure, an "officer's actions must be justified at its inception". *Hiibel v. Sixth Judicial Dist. Court of Nev., Humboldt Cty.*, 542 U. S. 177, 185 (2004) (quoting *United States v. Sharpe*, 470 U.S. 675, 682 (1985)). The reasonable suspicion necessary to justify such a stop "is dependent upon both the content of information possessed by police and its degree of reliability." *Ala. v. White*, 496 U.S. 325, 330 (1990). "The standard takes into account the totality of the circumstances—the whole picture." *Navarette v. Cal.*, 572 U.S. 393, 397 (2014) (internal quotations omitted). In *Kansas v. Glover*, 140 S. Ct. 1183, 1191 (2020), the Supreme Court provided the example that "if an officer knows that the registered owner of the vehicle is in his mid-sixties but observes that the driver is in her mid-twenties, then the totality of the circumstances would not raise a suspicion that the particular individual being stopped is engaged in wrongdoing." However, the *Glover* court held that the police officer had no sufficient evidence or information that the driver was not the one driving his own truck and therefore, the stop was justified. *Id.*

Here, like the officer in *Glover,* Officer Griffin had no information to believe that the driver was not Kevin James. The truck was identifiable by color, its "jacked-up" features and a bumper sticker of a stick figure peeing on the Ford logo.

R. 20–21. Officer Griffin was unable to run the license plate to confirm the owner of the truck as there was no back license plate. R. 21. Additionally, Officer Griffin witnessed Defendant leaning outside the door of the truck with the description matching the build of Kevin James. R. 22. Given the unique characteristics of the truck and the matching build of Defendant, Officer Griffin had no information to suggest that it was not Kevin James driving the truck. With Officer Griffin's knowledge of Kevin James' criminal history, Officer Griffin was justified in his pursuit of the truck and the driver to obtain evidence and investigate. This includes the entry of the warehouse and any subsequent investigative measures taken thereafter.

B. Officer Griffin Was Partaking In A Hot Pursuit Of Defendant, Granting Him Lawful Entry Into The Warehouse Without A Warrant.

The Supreme Court has consistently held for a pursuit to qualify under the hot pursuit doctrine there must be some sort of chase; the pursuit must be continuous; and the suspect should have known that the officer intended for him to stop. See *Mich. v. Chesternut*, 486 U.S. 567, 573-574 (1988); *Welsh v. Wis.*, 466 U.S. 740, 753 (1984); *Santana*, 427 U.S. 38, 43 (1976). The precedent set by the Supreme Court has given way to a case-by-case analysis and the deciding courts should take into account the totality of the circumstances surrounding the flight. *Lange v. Cal.*, 141 S. Ct. 2011, 2021 (2021).

The facts in this case do not indicate that at any point during the three-mile drive, the pursuit was interrupted nor did the pursuit end. Officer Griffin testified that he followed Defendant from the intersection of 49th and Raymond to the warehouse in question, making the pursuit continuous. R. 46–47. Further, Defendant should have known that Officer Griffin intended for him to stop. There is nothing in the record, other than Defendant's testimony that he didn't see the lights for three miles, to suggest that Defendant didn't know he was supposed to stop. In fact, Defendant's admission that he didn't see the lights, speaks to the fact that he knew that if an officer was following him with their lights on, he was required to stop. R. 64. While Officer Griffin did not have his audible siren on, he was not required to. Stetson's own state law implies that an officer only needs to use audible sirens *or* flashing/revolving lights. 14 Stet. Stat. § 223b. A reasonable person in the situation should have known that the officer intended for him to stop and therefore, so should have Defendant.

The Supreme Court held that a suspect in a hot pursuit "may not defeat an arrest which has been set in motion in a public place … by the expedient of escaping to a private place." *Santana*, 427 U.S. 38, 43 (1976). Such as the case in *Santana*, the pursuit of Defendant began at the intersection of 49th and Raymond. Undeniably, Defendant was in a public place when the pursuit first began, and he was not in an area where he could reasonably expect privacy. The Supreme Court has held in many

Fourth Amendment cases that, "what a person knowingly exposes to the public, even in his own house or office, is not a subject of Fourth Amendment protection". *Katz v. United States*, 389 U.S. 347, 351 (1967). The Court further reasoned that hot pursuit is an exigent circumstance that sufficiently justifies warrantless entry of police. *Santana*, 427 U.S. at 43. An important factor which needs to be considered is whether exigency exists in the gravity of the underlying offense for which the arrest is being made. *Welsh*, 466 U.S. 740, 741. Even as recently as 2021, the Supreme Court has continued to uphold the pursuit and arrest by a police officer who has a reasonable cause to believe that the suspect has committed a felony is lawful even without a warrant. *United States v. Watson*, 423 U.S. 411, 417 (1976) (See also *Lange*, 141 S. Ct. at 2023.)

Here, Officer Griffin had a reasonable belief that Defendant was committing a felony under United States federal law. Officer Griffin observed driving behavior which indicated that Defendant was driving under the influence. Defendant was seen throwing up while operating the vehicle with no license plate on the back of his truck, driving under the speed limit, and swerving into the emergency lane on multiple occasions, all indicating that he was under the influence. R. 17, 21, 24–25. Per the United States Code, "whoever operates or directs the operation of a common carrier while under the influence of alcohol or any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802)), shall be

imprisoned not more than fifteen years or fined under this title, or both." 18 U.S.C. § 342(a). Although the statute does not explicitly state that this is a felony, the implied prison sentence of more than one year insinuates that this is a felonious crime.

Officer Griffin was engaging in a hot pursuit because the chase of the Defendant was continuous, and Defendant should have known Officer Griffin wanted Defendant to stop. Additionally, Officer Griffin engaged in the pursuit of Defendant, an individual suspected of committing a felony, in a public place, and the pursuit did not end simply by Defendant's escape to a private place. Under these circumstances, Officer Griffin's entry to the warehouse was reasonable, lawful and therefore, so were the events that followed.

C. Officer Griffin Had Reasonable Belief That Defendant Was Going To Destroy Narcotics, Thus Granting Officer Griffin Lawful Entry To The Warehouse Without A Warrant Under The Imminent Destruction Of Evidence Doctrine.

Even if this court is unconvinced that hot pursuit on its own lawfully allows Officer Griffin to enter Defendant's warehouse, Officer Griffin's entry into the warehouse was lawful under the exigent circumstance of imminent destruction of evidence. When an officer makes an arrest without a warrant, the court must determine whether there was probable cause for the warrantless arrest. If there was, the Court said, "the arrest, though without a warrant, was lawful …." *Draper v. United States*, 358 U.S. 307, 310 (1959). As Justice Clark reiterated in

Ker, probable cause exists in circumstances "where 'the facts and circumstances within [the officers'] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed." *Ker*, 374 U.S. 23, 34-35 (1963) (quoting *Brinegar v. United States*, 338 U.S. 160, 175-76 (1949), and *Carroll* v. *United States*, 267 U.S. 132, 162 (1925)).

While the Supreme Court has held that the natural metabolization of alcohol in the bloodstream does not present a *per se* exigency, when the evidence being destroyed is drugs, the courts are more likely to hold the imminent destruction of evidence doctrine is applicable. *Mo. v. McNeely*, 569 U.S. 141, 141, 170 (2013). As the Supreme Court reasoned in *Kentucky v. King*, 563 U.S. 452, 461 (2011), the majority of cases in which evidence is destroyed is in drug cases. This is because drugs are easily destroyed by flushing them down the toilet or rinsing them down the drain. *Id.* The Court further reasoned that persons who are in possession of valuable drugs are unlikely to destroy them unless there is a chance that the drugs will be recovered by law enforcement. *Id.* Any rule that "precludes the police from making a warrantless entry to prevent the destruction of evidence whenever their conduct causes the exigency would unreasonably shrink the reach of this well-established exception to the warrant requirement." *Id.* at 461–62.

While Officer Griffin was originally pursuing Defendant because he was concerned that Defendant's blood alcohol level would drop, upon approaching the warehouse, Officer Griffin learned of the cocaine in the building. R. 28, 29. Officer Griffin received a call from Lieutenant Vann who stated that the building was under surveillance by a joint state and federal DEA task force because there was suspicion it was being used as a stash house to move large quantities of cocaine. R. 28. Following the rationale in *Ker*, which is still used by courts today, the information given to Officer Griffin by Lieutenant Vann was reasonably trustworthy as Lieutenant Vann is a Lieutenant in the Narcotics Unit for the Petersburg Police Department and a deputized agent for the Drug Enforcement Agency. R. 50. Based on the information he had, Officer Griffin reasonably believed that Defendant knew he was being followed by police and would want to destroy the cocaine because Defendant feared the police would discover it. It has yet to be held that an officer's belief that imminent destruction of drug evidence is insufficient cause to enter a person's property without a warrant.

Additionally, Officer Griffin was not required to knock before entering the warehouse. In 2006, the Supreme Court reasoned that the knock-and-announce rule is not necessary when there are circumstances which present a threat of physical violence or if there is "reason to believe that evidence would likely be destroyed if advance notice were given." *Hudson v. Mich.*, 547 U.S. 586, 589 (2006)

(quoting *Wilson v. Ark.*, 514 U.S. 927, 936 (1995)). The requirement in these cases is only that police have a reasonable suspicion in those particular circumstances. *Richards v. Wis.*, 520 U.S. 385, 394 (1997). The standard for what constitutes a reasonable suspicion has been recognized as not high by the Supreme Court. *Hudson*, 547 U.S. at 590. As discussed above, the information received by Officer Griffin from Lieutenant Vann, gave Officer Griffin a more than reasonable belief that the drugs and any evidence of, would be destroyed if he waited for a warrant to be executed.

Officer Griffin was engaged in a hot pursuit of Defendant and had reasonable belief that Defendant was going to destroy the cocaine, making Officer Griffin's entry into the warehouse reasonable and lawful. Therefore, the seizure of the cocaine and any evidence found inside of the warehouse was lawful because the narcotics found in the warehouse were in plain view of Officer Griffin and the narcotics would inevitably have been discovered due to a simultaneous ongoing federal surveillance operation.

II. The Seizure Was Lawful Because The Narcotics Were In Plain View Of The Seizing Officer, Immediately Appeared Incriminating In Nature, And Were At High Risk Of Destruction Under The Exigent Circumstances.

Officer Griffin lawfully discovered and seized the 31 pounds of cocaine. Under the plain-view doctrine, "[i]t is well established that under certain circumstances the police may seize evidence in plain view without a warrant." *Coolidge v. N. H.*,

403 U.S. 443, 455 (1971). In *Horton v. Cal.*, 496 U.S. 128, 134 (1990), the Court clarified that in addition to the threshold requirement that the police officer be present lawfully in the place where the evidence may be viewed, the object must be in plain view, and "the object's incriminating character must be 'immediately apparent.'" The doctrine applies whether or not the police find the evidence outside the bounds of an established warrant. See *Ariz. v. Hicks*, 480 U.S. 321, 326 (1987). The doctrine also applies if the police officer is operating under a warrant exception. *Horton*, 496 U.S. at 135. The Court in *Horton* explained, "[w]here the initial intrusion that brings the police within plain view of such an article is supported, not by a warrant, but by one of the recognized exceptions to the warrant requirement, the seizure is also legitimate." *Id.* Moreover, in *Horton*, the Court relaxed the "inadvertence" requirement from *Coolidge*, stating "no additional Fourth Amendment interest is furthered by requiring that the discovery of evidence be inadvertent." *Id.* at 140.

A. The Cocaine Was In Plain View Of The Seizing Officer.

The first prong of the test, that the officer lawfully made the initial intrusion, is established by the analysis above. *See supra* Section I. The second prong requires that the contraband must be in plain view of the officer. In *Hicks*, 480 U.S. at 324-325, the Court found that while the police officer's actions "did constitute a 'search' separate and apart from the search for the shooter, victims, and

weapons that was the lawful objective of his entry," the officer did not violate the Fourth Amendment by moving and inspecting the suspicious stereo equipment there. The Court made clear that this inspection outside the purview of the original reason for intrusion did constitute a search for Fourth Amendment purposes, but the search was reasonable under the circumstances. *Id.* Here, as in *Hicks*, Officer Griffin's decision to inspect the partially obscured cocaine constituted a search, but the search was reasonable. While Officer Griffin was speaking to Defendant and Halstead, both individuals shot furtive glances towards the cocaine. R. 38. Then, as Officer Griffin followed the EMT's out of the warehouse, Officer Griffin looked in the direction Defendant and Halstead had been glancing and immediately saw the cocaine. R. 39. While the cocaine was partially covered by a tarp, a significant section of the packages remained uncovered and allowed Officer Griffin to see them clearly. R. 39–40, 48.

B. The Contraband Appeared Immediately Incriminating.

This leads to the third requirement, that the incriminating character of the object is immediately apparent. The "item's incriminating nature is immediately apparent if the officer had probable cause to believe the object was contraband or evidence of a crime." *United States v. Castorena-Jaime*, 285 F.3d 916, 924 (1996). Moreover, a "seizing officer need not 'know' or have an 'unduly high degree of certainty' as to the incriminatory character of the evidence under the plain view

doctrine. All that is required is a 'practical, nontechnical probability that incriminating evidence is involved.'" *Id*. at 924 (citing and quoting *Hicks*, 480 U.S. at 326; *Tex. v. Brown*, 460 U.S. 730, 742, (1983); *United States v. Sanchez*, 89 F.3d 715, 719 (10th Cir.1996)).

In *Hicks*, 480 U.S. at 323, the officers spotted stereo equipment that was not the subject of the search warrant. However, the equipment appeared of disparately high quality compared to the surroundings. *Id.* Officers suspected the equipment was stolen and moved the stereo around in order to find and collect the serial numbers to determine their legitimacy. *Id.* While the officers' actions did qualify as a search, the Court found the search was reasonable, emphasizing "[i]t would be absurd to say that an object could lawfully be seized and taken from the premises, but could not be moved for closer examination. It is clear, therefore, that the search here was valid if the 'plain view' doctrine would have sustained a seizure of the equipment." *Id.* at 326. Here, the visible section of the packages were wrapped in clear plastic and secured with duct tape which allowed Officer Griffin to see the "white powdery substance." R. 39–40, 48. While Officer Griffin was not certain the packages contained contraband, the cocaine was packaged identically to the examples provided to Officer Griffin during his police academy training, leading him to reasonably conclude what the packages contained. R. 40. By removing the tarp,

Officer Griffin merely revealed the entirety of what was already partially in plain view and simply allowed for closer examination. R. 39–40, 48.

C. Under The Circumstances, The Evidence Was At High Risk Of Loss Or Destruction.

Meanwhile, drugs and drug-related evidence are notoriously susceptible to easy disposal or destruction. *Richards*, 520 U.S. at 389. Similarly, blood alcohol levels "[begin] to diminish shortly after drinking stops, as the body functions to eliminate it from the system." *Scherber v. Cal.*, 384 U.S. 757, 770-771 (1966). In *Scherber*, under strikingly similar circumstances, the Court found that the scenario qualified as an exigent circumstance that satisfied a warrant exception. There, because "where time had to be taken to bring the accused to a hospital and … there was no time to seek out a magistrate and secure a warrant … we conclude that the attempt to secure evidence of blood-alcohol content in this case was an appropriate incident to petitioner's arrest." *Id.* Officer Griffin was between a rock and a hard place; if he had abandoned his DUI investigation to secure a warrant for the narcotics, he would have lost the ability to establish Defendant's blood alcohol level while also risking the destruction of the suspected narcotics. Instead, Officer Griffin reasonably seized the evidence and was able to follow Defendant to the hospital to continue the DUI investigation. R. 40–41.

D. Alternatively, The Contraband Would Inevitably Have Been Discovered Due To A Simultaneous Ongoing Federal Surveillance Operation.

Regardless, even if Officer Griffin discovered the contraband through overreach, the evidence here falls under the "inevitable discovery" doctrine. Under this doctrine, "[s]ince the tainted evidence would be admissible if in fact discovered through an independent source, it should be admissible if it inevitably would have been discovered." *Murray v. United States*, 487 U.S. 533, 539 (1988). Exclusion "of physical evidence that would inevitably have been discovered adds nothing to either the integrity or fairness of a criminal trial." *Nix v. Williams*, 467 U.S. 431, 446 (1984). If "the prosecution can establish by a preponderance of the evidence that the information ultimately or inevitably would have been discovered by lawful means … then the deterrence rationale has so little basis that the evidence should be received." *Nix*, 467 U.S. at 444.

Here, Defendant, Halstead, and the warehouse on 49th street were already under surveillance by the DEA. R. 28. While Officer Griffin, in hot pursuit of Defendant for driving under the influence, may have stumbled upon the narcotics inadvertently, the DEA were already poised to investigate the premises. R. 51–54. Officer Griffin merely set forth an inevitable string of events, if prematurely from the standpoint of the DEA. In other words, the discovery of the cocaine here was inevitable with or without Officer Griffin's investigation. As the Court stated in *Nix*, 467 U.S. at 447, (quoting *People v. Defore*, 242 N.Y. 13, 21 (1926)), "more than a half-century ago, Judge, later Justice, Cardozo made his seminal observation

that under the exclusionary rule '[t]he criminal is to go free because the constable has blundered.'" There is no need for such a result here as the evidence secured by Officer Griffin in this case does not require suppression. Officer Griffin lawfully discovered and seized the 31 pounds of cocaine.

CONCLUSION

Based on the reasons stated above, at the conclusion of the evidentiary hearing in this matter, the government respectfully requests that Defendant's Motion to Suppress Evidence be denied.

Dated: September 1, 2023

Respectfully Submitted,

/s/ TEAM 116

Attorneys for Prosecution
Team 116