NO:

IN THE
SUPREME COURT OF THE UNITED STATES

JOSE ANTONIO MORALES,

***Petitioner*,**

v.

UNITED STATES OF AMERICA,

***Respondent*.**

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW
INTERESTED PARTIES

There are no parties to the proceeding other than those named in the caption of the case.

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Jose Antonio Morales respectfully petitions the Supreme Court of the United States for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit, rendered and entered in case number 19-11934-GG in that court on February 5, 2021, *United States v. Jose Antonio Morales*, 987 F.3d 966 (11th Cir. 2021) which affirmed the judgment and commitment of the United States District Court for the Southern District of Florida.

OPINION BELOW

A copy of the decision of the United States Court of Appeals for the Eleventh Circuit, which affirmed the judgment and commitment of the United States District Court for the Southern District of Florida, is contained in the Appendix (A-1).

STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) and PART III of the RULES OF THE SUPREME COURT OF THE UNITED STATES. The decision of the court of appeals was entered on February 5, 2021. This petition is timely filed pursuant to SUP. CT. R. 13.1. The district court had jurisdiction because petitioner was charged with violating federal criminal laws. The court of appeals had jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742, which provide that courts of appeals shall have jurisdiction for all final decisions of United States district courts.

STATUTORY AND OTHER PROVISIONS INVOLVED

Petitioner intends to rely upon the following constitutional provisions, treaties, statutes, rules, ordinances and regulations:

> The Fourth Amendment to the United States Constitution provides: "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."

STATEMENT OF THE CASE

A federal grand jury indicted Mr. Morales with possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g), and possessing with the intent to distribute a detectable amount of marijuana, in violation of 21 U.S.C. § 841. Mr. Morales subsequently filed a motion to suppress the physical evidence that the police seized while searching his house. (DE 26). The district court denied the motion. (DE 42).

Mr. Morales proceeded to trial, during which the government introduced the evidence which was the subject of his motion to suppress. (DE 109 and 110; GX 2-15, 18, 19, 20, 21, and 22). Ultimately, a jury found him guilty. (DE 68).

Mr. Morales appealed. (DE 90). On appeal, Mr. Morales asserted that the search warrant lacked probable cause, and the police officer did not have a good faith basis to rely on the warrant. The Eleventh Circuit Court of Appeals affirmed in a published decision. *United States v. Morales*, 987 F.3d 966 (11th Cir. 2021). The court assumed, without deciding, that the affidavit did not establish probable cause. *Id.* at 969. But, the court ultimately held that "suppression of the fruits of the search would be inappropriate under the good faith exception to the exclusionary rule." *Id.*

Statement of Facts

A. The trash pulls.

The charges against Mr. Morales began with two trash pulls conducted at his residence. (DE 26; 37:1;118:23). Specifically, on two occasions—only two days apart—detectives conducted the trash pulls. (DE 26, Exhibit A; 37:1; 118:25). On each day, a trashcan was at the front of the residence adjacent to the roadway. (DE 26, Exhibit A; 118:27). For each pull, the detectives reached into the trashcan, and each removed a large "Hefty or Glad" type garbage bag. (DE 118:29-30). They then went to the police department office to search the bags they had removed from the trash. (DE 118:30).

B. The search warrant application.

After waiting two weeks, the detective presented an affidavit to a Florida state judge requesting a warrant to search the target residence. (DE 26, Exhibit A; 37:2). The largely boilerplate affidavit contained only these facts:

(1) The affiant identified himself as a member of the Special Investigations Unit with extensive experience conducting narcotics investigations [he had been a detective for two months] (DE 37:2);

(2) detectives conducted trash pulls on May 15 and May 18, 2018 (DE 37:2);

(3) on both dates, the trashcan was located adjacent to the roadway at the northwest corner of the property (DE 37:2);

(4) on May 15th, detectives found a plastic baggie containing raw

marijuana in the trash [the amount of marijuana is not disclosed, but these pictures were submitted] (DE 37:2);

(5) on May 18th, detectives found multiple burnt marijuana blunts and multiple cut vacuum sealed plastic bags in the trash can on May 18th [the detective did not disclose the exact number of each, but submitted these pictures] (DE 37:2);

(6) one of the plastic bags found on May 18th had the word “Kush" on it [depicted above] (DE 37:2); and

(7) based on his experience, the affiant knew that the word “Kush" is slang for marijuana, and cut vacuum sealed bags are used to transport narcotics. (DE 37:2).

As to the pulls, the detective explained they could retrieve the trash while standing on the road, and there were no fences or other barriers that impeded their ability to obtain the trash. (DE 37:2). The affidavit also stated that the residence was "occupied by" or "under the control" of Mr. Morales, but the detective did not provide any factual support for this assertion. (DE 37:2).

C. The search warrant and the search.

The state judge signed the warrant, and the detective waited yet another week to execute the warrant. (DE 37:2). During the search, law enforcement found over a kilogram of marijuana, less than one gram of cocaine, a digital scale, plastic baggies, multiple marijuana grinders and pipes, a firearm, and ammunition in the house. (DE 37:3). The detective arrested Mr. Morales.

D. The motion to suppress and the trial.

After his federal indictment, Mr. Morales filed a motion to suppress the physical evidence that had been seized that the court denied. (DE 26). At trial, the government introduced the evidence that had been seized pursuant to the warrant.

E. The appellate decision.

In affirming, the court assumed that the affidavit did not establish probable cause but found the detective acted in good faith. *Morales*, 987 F.3d at 969. The court held that the affidavit supporting the warrant "was not so lacking in indicia of probable cause that it provided 'no hint' as to why the police believed they would find incriminating evidence in the residence." *Id*. at 976.

The court relied upon two guideposts: that the affidavit should "state facts sufficient to justify a conclusion that evidence or contraband will probably be found at the premises to be searched" and should "establish a connection between the defendant and the residence to be searched and a link between the residence and any criminal activity." *Id*. at 975.

As for a probability of finding evidence or contraband, the court found that the affidavit recounted two trash pulls that yielded evidence—on two occasions— of scant illegal drug possession in the residence. *Id*. Because the affidavit cited a Florida statute that criminalizes possession of marijuana, the court determined, "the affidavit did not need to establish a fair probability that Morales's residence housed a marijuana distribution operation, rather merely that some marijuana would be found there." *Id*. The court noted, however, that "[w]hile this timeframe might suggest the marijuana came from an isolated incident within the three-day period, it also could indicate a recurring frequency of marijuana use." *Id.* Ultimately, the court held that "the affidavit was not so bare that the executing officers' belief that Morales's home contained evidence of illegal drug activity was "entirely unreasonable." *Id*.

As to the nexus requirement, the court found that the affidavit "contained at least some evidence linking Morales, his home, and the evidence of illegal drug activity. *Id.* at 976. It averred that Morales resided at the target residence, described the searched trash cans as "the trash container of [the] target residential unit," and stated that the officers found the cans to be "specific to the target unit-

located at the northwest portion of the property" "next to the roadway." *Id.* "While this evidence may or may not have been enough to tie the trash to the residence for probable cause purposes, the executing officers could reasonably have believed there was a "fair probability" that the trash in a can placed at the edge of a single-family home's property came from that home." *Id.*

REASONS FOR GRANTING THE WRIT

In *United States v. Leon*, 468 U.S. 897 (1984), this Court held that the Fourth Amendment exclusionary rule does not apply when police officers rely in good faith on a warrant that is ultimately determined to lack probable cause. *Id.* at 913. Because the police submitted a bare-bones affidavit that exclusively relied upon the two trash pulls that only uncovered meager drug debris and no evidence tying the trash to the target residence, their reliance on the warrant was objectively unreasonable. The contrary decision of the Eleventh Circuit Court of Appeals conflicts with other circuits, is wrong, and is important and recurring.

A. The Decision Below Conflicts With The Decisions Of Other Courts of Appeals

The Eleventh Circuit's decision here conflicts with two recent cases from other circuits. Both the Fourth and Sixth Circuit Court of Appeals have carefully considered whether trash pull evidence, standing alone, may establish probable cause to search a house. In both cases, the Fourth and Sixth Circuits held that the trash pull evidence at issue did not establish probable cause and the police were not entitled to rely upon the good faith exception.

In *United States v. Abernathy*, 843 F.3d 243, 256-57 (6th Cir. 2016), a trash pull found several marijuana roaches, several plastic vacuumed packed heat sealed bags consistent with those used to package marijuana for resale containing marijuana residue, and USPS certified mail receipts addressed to the defendant at the residence sought to be searched. 843 F.3d at 246. Within two days of the trash pull, the police applied for a search warrant that issued the same day. *Id.* at 247-48. The police executed the warrant five days later. *Id.*

The Sixth Circuit found this evidence insufficient to support a finding of probable cause. The court reasoned that "[t]he trash pull evidence [the officer] recovered from Defendant's garbage suggested that a small quantity of marijuana might have recently been in Defendant's residence," but that "did not create a fair probability that drugs would be found in Defendant's residence." *Id.* at 254-55. The "critical missing ingredient from the Affidavit was evidence that Defendant had been involved in past drug crimes." *Id.* at 255.

Similarly, in *United States v. Lyles*, 910 F.3d 787 (4th Cir. 2018), the Fourth Circuit considered "whether a trash pull revealing evidence of three marijuana stems, three empty packs of rolling papers, and a piece of mail, standing alone, may justify a sweeping warrant to search a home." *Lyles*, 910 F.3d at 793. The court noted that the evidence from the trash pull was sparse and that law enforcement had proffered no other evidence of drug activity; therefore, the court concluded, the affidavit "did not provide a substantial basis for the magistrate to find probable

cause to search the home for evidence of marijuana possession [let alone marijuana distribution]." *Id*.

The court declined to apply the good faith exception. The court stated that "objectively speaking, what transpired here is not acceptable. What we have before us is a flimsy trash pull that produced scant evidence of a marginal offense but that nonetheless served to justify the indiscriminate rummaging through a household. Law enforcement can do better." *Lyles*, 910 F.3d at 797.

United States v. McPhearson, 469 F.3d 518, 524-25 (6th Cir. 2006) also conflicts with *Morales*. provides support. In *McPhearson*, the court held that the warrant was issued without probable cause. The court found because "the independently corroborated fact that the [home's residents] were known drug dealers" was "sorely missing" from the warrant application. *Id*. Therefore, the isolated fact of virtually-contemporaneous-yet-past possession of drugs inside the home did not establish probable cause. *Id*. at 524. The court further held that the warrant application was so deficient that the search could not be saved by the *Leon* good-faith exception. *Id*. at 525-27.

The Court explained that the warrant failed to establish "the minimal nexus that has justified application of the good-faith exception in cases where the nexus between the place to be searched and the evidence to be sought was too weak to establish probable cause." *Id*. at 526. The fatal flaw was the lack of any facts, such as a prior record or trafficking-related activities, showing that any resident of the home was evidently engaged in drug dealing.

The warrant application at issue here suffered from the same deficiencies as those in *McPhearson* thereby creating a conflict. The detective's affidavit conveyed no facts showing any resident of the home was engaged in drug dealing. Rather, the affidavit showed only that a *possible* resident of the home *possibly* had drugs in the home, *possibly* in the last week or two. The trash-pull evidence here is, therefore, weaker than the proof in *McPhearson* because, in that case, the proof showed a *definite* resident of the home *definitely* had drugs in the home, *definitely* on that very same day. The affidavit here did not have any reference to a reliable record or report showing who may have resided at the home, let alone that a known resident of the house had any connection to drug activity.

Finally, the detective provided no information from the trash that linked to the target house. "For good faith to exist, there must be *some* factual basis connecting the place to be searched to the defendant or suspected criminal activity." *United States v. Gonzales*, 399 F.3d 1225, 1231 (10th Cir. 2005). When such a minimal nexus is absent, "the affidavit and resulting warrant are 'so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable.'" *Id.* (quoting *Leon,* 468 U.S. at 923). Here, that minimal nexus did not exist, and the Eleventh Circuit's decision conflicts with United States v. Leonard, 884 F.3d 730, 734 (7th Cir. 2018), where the Seventh Circuit explicitly held that to support a warrant request based on a trash pull, "the drugs [must be] contained in trash bags bearing sufficient indicia of residency."

B. The Decision Below Is Incorrect

In this case, a new and inexperienced local police detective submitted a bare-bones application for a search warrant to search Mr. Morales's home. (DE 26, Exhibit A; DE 118:23; DE 37:1). An application for a warrant must demonstrate probable cause to believe that (1) a crime has been committed—the "commission" element, and (2) enumerated evidence of the offense will be found at the place searched—the "nexus" element. *See United States v. Martin*, 297 F.3d 1308, 1314 (11th Cir. 2002).

The detective did not proffer any evidence that he may have obtained through a confidential informant, an anonymous tip, surveillance, a public records search, or a combination of those investigative techniques. (*See* DE 26, Exhibit A). Rather, the young detective premised his search warrant application exclusively on evidence obtained by two trash pulls conducted two weeks earlier. (DE 26, Exhibit A). *Id*.

As depicted below, the trash pulls uncovered very little drug debris. (DE 26, Exhibit A).

Second, the trash pulls revealed no evidence that linked the trash to the target residence. (*See* DE 26, Exhibit A). And the detective provided no other evidence apart from the location of the trashcan. Therefore, the *Morales* court's reliance upon the search warrant was objectively unreasonable because his application lacked any indicia of probable cause as to the nexus requirement.

The court wrongly held that the government proved the applicability of the good faith exception. The affidavit here stated that the detective found the trash "adjacent to the roadway." Besides having found no mail or personal belongings connected to the house in the trash, the detective did not offer any nexus evidence like police surveillance, information from a reliable informant, or a public records check. *See United States v. Martin*, 297 F.3d 1308, 1313 (11th Cir. 2002) (stating that "every warrant must be evaluated to determine what facts are included and what critical information has been left out."). Because the two arguments offered by the government both failed, the government had not proved that the required "indicia of probable cause as to render official belief in its existence entirely unreasonable," and the district court erred by holding that the good faith exception applied.

The two state cases relied upon by the *Morales* court are readily distinguishable. First, the court's to *State v. Jacobs*, 437 So. 2d 166, 167 (Fla. 5th DC 1983) is unavailing for a number of reasons. First, *Jacobs* does not answer the question posed by Mr. Morales's case. this case. In *Jacobs*, the court stated the issue as follows: "Whether an affidavit based *primarily* on the evidence found in the defendant's trash may be sufficient to support a finding of probable cause does not appear to have been addressed in Florida." *Id*. at 167 (emphasis added). Here, the question is whether an affidavit based *exclusively* on evidence found during trash pull is sufficient.

Moreover, the evidence provided to the issuing court in *Jacobs* demonstrates the insufficiency of the affidavit here. The *Jacobs* affiant reported to the judge that (1) inside the trash pulled from the suspect property were personal papers belonging to Newman; and (2) a small amount of marijuana seeds. *Id*. A few weeks later, the affiant the surveilled the house and saw the garage door open and a car leave. *Id*. The affiant then ran a computer check on the car's tag number that came back to Newman at the target address. *Id*. Another few weeks later, a detective saw a man leave the house's garage and place two plastic trash cans out on the curb. *Id*. After the man left the residence, the police picked up the two plastic trash cans and emptied them into a truck. *Id*. After they searched the trash, they found cannabis seeds. *Id*. As compared to the instant case, the investigation in *Jacobs* allowed the police to provide much more information to the judge about the trash, the target property, and Newman.

Finally, in *Jacobs*, the police waited two weeks between trash pulls. *Id.* A two-week interval is more indicative of a continuing course of conduct as compared to the three-day interval here. A simple example illustrates this point: a family has a party at their home on a Friday night. Before they go to sleep, they clean a little and put that trash out for Saturday pick-up. Over the weekend, they finish cleaning, and the remainder of the party debris is left for trash pick-up on Tuesday. This timeline does not reveal that the family had more than one party over the weekend. Comparatively, if party debris was found in the family's trash on successive Saturdays with a trash pick-up in between, then a person could more reasonably believe the family had more than one party. Because the trash pulls in *Jacobs* better demonstrate continuing activity, the case is distinguishable on this point as well. For all these reasons, *Jacobs* should not give this Court any comfort in deciding whether the affidavit here established probable cause.

Second, in *Raulerson v. State*, 714 So. 2d 536, 537 (Fla. 4th DCA 1998), the state court of appeals reversed the trial court's denial of a motion to suppress based upon an anonymous tip and a single trash pull. Recognizing that trash pull evidence must be accompanied by other facts, the court held that "although the affidavit contained relevant information that the substance found in the one-time trash pull tested positive for cannabis, we believe the affidavit lacked other sufficient material facts to indicate a fair probability that cannabis would be found in Mailperson's home." *Id.*

More pointedly, the court did not address *United States v. Leonard*, 884 F.3d 730, 734 (7th Cir. 2018). In *Leonard*, the Seventh Circuit explicitly held that to support a warrant request based on a trash pull, "the drugs [must be] contained in trash bags bearing sufficient indicia of residency."

There is no authority for the court's holding that the Fourth Amendment nexus may be satisfied solely by the location of the trash. And, there is ample explicit and implicit authority—*Jacobs*, *Abernathy*, *Lyles*, and *Leonard*—to support Mr. Morales's position that that the contents (and not simply the location) of the trash must provide that nexus. And the failure to include that basic information in the affidavit rendered the police's reliance on the warrant objectively unreasonable. The court's contrary decision is wrong.

C. The Question Presented Is An Important And Recurring One That Warrants The Court's Review In This Case

The "very core" of the Fourth Amendment is to be "free from unreasonable governmental intrusion" into one's home. *Florida v. Jardines*, 569 U.S. 1, 6 (*quoting Silverman v. United States*, 365 U.S. 505, 511). The Constitution preserves this fundamental right by requiring that searches be conducted pursuant to a warrant supported by probable cause and issued by an independent judicial officer. *California v. Carney*, 471 U.S. 386, 390, 105 S. Ct. 2066, 2068 (1985).

An application for a warrant must demonstrate probable cause to believe that (1) a crime has been committed—the "commission" element, and (2) enumerated evidence of the offense will be found at the place searched—the "nexus" element. elements.

1. Trash pull evidence, standing alone, is unreliable because members of the public have easy access.

The rationale that supports law enforcement's ability to conduct warrantless trash pulls also reveals the limits of such evidence in supporting the ultimate probable cause determination. In *California v. Greenwood,* 486 U.S. 35, 41, 108 S. Ct. 1625 (1988), the Supreme Court held that there is no reasonable "expectation of privacy in trash left for collection in an area accessible to the public." The Supreme Court recognized that "[i]t is common knowledge that plastic garbage bags left on or at the side of a public street are readily accessible to animals, children, scavengers, snoops, and other members of the public." *Id*. at 40 (internal citations omitted). Therefore, "having deposited their garbage in an area particularly suited for public inspection and, in a manner of speaking, public consumption, for the express purpose of having strangers take it," a person could have "no reasonable expectation of privacy in the inculpatory items that they discarded." *Id*. at 40-41 (internal quotation marks and citation omitted).

Because members of the c easily may access another person's trash, evidence from a trash pull, standing alone, is inherently unreliable. A neighbor may, for example, take items or leave items of their own in the trash ("One person's trash is another person's treasure."). Or, more sinisterly, a neighbor operating a drug business within his own home may discard his contraband in another's trash to avoid detection. *See, e.g.,* Tom Jones*, Homeowner finds guns, drugs in trash* (June 30, 2017) (police believed contraband was dropped in unsuspecting resident's trash for pick-up later that day) (https://www. wsbtv.com/ news/ local/fayette-county/

homeowner-finds-drugs-gun-in-trash-can/ 545945925. Because a person's trash may be readily and easily accessed by members of the public, courts should be wary of assigning much weight to evidence obtained through a pull. As Judge Wilkinson wrote for the Fourth Circuit in *Lyles*:

> Precisely because curbside trash is so readily accessible, trash pulls can be subject to abuse. Trash cans provide an easy way for anyone so moved to plant evidence. Guests leave their own residue which often ends up in the trash. None of this means that items pulled from trash lack evidentiary value. It is only to suggest that the open and sundry nature of trash requires that it be viewed with at least modest circumspection. Moreover, it is anything but clear that a scintilla of marijuana residue or hint of marijuana use in a trash can should support a sweeping search of a residence.
>
> [T]he threat posed by indiscriminate trash pulls[] implicates the central concern underlying the Fourth Amendment—the concern about giving police officers unbridled discretion to rummage at will among a person's private effects.

Lyles, 910 f.3d at 792.

2. Because trash pull evidence, standing alone, is unreliable, courts generally hold that this type of evidence may only serve to corroborate or refresh other evidence.

Given the threat that trash pulls pose to our Fourth Amendment protections, courts generally view trash pull evidence, standing alone, as insufficient to establish probable cause to search a home. *See, e.g., United States v. Abernathy*, 843 F.3d 243, 256-57 (6th Cir. 2016) (holding that a small amount of drug debris recovered from a trash pull was insufficient, standing alone, to create probable cause to search Defendant's residence); *cf. United States v. Rohe*, 755 F. App'x 935, 937 (11th Cir. 2018) (holding that the two trash pulls finding residue of marijuana

and methamphetamine served as independent corroboration to evidence obtained by separate informants and the defendant's history of drug arrests).

Rather, like this Court implied in *Rohe*, the majority of courts hold that ordinarily drug debris recovered from a trash pull establishes probable cause to search a home only when combined with other evidence of the resident's involvement in drug crimes. *See, e.g., United States v. Thurmond*, 782 F.3d 1042, 1043–44 (8th Cir. 2015) (probable cause established where, in addition to trash pull evidence, the warrant application specified that an informant had told police that drug activity was occurring at the residence, and police records revealed that the defendant had multiple prior drug arrests); *United States v. Montieth*, 662 F.3d 660, 664 (4th Cir. 2011)(in ratifying warrant court found that the trash pull revealed "extensive evidence of marijuana trafficking" and that the police also had received a specific tip that the resident was engaged in drug distribution, and the affidavit detailed the defendants criminal record that included several drug offenses).

Here, the trash pulls provided the only evidence submitted to establish probable cause. (DE 26, Exhibit A). The detective presented no evidence to the judge, for example, that an informant had advised that drug activity was occurring at the residence. *See, e.g., United States v. Edwards*, 891 F.3d 708, 711 (8th Cir. 2018) (contemporaneous trash pull corroborated the informant's suggestion that the residence was associated with drug activity). Nor did the police have an anonymous tip. *See, e.g., United States v. Jones*, 471 F.3d 868, 873 (8th Cir. 2006)

(anonymous tip combined with the drug residue found in two successive trash pulls three weeks apart were sufficient to establish probable cause). The detective offered no information that surveillance had revealed drug activity at the residence. *See United States v. Shaffer*, 781 F. App'x 404, 410 (6th Cir. 2019)(affiant corroborated the information with research, surveillance, and the trash pull); *United States v. Harris*, 118 F. App'x 592, 593 (3d Cir. 2004)(warrant premised on informant, surveillance, criminal history, and trash pulls).

Moreover, the detective did not inform the state judge that a criminal history search had revealed drug arrests or convictions for anyone who resided at the address. *See United States v. Biondich,* 652 F.2d 743, 744-46 (8th Cir.1981) (baggie containing small amount of marijuana and folded paper containing traces of opiates found in trash, coupled with occupant's two prior drug convictions, established probable cause for search warrant). The affidavit is therefore devoid of any evidence that Mr. Morales (or anyone) ever sold drugs, ever sold drugs from his home, or was ever observed going to or from his home in connection with a drug transaction. (DE 26, Exhibit A).

Courts also have held that trash pull evidence may be used to "refresh" otherwise stale information. *See, e.g., United States v. Akel*, 337 F. App'x 843, 857 (11th Cir. 2009) (holding that evidence obtained through the trash pull refreshed evidence obtained from controlled buys); *see also United States v. Timley*, 338 F. App'x 782, 790 (10th Cir. 2009)(trash pull evidence refreshed evidence from two

controlled buys that occurred six months prior to issuance of the warrant*)*. Again, the detective did not use the trash pull evidence to "refresh" other information; instead he relied exclusively on the trash pull evidence.

CONCLUSION

Based upon the foregoing petition, the Court should grant a writ of certiorari to the Court of Appeals for the Eleventh Circuit.

Respectfully submitted,

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