NO. _____

In The
Supreme Court of the United States

JOSHUA DRAKE HOWARD,
Petitioner,
v.

UNITED STATES,
Respondent.

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

PETITION FOR WRIT OF CERTIORARI

CHRISTINE A. FREEMAN
EXECUTIVE DIRECTOR
MACKENZIE S. LUND
Counsel of Record
FEDERAL DEFENDERS FOR THE
MIDDLE DISTRICT OF ALABAMA
817 South Court Street
Montgomery, AL 36104
(334) 834-2099
Mackenzie_S_Lund@fd.org

October 25, 2021

QUESTION PRESENTED

Thirty-eight years ago, in *United States v. Knotts*, 460 U.S. 276, 285 (1983), this Court held that a person does not have a reasonable expectation of privacy in his movements on a public highway, because the rudimentary beeper used by law enforcement only served to augment traditional visual surveillance. Subsequently, in *United States v. Jones*, 565 U.S. 400, 405-413 (2012), this Court: (1) held that the warrantless installation of a GPS tracking device on a vehicle was a common-law trespass and a Fourth Amendment search; but (2) left unresolved what standards would apply to a case involving non-trespassory, longer term GPS monitoring. Finally, in *Carpenter v. United States*, 138 S. Ct. 2206, 2217 (2018), this Court held that the government's acquisition of cell-site location data was a Fourth Amendment search, because an individual maintains a legitimate expectation of privacy in the record of his physical movements.

In this case, law enforcement officers used a sophisticated GPS tracking device placed on a vehicle to warrantlessly monitor Mr. Howard's location for approximately one day. The officers did not maintain close physical proximity to the GPS tracker, nor use it to supplement their eyes-on surveillance; instead, the device created a precise, time-stamped log of Mr. Howard's exact longitude, latitude, and street address every five seconds that the vehicle was in motion, and then transmitted that information directly to the smartphone of a law enforcement officer many miles away.

The question presented is that left unanswered by *Knotts, Jones,* and *Carpenter*: does extended, non-trespassory GPS monitoring that is quantifiably more invasive than a rudimentary beeper qualify as a Fourth Amendment search?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

- *United States v. Joshua Drake Howard,* No. 19-cr-54, U.S. District Court for the Middle District of Alabama. Judgment entered on February 28, 2020.
- *United States v. Joshua Drake Howard*, No. 20-10877, U.S. Court of Appeals for the Eleventh Circuit. Judgment entered on May 27, 2021.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases:

Statutes

PETITION FOR A WRIT OF CERTIORARI

Mr. Joshua Drake Howard respectfully requests that this Court grant a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINIONS BELOW

The Eleventh Circuit's decision below is unpublished. *United States v. Howard*, 858 Fed. App'x 331 (11th Cir. 2021) (unpublished). The opinion is included in Petitioner's Appendix. Pet. App. 1a.

The district court's memorandum opinion and order denying Mr. Howard's motion to suppress is published. *United States v. Howard*, 426 F. Supp. 3d 1247 (M.D. Ala. 2019). The opinion is included in Petitioner's Appendix. Pet. App. 1b.

The report and recommendation of the magistrate judge, which recommended that Mr. Howard's motion to suppress be denied, is unreported. *United States v. Howard*, 2019 WL 7561543 (M.D. Ala. 2019) (unpublished), *adopted as modified by* 426 F. Supp. 3d 1247. The recommendation is reproduced in the Petitioner's Appendix. Pet. App. 1c.

JURISDICTION

The Eleventh Circuit's opinion in this case was issued on May 27, 2021. *See* Pet. App. 1a. No rehearing was sought, rendering the petition for writ of certiorari due on or before August 25, 2021. However, due to public health concerns relating to the COVID-19 pandemic, this Court entered an order,

extending the deadline to file the petition to 150 days from the date of the lower court judgment. The certiorari petition is now due on October 25, 2021. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

RELEVANT CONSTITUTIONAL PROVISIONS

The Fourth Amendment to the U.S. Constitution protects the "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. CONST., amend. IV.

STATEMENT OF THE CASE

In February 2019, a federal grand jury returned an indictment against Mr. Joshua Howard, charging him with:

(1) on February 22, 2018, possession with intent to distribute a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(a)(1) (Count One);

(2) on February 22, 2018, using a firearm during and in relation to the drug trafficking crime charged in Count One, in violation of 18 U.S.C. § 924(c)(1)(A) (Count Two);

(3) on February 22, 2018, possession of firearms—a Kel-Tec 9mm handgun and a Raven Arms .25 caliber handgun—and ammunition by a convicted felon, in violation of 18 U.S.C. § 922(g)(1) (Count Three);

(4) on July 13, 2018, possession of a firearm—a Rossi .38 caliber handgun—and ammunition by a convicted felon, in violation of 18 U.S.C. § 922(g)(1) (Count Four); and

(5) on July 13, 2018, possession of a firearm with an obliterated serial number, in violation of 18 U.S.C. § 922(k) (Count Five).

(Doc. 1 at 1-3).

Subsequently, Mr. Howard filed a motion to suppress all physical and testimonial evidence obtained as a result of the warrantless searches, detentions, and resulting arrests conducted by the Dothan Police Department on February 22, 2018. (Doc. 28). Factually, Mr. Howard alleged that, on February 21, 2018, the Dothan Police Department placed a GPS tracking device on a confidential informant's vehicle, intending for that vehicle subsequently to be lent to Mr. Howard. (*Id.* at 2). The Dothan P.D. then used the tracking device to monitor Mr. Howard's location and movements over the course of approximately one day as he travelled from Dothan to Eufala, then to Seale for the night, then to Phenix City for an hour, then back to Seale, before returning back toward Dothan via Headland. (*Id.* at 2-4). Mr. Howard's return voyage was cut short in the parking lot of a Hardee's in Headland, Alabama, when law enforcement officers pulled up behind Mr. Howard's vehicle, activated their emergency lights, and directed him to exit the truck. (*Id.* at 4). Mr. Howard was promptly handcuffed, and both his person and his vehicle were searched. (*Id.*). This search unveiled three bags of methamphetamine, and the two firearms identified in Count Three of the indictment. (*Id.*).

As a result of these actions, Mr. Howard argued, *inter alia*, that: (1) the installation of the GPS tracking device and the Dothan P.D.'s use of the device to monitor his location was a Fourth Amendment search that he had standing to challenge; (2) the Dothan Police Department lacked reasonable suspicion to detain him in the Hardee's parking lot on February 22, 2018; and (3) the exclusionary rule required suppression of all physical and testimonial items obtained as a result of this warrantless search and unlawful seizure. (*Id.* at 6-15).

The government responded in opposition, arguing that the use of the GPS tracking device did not implicate the Fourth Amendment at all, because: (1) per *Jones*,[1] Mr. Howard did not have either a possessory or a property interest in the vehicle at the time the GPS device was installed; and (2) per *Knotts*[2] and *Karo*,[3] Mr. Howard did not have a reasonable expectation of privacy in his movements along a public highway. (Doc. 37 at 3-5). The government also argued the warrantless detention of Mr. Howard in the Hardee's parking lot was justified under *Terry*,[4] because the officers had reasonable suspicion to believe that Mr. Howard was engaged in criminal activity. (*Id.* at 5-7). The government explained that the Dothan Police

---

[1] *United States v. Jones*, 565 U.S. 400 (2012).

[2] *United States v. Knotts*, 460 U.S. 276 (1983).

[3] *United States v. Karo*, 468 U.S. 705 (1984).

[4] *Terry v. Ohio*, 392 U.S. 1 (1968).

Department had received information that Mr. Howard would be travelling from Dothan to Phenix City to buy methamphetamine, and they were able to verify through their surveillance that Mr. Howard in fact travelled to Phenix City and then back to Dothan. (*Id.* at 6-7). According to the government, Mr. Howard's "actions tended to verify the information [Dothan P.D.] had received, and therefore created the requisite reasonable suspicion to allow law enforcement officers to briefly detain him." (*Id.* at 7).

A magistrate judge conducted a hearing on the motion to suppress. (Doc. 42). At this hearing, the government called Officer Joshua Tye—with the City of Dothan Police Department—to testify regarding the investigation of Mr. Howard and his arrest on February 22, 2018. (*Id.* at 4-40). Officer Tye testified that, on February 21, 2018, one of his fellow officers—Corporal Crabby—reached out to him to inquire whether he knew anything about Mr. Howard. (*Id.* at 5). Corporal Crabby explained that he had "some information" that Mr. Howard "was possibly traveling to Phenix City that day or that night to pick up a large amount of methamphetamine." (*Id.*). Officer Tye was unfamiliar with Mr. Howard, but decided to contact his new confidential informant, Tara Tutor, to see if she knew him. (*Id.* at 5, 7, 25). Ms. Tutor and had been arrested the day before for possession of four ounces of methamphetamine. (*Id.* at 5-6, 25). She had been cooperating with police for only one day, and had provided information in four cases unrelated to Mr. Howard. (*Id.*).

Officer Tye testified that, when he contacted Ms. Tutor about Mr. Howard on February 21, 2018, "she stated she was familiar with him and that he did sell methamphetamine." (*Id.* at 8). Ms. Tutor did not think Mr. Howard was involved with quantities of methamphetamine as large as Corporal Crabby had indicated, but stated she would contact Mr. Howard to find out some information. (*Id.*). Officer Tye believed that Ms. Tutor called Mr. Howard for this purpose, but no officers were present with her at the time, and he did not have any recordings or text messages confirming that this conversation occurred. (*Id.* at 8, 26-27, 38). Ms. Tutor then relayed to Officer Tye that Mr. Howard told her "that he was going to the Phenix City area to pick up methamphetamine and that he needed to borrow a vehicle." (*Id.* at 8). Ms. Tutor thought that Mr. Howard was going to pick up 1.5 ounces of methamphetamine in Phenix City "that night"—September 21, 2018—and she stated that Mr. Howard had asked to borrow her truck in order to make the trip. (*Id.* at 8, 38). Officer Tye did not make any follow-up inquiries into the circumstances of this methamphetamine transaction, or "from who or where or what address" it would occur. (*Id.* at 37).

After consulting with several other Dothan Police Department investigators, Officer Tye decided to place a GPS tracking device on Ms. Tutor's truck, and then have her lend the truck to Mr. Howard as requested. (*Id.* at 8, 11, 27). Ms. Tutor agreed to this plan, and brought the truck—a red Chevrolet Silverado—to the police department for the installation of the tracker. (*Id.* at

9). Ms. Tutor then signed a signed a consent form memorializing this agreement and authorizing Officer Tye to place the GPS tracking device on the vehicle. (*Id.* at 9-10); (*see also* doc. 29-1) (consent form). Officer Tye affixed the GPS tracking device to the Silverado's rear wheel frame around 2:30 PM[5] on February 21, 2018. (Doc. 42 at 10).

Officer Tye explained that the GPS tracking device was configured to send a signal every five seconds that the truck was in motion. (*Id.* at 11); (*see also* doc. 29-3) (GPS tracking records). The GPS device would "sleep" if it was not moving, and then resume transmitting a signal as soon as it sensed motion. (Doc. 42 at 11). As a result, the GPS device logged, recorded, and transmitted to Officer Tye the exact longitude, latitude, and street address of the vehicle and its occupant from the moment of installation. (*See* doc. 29-3) (recording the exact longitude, latitude, and street address of the GPS tracker from 2:59:16 on February 20, 2018 through 14:00:12 on February 22, 2018). This location data was transmitted directly to Officer Tye's smartphone via an app. (Doc. 42 at 11). Officer Tye was able to monitor this information in real time with only a five second delay. (*Id.*).

An hour or two after the installation of the GPS tracker, Ms. Tutor called Officer Tye and informed him that she had given her truck—and the location monitoring device—to Mr. Howard as planned. (*Id.* at 12, 27-28). Officer Tye

[5] Ms. Tutor signed the consent form at 2:37 PM, and Officer Tye placed the tracker on the vehicle around the same time. (Doc. 42 at 9).

then commenced "realtime monitoring" of the device using the smartphone app. (*Id.* at 12). As a result, Officer Tye could tell that the truck had reentered the Dothan area and come to a stop at a particular address on Hilltop Drive. (*Id.*). Officer Tye and Corporal Crabby then traveled to the address, and visually confirmed that the red Silverado was in fact at the location reported by the GPS tracker. (*Id.* at 12-13). They then ceased any attempt at conducting eyes-on surveillance, and continued to monitor the Silverado's location using only the GPS tracking device. (*Id.* at 13-14, 29).

Officer Tye testified that, around 7:30 PM on February 21, 2018, the red Silverado left the Hilltop Drive address, and headed north on US highway 431 out of Dothan. (*Id.* at 12-13); (doc. 29-3 at 11). According to the tracking device, the Silverado travelled to a residence in the Bakerhill area, and stayed there briefly. (Doc. 42 at 14); (doc. 29-3 at 13). It then left the residence, continued north on US highway 431, and made a stop at a Murphy USA in Eufala. (Doc. 42 at 31); (doc. 29-3 at 13-16). The Silverado then continued its journey along 431, making a final stop at a residence in Seale, Alabama. (Doc. 42 at 14); (doc. 29-3 at 13-17). The tracking device then went to sleep, indicating that the Silverado was no longer in motion. (Doc. 42 at 14). Officer Tye concluded that Mr. Howard was "going to stay there" for the night, and quit monitoring the tracking device at 1:00 AM. (*Id.*). Because the officers did not have the vehicle under eyes-on surveillance, they were unable to confirm who had been driving the Silverado. (*Id.* at 31).

Officer Tye testified that he checked the tracking device the following morning when he woke up, but the Silverado was still at the same location in Seale, Alabama. (*Id.* at 14). Rather than actively monitor the location data in real time, Officer Tye waited for the smartphone app to send him a notification that the Silverado was moving again. (*Id.* at 14-15). Officer Tye received such a notification at 10:00 AM on February 22, 2018. (*Id.* at 15). According to the tracking device, the Silverado had left the Seale residence, and travelled onward to Phenix City, Alabama. (*Id.*); (*see also* doc. 29-3 at 17-19). The Silverado stopped at a house in Phenix City at 10:20 AM, and remained there until 11:10 AM. (Doc. 42 at 15). The Silverado then returned to the Seale, Alabama residence, and remained there from 11:30 AM to 12:20 PM. (*Id.*); (*see also* doc. 29-3 at 19-21). The Silverado then got on US highway 431, and headed back toward Dothan. (Doc. 42 at 15).

Officer Tye testified that, at this point, he contacted his fellow vice officers, and informed them that he planned to stop Mr. Howard as soon as he pulled into a residence or parking lot in Dothan. (*Id.* at 16-17). Officer Tye then drove to the Silverado's current location in Headland, Alabama, and "stayed way back off the vehicle," updating his fellow officers of its progress. (*Id.* at 16). The other officers were able to confirm, for the first time, that it was Mr. Howard driving the Silverado. (*Id.* at 16). When the Silverado pulled into a parking spot at a nearby Hardee's, Officer Tye determined that it was a safe place to apprehend Mr. Howard. (*Id.* at 17).

Officer Tye testified that he pulled up behind Mr. Howard's parked vehicle, and activated his emergency lights and sirens. (*Id.*). Officer Tye and six other officers—who possibly had their weapons drawn—approached the vehicle, and instructed Mr. Howard to "show me [your] hands." (*Id.* at 17, 33-34). Mr. Howard complied, placed the hamburger he had been eating down on the dashboard, and put his hands up in the air. (*Id.* at 17-18). Officer Tye ordered Mr. Howard to get out of the vehicle, and pulled the door open. (*Id.* at 18). He immediately placed Mr. Howard in handcuffs. (*Id.*). Officer Tye then observed a handgun—the 9mm Kel-Tec identified in Count Three—in the map pocket of the driver's side door. (*Id.* at 17-18, 34). Officer Tye knew from his investigation of Mr. Howard that he was a convicted felon. (*Id.* at 17-18).

Once Mr. Howard was handcuffed away from the truck, Officer Tye conducted a search of his person. (*Id.* at 19). This search revealed a small bag of methamphetamine residue in Mr. Howard's pocket. (*Id.* at 19, 34). Officer Tye and his cohorts then conducted a search of the Silverado, and discovered a black tactical bag in the bed of the pickup truck. (*Id.* at 20-21). This bag contained three bags of methamphetamine, another handgun, and 65 rounds of 9 millimeter ammunition. (*Id.* at 21-22). At some point *after* placing Mr. Howard in handcuffs, Officer Tye ran the Silverado's tag number through dispatch and realized it had been switched; the tag number now came back to an early '90s GMC, and did not match the tag number the officers had recorded the prior day when they installed the tracking device on the Silverado. (*Id.* at

20, 22-23, 35). Officer Tye confirmed that he did not notice the switched tag until this point. (*Id.* at 22-23).

Officer Tye testified that Mr. Howard was taken into custody, and transported back to the Dothan Police Department. (*Id.* at 23). Mr. Howard then signed a written waiver of his *Miranda* rights, and agreed to participate in an interview, during which he made incriminating statements. (*Id.* at 23-24); (*see also* doc. 29-4) (signed advice of rights waiver).

Following the suppression hearing—and after the Supreme Court's intervening decision in *Rehaif v. United States*, 139 S. Ct. 2191 (2019)[6]—a federal grand jury returned a superseding indictment against Mr. Howard, charging him with the same five offenses set forth in the initial indictment: possession with intent to distribute methamphetamine; using a firearm during and in relation to a drug trafficking crime; possession of a firearm with an obliterated serial number; and two counts of possession of a firearm by a convicted felon. (Doc. 39 at 1-3). The superseding indictment was substantively identical to the initial indictment, except that, in accordance with *Rehaif*, the two § 922(g) counts now alleged that Mr. Howard *knew* of his prohibited status as a convicted felon. (*Compare* doc. 1 at 2 *with* doc. 39 at 2).

[6] In *Rehaif*, the Supreme Court held that, "in a prosecution under 18 U.S.C. § 922(g) and § 924(a)(2), the Government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm." 139 S. Ct. 2191, 2200 (2019).

The magistrate judge recommended that Mr. Howard's motion to suppress be denied. (Doc. 50 at 21). Specifically, the magistrate judge determined that (1) the installation and monitoring of the GPS tracking device was not a Fourth Amendment search; and (2) the traffic stop conducted by Officer Tye was supported by reasonable suspicion. (*Id.* at 7-19). With respect to the warrantless monitoring of the GPS tracker, the magistrate judge acknowledged that this Court's recent decisions in *Jones*[7] and *Carpenter*[8] "ma[d]e it clear that GPS tracking can be so pervasive as to constitute a Fourth Amendment search because individuals have a reasonable expectation of privacy in the whole of their physical movements, even when those physical movements are revealed to the public." (*Id.* at 14-15). The magistrate judge also determined, as a factual matter, that "the GPS monitoring used in this case [was] more like the detailed tracking in *Carpenter* than the beeper tracking in *Knotts* or *Karo*."[9] (*Id.* at 15). Nevertheless, the magistrate judge determined that no Fourth Amendment search had occurred, because the GPS

---

[7] *United States v. Jones*, 565 U.S. 400 (2012) (holding that attaching a GPS device to a vehicle and using that device to monitor the vehicle's location was a Fourth Amendment search).

[8] *Carpenter v. United States*, 138 S. Ct. 2206 (2018) (holding that the warrantless acquisition of cell-site location data was a Fourth Amendment search).

[9] *United States v. Knotts,* 460 U.S. 276 (1983) (holding that police use of a "beeper" to monitor an automobile on a public highway was not a Fourth Amendment search); *United States v. Karo*, 468 U.S. 705 (1984) (finding that monitoring the same beeper within a private residence violated the Fourth Amendment).

monitoring in this case spanned one 24-hour, "discrete automotive journey," and therefore did not rise to the level of the 28-day and four-month surveillance at issue in *Jones* and *Carpenter.* (*Id.*).

Finally, the magistrate judge concluded that there was reasonable suspicion of criminal activity sufficient to support the traffic stop, because: (1) Ms. Tutor accurately predicted "the approximate time Howard would be leaving, the vehicle he would be driving, and his destination"; and (2) the GPS monitoring and visual surveillance independently corroborated this information. (*Id.* at 15-19).

Mr. Howard timely filed objections, reiterating his earlier arguments related to the constitutionality of the government surveillance and the resulting traffic stop on February 21-22 of 2018, and challenging each of the magistrate judge's legal conclusions with respect to those issues. (Doc. 61).

The district court overruled Mr. Howard's objections, and denied his motion to suppress. (Doc. 65 at 26). Like the magistrate judge, the district court concluded that the warrantless monitoring of the GPS tracking device did not constitute a Fourth Amendment search, because "[u]nder the principles set forth in [*Knotts*], Mr. Howard did not have a reasonable expectation of privacy" in his movements for the 19-hour period spanning February 21 and February 22 of 2018. (*Id.* at 6). The court explained that it had conducted a review of the history and meaning of the Fourth Amendment, as well as recent developments, and determined that "[t]he Supreme Court's long-standing

directive that the Fourth Amendment does not apply to a car's movements on public roads is in apparent conflict with its recent attempt to adapt the Amendment to twenty-first-century fears that Big Brother is watching." (*Id.* at 1, 8). The court elaborated that this Court's holding, in *Knotts*—that "[a] person traveling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another"—appeared to be in tension with its more recent holding, in *Carpenter*—that the Fourth Amendment forbids the Government from warrantlessly accessing seven days of historical cellsite location information from a target's wireless carriers because a person has a "reasonable expectation of privacy in the whole of his physical movements." (*Id.* at 12-13, 20-21). Nevertheless, the court found itself bound to set aside its doubts concerning the continuing vitality of *Knotts* post-*Carpenter*, because *Knotts* had yet to be explicitly overruled. (*Id.* at 20-21).

Accordingly, the court determined that the warrantless GPS monitoring of Mr. Howard's location was not a Fourth Amendment search, because: (1) there was no common law trespass of the type disavowed by *Jones*; (2) like *Knotts*, the surveillance was "for a single out-and-back journey" rather than for an extended period of time; and (3) the GPS monitoring was less intrusive than the cell site location information accessed by the police in *Carpenter*. (*Id.* at 18-20). Notably, the court declined to conduct a "full-scale *Katz* evaluation of these facts" because it found *Knotts* to "more factually analogous than *Carpenter,"* and therefore controlling. (*Id.* at 21).

Finally, the district court concluded that Officer Tye had reasonable suspicion to execute a *Terry* stop of Mr. Howard's vehicle on February 22, 2018. (*Id.* at 22-25). The court explained that the officers had reasonable suspicion to believe Mr. Howard was engaged in criminal activity, because: (1) the police received a tip that Mr. Howard would be travelling to Phenix City to purchase methamphetamine; (2) the confidential informant "predicted the approximate time Howard would be leaving, the vehicle he would be driving, and his destination"; (3) Mr. Howard borrowed the CI's vehicle for the trip; and (4) the police were able to investigate the tip and independently corroborate that Howard was driving the CI's vehicle to Phenix City through the use of GPS surveillance. (*Id.* at 23-24).

Thereafter, Mr. Howard entered into a conditional guilty plea. (Doc. 69). Mr. Howard agreed to plead guilty to Counts One, Two, and Five (the § 841(a), § 924(c), and § 922(k) offenses) of the superseding indictment, and the government agreed to dismiss Counts Three and Four (the two § 922(g) offenses). (*Id.* at 4). Mr. Howard reserved his right to appeal the district court's adverse ruling on his motion to suppress. (*Id.* at 7). The agreement specifically provided that Mr. Howard would be allowed to withdraw his guilty plea in the event that he proved successful in any appeal challenging the district court's denial of his motion to suppress. (*Id.*).

A magistrate judge accepted Mr. Howard's guilty plea, and adjudged him guilty. (Doc. 90 at 15). Ultimately, the district court sentenced Mr.

Howard to: 80 months' imprisonment as to Count One; 60 months' imprisonment as to Count Five, to be served concurrently; and 60 months' imprisonment as to Count Two, to be served consecutively. (Doc. 93 at 39). The court clarified that its 140-month total sentence would run concurrently with the sentence Mr. Howard was currently serving in Georgia state court. (*Id.* at 40).

Mr. Howard appealed, arguing that: (1) the warrantless monitoring of the GPS tracking device was a Fourth Amendment search; (2) the Dothan Police Department lacked reasonable suspicion to initiate a *Terry* stop; and (3) Mr. Howard's incriminating statements were the direct product of the illegal search and seizure.

The Eleventh Circuit rejected Mr. Howard's arguments, and affirmed the district court's denial of his motion to suppress. *Howard*, 858 Fed. App'x at 335. Like the district court, the panel concluded that "Mr. Howard had no reasonable expectation of privacy in his movements along public roads." *Id.* at 334. The panel explained that, "[l]ike the beeper in *Knotts*, the GPS tracking device at issue in this case 'augmented [the officers'] sensory faculties' by allowing the officers to gather remotely information about the truck's location and movement on public roads." *Id.* at 333. The panel acknowledged this Court's decision in *Carpenter*, but recited that the circumstances of Mr. Howard's case were "easily distinguishable from the historical CSLI at issue

in *Carpenter*." *Id.* at 334. The panel also determined, as a final matter, that the traffic stop was supported by reasonable suspicion. *Id.* at 334-35.

This petition for a writ of certiorari follows.

REASONS FOR GRANTING THE WRIT

I. The Eleventh Circuit's decision is contrary to, or misapprehends a crucial aspect of, this Court's precedent in *Knotts, Jones*, and *Carpenter*.

The Fourth Amendment protects the "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. CONST., amend. IV. If action taken by the government does not amount to either a search or a seizure, the protections provided by the Fourth Amendment are not implicated. Thus, a key threshold determination for Fourth Amendment analysis is whether there has been a "search."

The seminal case for assessing whether government activity amounts to a Fourth Amendment search is *Katz v. United States*, 389 U.S. 347 (1967). In *Katz*, the petitioner used a public telephone booth to illegally transmit wagering information. *Id.* at 348. In order to catch him in the act, FBI agents attached an electronic listening device to the outside of the booth. *Id.* Rejecting the lower court's reasoning that there had been no search because there had been no physical intrusion into a constitutionally protected area, this Court stated:

> [T]he Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection. But what

> he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected.

Id. at 351. Under this reasoning, it was a violation of the petitioner's Fourth Amendment rights for the government to eavesdrop on him in the telephone booth. Although Katz was in a public place when he made his phone calls, he sought to exclude uninvited listeners and have his conversation remain private by closing the door behind him. *Id.* at 352. Thus, the government's act of using the electronic listening device to record his conversations "violated the privacy upon which he justifiably relied while using the telephone booth and thus constituted a search . . . within the meaning of the Fourth Amendment." *Id.* at 353.

Although the majority raised many critical points, it is the articulation stated by Justice Harlan in his concurrence that has become black letter law for when the Fourth Amendment protects against unreasonable government searches: "there is a twofold requirement, first that a person have exhibited an actual (subjective) expectation of privacy, and second, that the expectation be one that society is prepared to recognize as reasonable." *Id.* at 361 (Harlan, J., concurring).

Since the constitutional protections secured by *Katz* are dependent on what society is willing to recognize as reasonable, what constitutes a Fourth Amendment search is continuously evolving to keep pace with modern technology. *See e.g. Knotts,* 460 U.S. 276 (using a "beeper" to monitor an automobile on a public highway was not a Fourth Amendment search); *Florida*

v. Riley, 488 U.S. 445 (1989) (using a helicopter to observe a marijuana in a greenhouse was not a search); *Kyllo v. United States*, 533 U.S. 27 (2001) (using a thermal imaging device to look for high intensity lamps in a house constitutes a search); *Jones*, 132 S. Ct. 945 (trespassing on property to install a GPS tracker was a Fourth Amendment search); *Carpenter*, 138 S. Ct. 2206 (warrantless acquisition of cell-site location data constitutes a search).

Of particular relevance to this appeal, in 1983, this Court decided *United States v. Knotts*, and addressed under what circumstances an expectation of privacy becomes unreasonable because the person invoking Fourth Amendment protections has exposed that aspect of his life to the public. *See Knotts*, 460 U.S. at 282. In *Knotts*, the defendant was suspected of stealing chloroform in order to manufacture illicit drugs. *Id.* at 278. With the consent of the chemical manufacturer, law enforcement officers installed a "beeper"—a radio transmitter that emitted periodic signals allowing for rudimentary location tracking—inside a chemical container that was subsequently sold to the defendant. *Id.* These signals "had a limited range and could be lost if the police did not stay close enough." *Jones*, 565 U.S. at 429 n.10 (Alito, J., concurring). Using a combination of visual surveillance and location information transmitted from the beeper, the police followed the defendant to a cabin, where they ultimately discovered a methamphetamine laboratory. *Knotts*, 460 U.S. at 278-79.

Characterizing the government's use of the beeper to transmit location

information as substantially equivalent to visual surveillance that could be obtained by "the following of an automobile on public streets and highways," the Court found that a "person travelling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another." *Id.* at 281. Specifically, a reasonable expectation of privacy was lacking because by driving "over the public streets [the defendant] voluntarily conveyed to anyone who wanted to look the fact that he was travelling over particular roads in a particular direction, the fact of whatever stops he made, and the fact of his final destination when he exited from public roads onto private property." *Id.* at 281-82. Noting that "scientific enhancement of this sort raises no constitutional issue which visual surveillance would not also raise," the Court found that the use of the beeper did not constitute a Fourth Amendment search. *Id.* at 282.

Importantly, however, the government surveillance at issue in *Knotts* involved only "relatively short-term monitoring of a person's movements." *United States v. Jones*, 132 S. Ct. 945, 964 (2012) (Alito, J., concurring). The Court expressly noted that its holding did not extend to "twenty-four hour surveillance of any citizen," and indeed, "different constitutional principles may be applicable" to that type of "dragnet type law enforcement." *Knotts*, 460 U.S. at 283-84 (internal quotations omitted).

In *Kyllo v. United States*, the Supreme Court again confronted the problematic question of evolving technology within the *Katz* framework. 533

U.S. 27 (2001). This time, the Court acknowledged what was becoming increasingly apparent: it was necessary to confront "what limits there are upon this power of technology to shrink the realm of guaranteed privacy" under the Fourth Amendment. *Id.* at 34. Addressing the government's use of thermal imaging technology to monitor a house, the Court held that this type of surveillance was an unreasonable search where such "sense-enhancing technology" constitutes an "intrusion into a constitutionally protected area" and the "technology in question is not in general public use." *Id.* at 34 (internal quotations omitted). Thus, the Court responded to technology's continued erosion of what constitutes a reasonable expectation of privacy by attempting to assure "preservation of that degree of privacy against government that existed when the Fourth Amendment was adopted." *Id.*

Unsurprisingly given the government's continued use of new technologies as means of surveillance, a circuit split soon emerged over whether warrantless GPS tracking was a "search" for Fourth Amendment purposes.[10] In 2012, the Supreme Court decided *Jones,* and weighed in on the

[10] Relying on *Knotts* and *Katz,* the Ninth and Seventh Circuits held that government use of a wireless GPS device to track a suspect's location was not a search for purposes of the Fourth Amendment *U.S. v. Pineda-Moreno*, 591 F.3d 1212, 1217 (9th Cir. 2010); *U.S. v. Garcia*, 474 F.3d 994 (7th Cir. 2007). In contrast, the D.C. Circuit applied *Katz* and reached the opposite conclusion: extended use of warrantless GPS tracking is indeed a search for purposes of the Fourth Amendment. *U.S. v. Maynard,* 615 F.3d 544, 563 (D.C. Cir. 2010) (noting that the extensive "prolonged GPS monitoring reveals an intimate picture of the subject's life that he expects no one to have—short perhaps of his spouse," and that "[s]ociety recognizes Jones's expectation of privacy in his

split. 565 U.S. 400. In *Jones*, police officers installed a GPS tracking device on the underside of the respondent's Jeep. *Id.* at 403. The installation was conducted without a valid warrant. *Id.* For 28 days, the government "used the device to track the vehicle's movements," on roadways and in a public parking lot. *Id.* The device transmitted a signal which "established the vehicle's location within 50 to 100 feet, and communicated that location by cellular phone to a government computer. It relayed more than 2,000 pages of data over the 4-week period." *Id.*

For the first time since *Katz* was decided 45 years previously, the *Jones* Court did not begin with the *Katz* test and ask whether the defendant had a reasonable expectation of privacy. *See id.* Instead, the Court retreated to its pre-*Katz* jurisprudence, which tied Fourth Amendment analysis "to common-law trespass." *Id.* at 405. After characterizing the use of the GPS tracking device in *Jones* as "the government physically occup[ying] private property for the purpose of obtaining information," the Court determined that it need not apply *Katz* when "such a physical intrusion would have been considered a 'search' within the Fourth Amendment when it was adopted." *Id.* In short, *Jones* stands for the proposition that "the *Katz* reasonable-expectation-of-privacy test has been *added to*, not *substituted for*, the common-law trespassory test." *Id.* at 409.

---

movements over the course of a month as reasonable, and the use of the GPS device to monitor those movements defeated that reasonable expectation.").

In reaching this conclusion, the *Jones* Court *expressly noted* that "[s]ituations involving merely the transmission of electronic signals without trespass would remain subject to *Katz* analysis." *Id.* at 411. And importantly, the Court both declined the government's invitation to resolve the case under *Knotts*, and noted that the type of GPS tracking at issue in *Jones* was distinguishable from the primitive beeper in *Knotts*. *Id.* at 408, 409 n.6 ("*Knotts* noted 'the limited use which the government made of the signals from this particular beeper,' and reserved the question whether 'different constitutional principles may be applicable' to 'dragnet-type law enforcement practices' *of the type that GPS tracking made possible here*") (emphasis added).[11] Implicitly recognizing this gap in the caselaw presented by non-trespassory "longer term GPS monitoring," the Court explained that it would leave these "additional thorny problems" for another day. *Id.* at 412-413 (speculating that warrantless 2-day monitoring of a suspected purveyor of stolen electronics, or 6-month monitoring of a suspected terrorist, would require resort to *Katz* analysis, and a "vexing problem" to grapple with in future cases).

This Court partially confronted the question left open by *Jones* six years later, in *Carpenter.* In *Carpenter,* the government warrantlessly acquired 127

[11] *See also id.* at 417 n.* (Sotomayor, J., concurring) (explaining that "*United States v. Knotts*, 460 U.S. 276, 103 S.Ct. 1081, 75 L.Ed.2d 55 (1983), does not foreclose the conclusion that GPS monitoring, in the absence of a physical intrusion, is a Fourth Amendment search.")

days of cell-site location data from the petitioner's cell phone service provider. *Carpenter*, 138 S. Ct. at 2212. This type of data is generated automatically by any modern smartphone when it connects to a cell-site and generates a time-stamped record known as cell-cite location information, or "CSLI." *Id.* at 2211. Since cell phones continuously scan their environment looking for the best signal and the closest cell cite, the precision of the CSLI depends on the size of the geographic area covered by the cell site. *Id.* In the petitioner's case, this location data collected by the government was precise enough to place Mr. Carpenter "within a wedge-shaped sector ranging from one-eighth to four square miles." *Id.* at 2218. In total, "the [g]overnment obtained 12,898 location points cataloguing Carpenter's movements—an average of 101 data points per day." *Id.* at 2212.

This Court held that the government's acquisition of the CSLI was a Fourth Amendment search, because an individual maintains a legitimate expectation of privacy in the record of his physical movements as captured through CSLI." *Id.* at 2217. Applying *Katz,* the Court explained that "[a] person does not surrender all Fourth Amendment protection by venturing into the public sphere," and "individuals have a reasonable expectation of privacy in the whole of their physical movements." *Id.* The court reasoned:

> Prior to the digital age, law enforcement might have pursued a suspect for a brief stretch, but doing so "for any extended period of time was difficult and costly and therefore rarely undertaken." [*Jones*, 565 U.S.] at 429, 132 S.Ct. 945 (opinion of Alito, J.). For that reason, "society's expectation has been that law enforcement agents and others would not—and indeed, in the main, simply

> could not—secretly monitor and catalogue every single movement of an individual's car for a very long period." *Id.*, at 430, 132 S.Ct. 945.
>
> Allowing government access to cell-site records contravenes that expectation. Although such records are generated for commercial purposes, that distinction does not negate Carpenter's anticipation of privacy in his physical location. Mapping a cell phone's location over the course of 127 days provides an all-encompassing record of the holder's whereabouts. As with GPS information, the time-stamped data provides an intimate window into a person's life, revealing not only his particular movements, but through them his "familial, political, professional, religious, and sexual associations." *Id.*, at 415, 132 S.Ct. 945 (opinion of SOTOMAYOR, J.). These location records "hold for many Americans the 'privacies of life.' " *Riley*, 573 U.S., at ——, 134 S.Ct., at 2494–2495 (quoting *Boyd*, 116 U.S., at 630, 6 S.Ct. 524). And like GPS monitoring, cell phone tracking is remarkably easy, cheap, and efficient compared to traditional investigative tools. With just the click of a button, the Government can access each carrier's deep repository of historical location information at practically no expense.

Id at 2217-18.

Importantly, in reaching this conclusion, the Court once again noted that *Knotts* was not controlling, because it's reasoning was tied to the "rudimentary tracking facilitated by the beeper," and, at any rate, the *Knotts* Court expressly "reserved the question whether 'different constitutional principles may be applicable' if 'twenty-four hour surveillance of any citizen of this country [were] possible.'" *Id.* at 2215 (quoting *Knotts*). The Court also noted that, although *Jones* was ultimately decided based on the government's physical trespass on the vehicle, a majority of the Justices recognized at that time that individuals have a reasonable expectation of privacy in the whole of their physical movements. *Id.* at 2215, 2217. However, the *Carpenter* Court

expressly declined to address "whether there is a limited period for which the government may obtain an individual's historical CSLI free from Fourth Amendment scrutiny, and if so, how long that period might be." *Id.* at 2217 n.3.

This case lies in the interstices of *Knotts* and *Carpenter*, at the intersection of the permissive and the unconstitutional. There does not appear to be any precedent from this Court directly addressing whether non-trespassory GPS monitoring that is quantifiably more invasive than a rudimentary beeper qualifies as a Fourth Amendment search. As is apparent from the district court's opinion below, this silence has led to a state of confusion amongst the lower courts regarding the appropriate legal standards to be applied. *Howard,* 426 F. Supp. 3d at 1253 (describing this Court's precedent regarding what constitutes a search as "two amorphous balancing tests, a series of weighty and incommensurable principles to consider in them, and a few illustrative examples that seem little more than the product of judicial intuition").

As noted previously, the Eleventh Circuit determined that the warrantless monitoring of the GPS tracking device was not a Fourth Amendment search because Mr. Howard had no reasonable expectation of privacy in his public movements. *Howard*, 858 Fed. App'x at 333-34. More specifically, the panel determined that Mr. Howard's arguments were foreclosed by *Knotts*, and neither *Jones* nor *Carpenter* operated to restrict the application of *Knotts* to the facts of this case. *Id.*

The panel's conclusion is inconsistent with the relevant binding precedent. As Mr. Howard has previously argued, this Court's 1983 decision in *Knotts* cannot be read in isolation from the next 38 years of technological advancements and developments in Fourth Amendment jurisprudence. Subsequent cases have made it pellucidly clear that the holding of *Knotts* is inextricably tied to the "rudimentary tracking facilitated by the beeper," and the fact that the beeper had only a limited range. *See Jones*, 565 U.S. at 408, 409 n.6; *Carpenter*, 138 S. Ct. at 2215. Since the radio signals at issue in *Knotts* could be lost if the police did not stay in relatively close physical proximity to their suspect, the beeper served only as a substitute for visual surveillance, and a "reasonable expectation of privacy was lacking because by driving 'over the public streets [the defendant] voluntarily conveyed to anyone who wanted to look the fact that he was travelling over particular roads in a particular direction." *Knotts*, 460 U.S. at 281-82. However, *Knotts*, by its own terms, *expressly left unresolved* the question of whether longer term location monitoring would implicate different constitutional principles. *Id.* at 283-84 (noting that its holding did not extend to "twenty-four hour surveillance of any citizen," and that "different constitutional principles may be applicable" to "dragnet type law enforcement."). As a result, this Court has repeatedly found that *Knotts* does not control when the government's use of technology is more intrusive than the short-range radio signal at issue in *Knotts*. *See Jones*, 565 U.S. at 408, 409 n.6; *Carpenter*, 138 S. Ct. at 2215. Rather, more intrusive

location monitoring—or "[s]ituations involving merely the transmission of electronic signals without trespass"—remain subject to *Katz* analysis rather than dogmatic application of *Knotts*. *See Jones*, 565 U.S. at 411.

Accordingly, the relevant inquiry is whether Mr. Howard had a reasonable expectation of privacy in the whole of his movements on February 21 and 22 of 2018. He did. As a majority of Justices determined in *Jones*—and as this Court explicitly held in *Carpenter*—"individuals have a reasonable expectation of privacy in the whole of their physical movements." *Carpenter*, 138 S. Ct. at 2217. The GPS tracking device affixed to the Silverado was capable of recording the exact longitude, latitude, and street address of the vehicle and any occupants. (Doc. 42 at 11; Doc. 29-3). The device would transmit this information directly to the Dothan police *every five seconds* that the truck was in motion. (Doc. 42 at 11). The Dothan Police Department monitored this location data for approximately 21.5 or 22.5 hours, from approximately 3:30 or 4:30 PM on February 21, 2018, until the time of Mr. Howard's apprehension in Headland, Alabama at approximately 2:00-2:15 PM on February 22, 2018. (*See* doc. 42 at 12, 27-28).[12] Accordingly, the government

[12] Specifically, Officer Tye testified that he installed the GPS tracking device around 2:30 PM on February 21, 2018, (Doc. 42 at 10), and commenced realtime monitoring of the device after it had been delivered to Mr. Howard one or two hours later, (*id.* at 12, 27-28). The GPS tracking records indicate that the Silverado first arrived in Headland, Alabama at 2:01 PM on February 22, 2018. (Doc. 29-3 at 31). The truck was stationary at the Hardee's by 2:12 PM. (*Id.* at 32).

obtained approximately 25 pages—and 1,500 location points[13]—cataloguing Mr. Howard's *precise* location and movements during this time period. (Doc. 29-3 at 7-32).

As Mr. Howard argued in the district court, the government could tell from just a glance at this location data: (1) the time Mr. Howard departed Dothan, (doc. 42 at 11); (2) that he visited a residence in Bakerhill for 10 minutes, (*Id.* at 14); (3) that he traveled to Eufaula, (*Id.* at 31); (4) that while in Eufala, Mr. Howard stopped at a Murphy gas station for five minutes, (*Id.*); (5) that after leaving the Murphy's, he went to another gas station for five minutes; (6) that he visited a particular residence in Seale, AL, (*Id.* at 14); (7) that he stayed the night at that residence, (*Id.*); (8) what time he awoke the following morning, (*Id.* at 14-15); (9) that he traveled to a particular residence in Phenix City and stayed there for 50 minutes, (*Id.* at 15); (10) that after leaving Phenix City, he traveled back to the residence in Seale, AL, and remained there for 50 minutes, (*Id.*); (11) what time he began traveling back to Eufala; (12) that he stopped at a Circle K convenience store in Eufala; and (13) when he began traveling towards Dothan via Headland. (Doc. 61 at 9); (Doc. 29-3). In other words, the GPS location data provided an all-encompassing record of Mr. Howard's whereabouts from February 21, 2018 through February 22, 2018. *See Carpenter*, 138 S. Ct. at 2217. As this Court

[13] There are approximately 60 location points per page of GPS tracking records. (*See generally* doc. 29-3).

explained in *Carpenter*, time-stamped GPS information can in this way "provide[] an intimate window into a person's life, revealing not only his particular movements, but through them his 'familial, political, professional, religious, and sexual associations.'" *Id.* (quoting *Jones*, 565 U.S. at 415 (Sotomayor, J., concurring)). Accordingly, Mr. Howard had a reasonable expectation of privacy in the whole of his physical movements, and the Dothan P.D.'s warrantless monitoring of the GPS tracking device was a Fourth Amendment search.

In reaching a contrary conclusion, the Eleventh Circuit declined to conduct an evaluation of the facts under *Katz,* because it found itself bound to follow *Knotts* and hold that no search occurred. *Howard*, 858 Fed. App'x at 333-34. This conclusion misapplies this Court's precedent, and overlooks the fact that the warrantless location monitoring at issue in this case is factually distinguishable and quantifiably more intrusive than the short-range "beeper" at issue in *Knotts.* Unlike in *Knotts,* the GPS tracking device used in this case did far more than augment the sensory faculties of the police officers over the course of a single discrete journey. *Knotts*, 460 U.S. at 278-79. Rather, it created a precise, time-stamped log of Mr. Howard's exact longitude, latitude, and street address every five seconds that the Silverado was in motion, and it transmitted that information directly to the smartphone of a law enforcement officer many miles away. (Doc. 42 at 11-12; Doc. 29-3 at 7-32). This location monitoring persisted through the course of an entire day, as Mr. Howard ran

errands, stopped at gas stations, visited his acquaintances, and even went to bed for the night. (*See id.*). The Dothan Police Department did not maintain close physical proximity to the GPS tracker, nor did they use the device to supplement their visual surveillance of Mr. Howard's comings and goings. (Doc. 42 at 12-14, 29). Instead, the officers relied solely on the GPS tracking device, and they made no attempt at conducting eyes-on surveillance after their initial visual confirmation of the Silverado's whereabouts. (*Id.*). And like in *Carpenter* and *Jones*—where this Court determined that *Knotts* was not controlling—the device transmitted *hundreds* of data points, and provided an all-encompassing picture of the whole of Mr. Howard's movements. (Doc. 29-3).[14] And since the officers made no effort at conducting eyes-on surveillance, it is unclear whether the GPS tracking device followed Mr. Howard into a constitutionally protected area, such as a garage or other privately owned property where an individual might seek to exclude uninvited watchers. *See Katz,* 389 U.S. at 352-53. As a result, the Eleventh Circuit's holding conflicts with this Court's Fourth Amendment jurisprudence, and this Court's review is required to ensure that the Eleventh Circuit gives full force and effect to *Katz, Jones, and Carpenter.*

[14] The GPS tracking device used in this case was arguably even more intrusive than the cell-site location data at issue in *Carpenter.* In *Carpenter,* the CSLI was only accurate enough to place the defendant "within a wedge-shaped sector ranging from one-eighth to four square miles." *Carpenter*, 138 S. Ct. at 2212. Here, the GPS tracking device was far more geographically precise: it could transmit the exact longitude, latitude, and street address of the vehicle and its occupant every five seconds the vehicle was in motion.

This interplay between *Katz*, *Knotts*, *Jones,* and *Carpenter* involves an important question of federal law that has not been, but should be, definitively settled by this Court. As the district court repeatedly lamented in its opinion below, there is a lack of clear guidance concerning what constitutes a Fourth Amendment search in the modern era.(Doc. 65 at 7) (describing the issue presented by this case as "a Fourth Amendment quandary"); (*Id.* at 7-8) (following *Jones*, "district courts still possess scant and contradictory guidance as to whether *non-trespassory* GPS vehicle monitoring, as in this case of a borrowed truck, is an unreasonable search"); (*Id.* at 10-11) ("beginning with *Jones* in 2012 and continuing through *Carpenter* in 2018, the property notion of trespass has been quickened. It is getting harder and harder to tell the quick from the dead"); (*Id.* at 11) ("This Court is not the only one left in the lurch by the present state of the law"); (*Id.* at 11) ("Lest one thinks this lack of guidance is by accident, the Supreme Court noted last year in *Carpenter* that 'no single rubric definitively resolves which expectations of privacy are entitled to protection.'"; (*Id.* at 12) (noting that *Carpenter* did not offer much guidance, and "[a]nswers evade analysis. Consequently, one is "left with two amorphous balancing tests, a series of weighty and incommensurable principles to consider in them, and a few illustrative examples that seem little more than the product of judicial intuition"); (*Id.* at 14) (following *Carpenter,* "[c]ourts like this one are left to decide just how long is a piece of string").

Unless this Court grants certiorari, this confusion amongst the lower courts will continue to fester, and similarly situated individuals will receive disparate Fourth Amendment protections. For this reason, this Court should grant certiorari to clarify the relevant Fourth Amendment standards.

CONCLUSION

For the above reasons, this Court should grant this petition for writ of *certiorari*.

Respectfully submitted,

Christine Freeman, Executive Director
Mackenzie S. Lund, Assistant Federal Defender*
Federal Defenders
Middle District of Alabama
817 S. Court Street
Montgomery, AL 36104
Telephone: 334.834.2099
Facsimile: 334.834.0353

*Counsel of Record