

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26th day of January, two thousand twenty-two.

United States of America,

Appellee,

v.

Juan Torres-Fernandez, AKA Johnny, Luis Alamo,

Defendants,

Carlos Delgado, AKA Los,

Defendant-Appellant.

ORDER


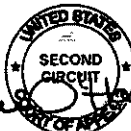
Docket No: 21-19

Appellant, Carlos Delgado, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

Rulings by summary order do not have precedential effect. Citation to a summary order filed on or after January 1, 2007, is permitted and is governed by Federal Rule of Appellate Procedure 32.1 and this court's Local Rule 32.1.1. When citing a summary order in a document filed with this court, a party must cite either the Federal Appendix or an electronic database (with the notation "summary order"). A party citing a summary order must serve a copy of it on any party not represented by counsel.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of October, two thousand twenty-one.

PRESENT: Dennis Jacobs,
Steven J. Menashi,
Circuit Judges
Lewis A. Kaplan,
District Judge.*

United States of America,

Appellee,

v.

No. 21-19

* Judge Lewis A. Kaplan of the United States District Court for the Southern District of New York, sitting by designation.

Juan Torres-Fernandez, AKA Johnny, Luis Alamo,

Defendants,

Carlos Delgado, AKA Los,

Defendant-Appellant.

For Appellee:

Natasha M. Freismuth, Esq., Marc H. Silverman, Esq., for Leonard C. Boyle, Esq., Acting United States Attorney for the District of Connecticut, New Haven, CT

For Appellant:

Carlos Delgado, pro se, Berlin, NH

Appeal from a judgment of the United States District Court for the District Court for the District of Connecticut (Hall, J.).

Upon due consideration, it is hereby **ORDERED, ADJUDGED, and DECREED** that the judgment of the district court is **AFFIRMED**.

Carlos Delgado, proceeding pro se in the district court and on appeal, was convicted of drug trafficking and possessing a firearm as a felon. In 2018, Delgado oversaw an operation that used the U.S. Postal Service to send drugs and drug proceeds between Puerto Rico and Connecticut. Following an investigation, a

magistrate judge authorized an arrest warrant for Delgado, and search warrants for his home and vehicles, based on an affidavit submitted by a DEA task force officer, which relied largely on information that one of Delgado's associates provided. Officers executing the warrants recovered more than \$110,000 in cash from Delgado's home, along with more than one kilogram of heroin and five guns. Before trial, Delgado filed a motion for a hearing under *Franks v. Delaware*, 438 U.S. 154 (1978), to challenge the validity of the warrants, arguing that the affidavit in support of the warrants deliberately or recklessly misled the magistrate judge. He also moved to suppress evidence recovered from his home, arguing that the search warrant was not supported by probable cause.

The district court denied both motions, reasoning that law enforcement adequately corroborated the informant's tips and that the warrant was valid and supported by probable cause. Delgado was tried, convicted, and sentenced. He timely filed this appeal. We assume the parties' familiarity with the underlying facts, the procedural history, and the issues on appeal.

I

"[T]he purpose of a *Franks* hearing is for a defendant to demonstrate that statements in an affidavit intentionally or recklessly misled a district court." *United*

States v. Thomas, 788 F.3d 345, 349 n.6 (2d Cir. 2015). To show entitlement to a hearing under *Franks*, a defendant must make a “substantial preliminary showing” that (1) any inaccuracies in the affidavit supporting the warrant were made “knowingly and intentionally, or with reckless disregard for the truth,” and (2) such inaccuracies were “necessary to the finding of probable cause.” *Franks*, 438 U.S. at 155-56. We have not established the proper standard of review for evaluating the denial of a *Franks* hearing. See *United States v. Falso*, 544 F.3d 110, 126 n.21 (2d Cir. 2008) (noting the lack of clarity as to the appropriate standard). But even after conducting a *de novo* review, we conclude that the district court did not err by denying Delgado’s motion for a *Franks* hearing.

As to the first prong, “a presumption of validity” attaches to an “affidavit supporting [a] search warrant” and therefore general “[a]llegations of negligence or innocent mistake are insufficient” to establish entitlement to a hearing. *Franks*, 438 U.S. at 171. The inquiry, moreover, focuses exclusively on the statements “of the affiant, not of any nongovernmental informant.” *Id.* Delgado does not make the required showing. He asserts on appeal—as he did before the district court—that paragraph 48 of the DEA task officer’s affidavit misleadingly alleged that he

possessed an intercepted parcel containing one kilogram of cocaine. That paragraph read as follows:

On June 26, 2018, the Honorable U.S. Magistrate Judge Robert A. Richardson also issued a search warrant for a second parcel that was sent from Puerto Rico and addressed [to] Ryan PEHOWDY, 2979 Main Street, Coventry, Connecticut. The Priority Mail parcel displayed Priority Mail label number 9505 5103 3621 8171 2762 57, handwritten Priority Mail address label addressed to RYAN PEHOWDY, 2979 MAIN ST. COVENTRY, CT 06238, and a return address of NICOL MARTINEZ, PORTICOS DE GUAYNABO EDIFICIO 4 APT #202 GUAYNABO, P.R. 00959. The subsequent execution of that search warrant revealed that the parcel in question contained approximately 1 kilogram of suspected cocaine. A field test conducted on a portion of the suspected cocaine returned a positive reaction for the presence of cocaine.

We agree with the district court that this paragraph did not suggest that Delgado personally possessed the parcel; it did not even reference Delgado. Instead, as the district court correctly observed, the inclusion of paragraph 48 demonstrates generally that Delgado and his associates used the U.S. Postal Service to ship illegal drugs from Puerto Rico to Connecticut roughly two weeks before law enforcement sought the warrants, and the subsequent search of this parcel corroborated the informant's report alleging the same. Accordingly, Delgado failed to raise an inference that paragraph 48 contained a "deliberate falsehood" or was prepared with a "reckless disregard for the truth." *Id.*

Even if paragraph 48 had implied that Delgado personally possessed the parcel, the paragraph was not “necessary to the finding of probable cause.” *Id.* at 156. In arguing to the contrary, Delgado asserts that the affidavit’s remaining portions consisted of “unsubstantiated hearsay statements from an unproven confidential source and officer training and experience opinions.” Appellant’s Br. 28. That is inaccurate. Among other things, the affidavit alleged the following three examples of Delgado’s involvement in the drug trafficking organization: (1) Delgado’s presence—confirmed by cellphone location data—near a Connecticut address the informant supplied to which a package was shipped from Puerto Rico; (2) Delgado’s presence—also confirmed by cellphone location data—near a Connecticut post office at which law enforcement intercepted a Puerto Rico-bound parcel containing \$26,800; and (3) law enforcement’s subsequent interception of \$9,900 shipped from Delgado’s Connecticut address to Puerto Rico using the same name as that used to ship the \$26,800.

Delgado next attacks the affidavit’s reliance on the informant’s information that was not corroborated. This challenge has no merit. As the district court correctly observed, law enforcement independently corroborated several tips that the informant had provided, including: (1) his or her provision of Delgado’s

personal telephone number, which officers confirmed with personal observations of Delgado and cellphone location data; (2) Delgado's use of a black Cadillac in his operations; and (3) officers' observation of Delgado's truck near an informant-provided address after the informant told the officers that he notified Delgado about a package delivery. While the investigators did not corroborate all of the information provided by the informant, we have recognized that "[i]f a substantial amount of information from an informant is shown to be reliable because of independent corroboration, then it is a permissible inference that the informant is reliable and that therefore other information that he provides, though uncorroborated, is also reliable." *United States v. Wagner*, 989 F.2d 69, 73 (2d Cir. 1993). The district court therefore correctly found that the affidavit adequately established the information's credibility.

Delgado's other lines of attack on the informant's reliability are unavailing. First, Delgado argues that the affidavit omitted certain details about packages the informant received, such as tracking numbers and hard copies of recipient signatures. As the district court explained, this level of detail is not necessary to establish probable cause. Delgado also complains about the absence of any information related to a canine sniff of the package Delgado retrieved from the

informant. There is a simple reason for this omission: investigators did not conduct a canine sniff of the package.

In sum, Delgado's attacks fall short of showing that the affiant falsely—or in reckless disregard of the truth—omitted information material to the evaluation of the informant's credibility. The district court therefore properly denied Delgado's motion to hold a *Franks* hearing.

II

The defendant also filed a pro se motion to suppress the evidence recovered from his house, arguing that the affidavit failed to establish probable cause. The district court denied this motion, holding that the warrants were supported by probable cause.

We review the denial of a motion to suppress “for clear error as to factual findings, giving special deference to findings that are based on determinations of witness credibility, and *de novo* as to questions of law.” *United States v. Lyle*, 919 F.3d 716, 727 (2d Cir. 2019) (internal quotation marks omitted). Probable cause is “a fluid concept,” and in deciding whether to issue a search warrant, “[t]he task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including

the 'veracity' and 'basis of knowledge' of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place." *Illinois v. Gates*, 462 U.S. 213, 232, 238 (1983).

Delgado characterizes the task officer's affidavit as "bare bones" and asserts that it was based on the informant's "unsubstantiated conclusions of narcotics[] activity using the US mail." Appellant's Br. 60, 63. The affidavit relied largely on the informant's tips, but as detailed above, the officers corroborated several of these tips, and the district court therefore drew the "permissible inference that the informant [wa]s reliable" and that "other information that he [or she] provide[d], though uncorroborated, [wa]s also reliable." *Wagner*, 989 F.2d at 73. In addition to the evidence summarized above, the affidavit also described the officers' observation of Delgado returning home after retrieving a package from the informant that was shipped from Puerto Rico; a traffic stop of one of Delgado's associates after the associate left Delgado's residence during which law enforcement recovered cocaine; and the officers' repeated observation of vehicles Delgado used to transport postal packages that were parked near Delgado's home, including one that contained a dashboard trap. The affidavit contained sufficient

evidence to establish probable cause and the district court properly denied Delgado's motion to suppress.

In arguing to the contrary, Delgado asserts that the evidence that formed the basis of the search warrant was stale because the alleged narcotics activity at his residence occurred more than four weeks prior to the issuance of the challenged search warrant. There is "no bright-line rule for staleness." *United States v. Raymonda*, 780 F.3d 105, 114 (2d Cir. 2015). Instead, courts evaluate "the facts of each case," looking specifically to "the age of the facts alleged and the nature of the conduct alleged to have violated the law." *Id.* (internal quotation marks omitted). When, as in this case, there is "a pattern of continuing criminal activity, such that there is reason to believe that the cited activity was probably not a one-time occurrence, the passage of time between the last alleged event and the warrant application is less significant." *Id.* (internal quotation marks omitted). Here, the affidavit outlined evidence of Delgado's shipment of drug proceeds from his residence in the two weeks prior to the search warrant being issued. Under these circumstances, we are not persuaded by Delgado's staleness challenge.

* * *

We have considered Delgado's remaining arguments, which we conclude are without merit. For the foregoing reasons, we **AFFIRM** the judgment of the district court and **DENY** Delgado's motion for summary reversal.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA	:	CRIMINAL CASE NO.
	:	3:18-cr-165 (JCH)
	:	
v.	:	
	:	
CARLOS DELGADO	:	DECEMBER 12, 2019
	:	
	:	

**RULING ON MOTION FOR FRANKS HEARING (DOC. NO. 233), MOTION TO
SUPPRESS (DOC. NO. 237)**

This Ruling addresses two Motions that pertain to the search warrants in this case. First, the defendant, Carlos Delgado ("Delgado"), has moved for a hearing, pursuant to Franks v. Delaware, 438 U.S. 154 (1978), to challenge the validity of the search warrants issued against him. See Motion for Franks Hearing ("Franks Mot.") (Doc. No. 233) at 1. Second, the defendant has moved to suppress evidence obtained as a result of the issuance of those search warrants. See Motion to Suppress ("Mot. to Suppress") (Doc. No. 237). The government opposes both Motions. See Response and Oppositions (Doc. No. 238).

For the following reasons, the defendant's Motion for a Franks Hearing (Doc. No. 233) is **denied**. The defendant's Motion to Suppress (Doc. No. 237) is also **denied**.

I. BACKGROUND

Law enforcement obtained search warrants for Delgado's vehicles and residence and an arrest warrant for him on July 9, 2018. See Arrest Warrant (Doc. No. 4); Search and Seizure Warrant (Doc. No. 6); Search and Seizure Warrant (Doc. No. 8); Search and Seizure Warrant (Doc. No. 10); Search and Seizure Warrant (Doc. No. 12). Those warrants were based on a master affidavit, submitted by Drug Enforcement Agency

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("DEA") Agent Eric Myshrall, to Magistrate Judge Robert M. Spector. Affidavit (Doc. No. 1-1). In the Affidavit, Officer Myshrall attested that a confidential source, referred to as "CS #2" (hereinafter "CS"), informed law enforcement that Delgado was involved in cocaine distribution in the greater Connecticut area, id. ¶ 20, and buried money in the ground in large bins, id. ¶ 16. The CS's knowledge stems from previous associations with Delgado. Id. ¶ 20. Over the course of several months, law enforcement received information from the CS about Delgado and his alleged criminal behavior. The CS told law enforcement that Delgado offered him cash in exchange for addresses at which packages could be delivered, and he gave Delgado an address. Id. ¶ 29. On at least one occasion, on May 21, 2018, law enforcement established a perimeter around the address and observed Delgado driving to the address shortly after the CS informed Delgado a package had been delivered. Id. ¶¶ 31-32. On other occasions, the CS reported similar pick-ups. Id. ¶¶ 41, 43-44. In addition to the information from the CS, the Affidavit described Officer Myshrall's experience with the DEA and his training, as well as various insights about the behavior of drug traffickers, in general, that he had gleaned from that experience and training. Id. ¶¶ 2-4. It also described additional surveillance, conducted by law enforcement, of Delgado and his associates. For example, law enforcement observed Delgado and another individual park outside a post office; Delgado waited in his vehicle while the other individual "entered and exited the post office numerous times," and then carried a small parcel into the post office. Id. ¶ 38.

II. MOTION FOR A FRANKS HEARING (DOC. NO. 233)

Pursuant to Franks v. Delaware, if a defendant makes a substantial preliminary showing that (1) “a deliberate falsehood or statement made with reckless disregard for the truth was included in the warrant affidavit” and (2) that falsehood was “necessary to the judge’s finding of probable cause,” the defendant is entitled to a hearing on the validity of the warrant. U.S. v. Falso, 544 F.3d 110, 125 (2d Cir. 2008) (quoting Franks, 438 F.3d at 155-56). There is a presumption of validity with respect to an affidavit supporting a search warrant; thus, “[t]o mandate an evidentiary hearing, the challenger’s attack must be more than conclusory and must be supported by more than a mere desire to cross-examine.” Franks, 438 F.3d at 171. The defendant seeking a Franks hearing should “point out specifically the portion of the warrant affidavit that is claimed to be false.” Id. Regarding the second prong of the Franks analysis, the Second Circuit determines whether a false statement was “necessary to a finding of probable cause” by

consider[ing] a hypothetical corrected affidavit, produced by deleting any alleged misstatements from the original warrant affidavit and adding to it any relevant omitted information. If probable cause is lacking after such correction, then the false statement was ‘necessary’ to secure issuance of the warrant.

Ganek v. Leibowitz, 874 F.3d 73, 82 (2d Cir. 2017) (citation omitted).

Delgado puts forth two arguments in support of his Motion for a Franks hearing. First, he argues that “paragraph 48 in the . . . affidavit in support [of the search and arrest warrants] slants and misleads the fact of possession of the ‘Subject parcel’ by the defendant without facts to establish this inference.” See Franks Mot. at 5. He suggests that the Affidavit misled the magistrate judge into believing Delgado possessed the “suspect parcel” referenced in that paragraph, although there are “no law enforcement

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investigative reports . . . attesting to who was actually arrested for possession of the” suspect parcel. Id. at 5.

Delgado’s allegations regarding paragraph 48 fail both prongs of the Franks test. First, there is no evidence that the officer who signed the Affidavit made a deliberately false statement or a statement with reckless disregard for the truth. Contrary to Delgado’s representation, there is no evidence that the affiant swore under oath “that the defendant was in possession or seen in possession of the subject parcel.” Franks Mot. at 6. Rather, paragraph 48 reads:

On June 26, 2018, the Honorable Robert A. Richardson also issued a search warrant for a second parcel that was sent from Puerto Rico and addressed Ryan PEHOWDY, [deleted address]. The Priority Mail parcel displayed Priority Mail label number [deleted tracking number], handwritten Priority Mail address label addressed to RYAN PEHOWDY [deleted address], and a return address of NICOL MARTINEZ [deleted address]. The subsequent execution of the search warrant revealed that the parcel in question contained approximately 1 kilogram of suspected cocaine. A field test conducted a portion of the suspected cocaine returned a positive reaction for the presence of cocaine.

Affidavit (Doc. No. 1-1) ¶ 48. The court disagrees with Delgado’s argument that this paragraph suggests that he possessed the package described. Nowhere does paragraph 48 suggest that Delgado picked up the package or ever possessed it. Nor does the context around this paragraph suggest that Delgado possessed the package. Rather, the surrounding paragraphs describe an associate of Delgado’s mailing packages to Puerto Rico containing U.S. currency. Id. ¶¶ 46-47 (Delgado’s cellular telephone traveled to a post office on June 22, 2018; the United States Postal Service intercepted a package containing U.S. currency, sent from Delgado’s associate to Puerto Rico); id. ¶¶ 49-50 (Delgado’s associate mailed a package to Puerto Rico; the

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United States Postal Service Investigators intercepted a package containing U.S. currency). In short, the court finds that paragraph 48 is not misleading, much less contains a “deliberate falsehood or statement made with reckless disregard for the truth.” Falso, 544 F.3d at 125.

Further, even removing paragraph 48, there was ample probable cause in the Affidavit to support the issuance of the search and arrest warrants. As the Supreme Court has explained, “probable cause is a fluid concept—turning on the assessment of probabilities in particular factual contexts—not readily, or even usefully, reduced to a neat set of legal rules.” Illinois v. Gates, 462 U.S. 213, 232 (1983). “The task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, . . . there is a fair probability that contraband or evidence of a crime will be found in a particular place.” Id. at 238. Even ignoring paragraph 48, see Ganek, 874 F.3d at 82, the court believes the issuance of the warrant would have been justified. The Affidavit describes an investigation that spanned from about February 2018, through about June 2018, throughout the course of which the CS worked with law enforcement to provide information about Delgado. Over the course of the investigation, the confidential source provided Delgado with an address to which packages could be delivered and, after packages were delivered, stated that Delgado came to pick them up. See Affidavit, ¶¶ 29-32 (on May 21, 2018, law enforcement identified a package for delivery at the address the CS had provided and then observed Delgado pulling onto the street of that address, pulling into an adjacent property, and then leaving the area).

The CS also informed officers that he had seen Delgado in possession of large amounts of money, id. ¶ 27, and substances he believed to be narcotics, id. ¶¶ 28, 44. Based on these allegations, the officers' observations of Delgado, and the affiant's knowledge of narcotics trafficking, there was ample probable cause for the issuance of the warrant, even without paragraph 48.

Second, Delgado argues that the affiant's Affidavit relies on "conclusory allegations that Confidential Source CS#2 . . . provided addresses to the defendant to which packages could be delivered . . . but leaves out all the pertinent facts needed to support this inference," such as tracking numbers for those packages. Franks Mot. at 6. The Affidavit includes several examples of situations where the CS's tips were corroborated by the investigating agents, which adequately establishes the CS's credibility. See, e.g. Affidavit ¶ 20, n. 1 (acknowledging that the CS was paid and had a criminal history but stating that law enforcement was able to corroborate information the CS provided); id. ¶ 21 (CS reported that an individual had been arrested by the Massachusetts State Police for possession of narcotics; law enforcement subsequently confirmed the arrest); id. ¶ 24 (CS reported that Delgado was at a hotel in Norwich, and law enforcement surveillance confirmed that a car registered to Delgado was at that hotel); id. ¶ 25 (CS provided telephone number, and location information for the telephone number was consistent with the affiant's surveillance of Delgado); id. ¶ 28 (CS reported that Delgado used his Cadillac in his alleged drug trafficking operation, and that information was consistent with information given by another individual); id. ¶¶ 31-32 (CS notified Delgado that a package had been delivered to an address the CS provided, and law enforcement observed Delgado pulling onto the street of the address

provided, pulling into an adjacent property, and later leaving the area); id. ¶¶ 35-36 (law enforcement observed Juan Torres-Fernandez's car outside of Delgado's residence; CS reported that Torres-Fernandez had been at Delgado's residence that day before Torres-Fernandez's arrest).

Further, to the extent that Delgado means to suggest that the Confidential Informant made false statements, a Franks Motion is not the proper procedure to challenge the credibility of a CS. Rather, the information put forward in the Affidavit must be "truthful in the sense that the information put forth is believed or appropriately accepted by the affiant as true." Franks, 438 U.S. at 165 (emphasis added). Perhaps most critically, the level of detail Delgado suggests was missing is unnecessary to establish probable cause, which, as discussed, requires simply a "fair probability that contraband or evidence of a crime will be found in a particular place," Illinois v. Gates, 462 U.S. at 238. Although the information from the CS omitted specific information about the packages, such as tracking numbers, that information is not material to the probable cause inquiry. Thus, the second prong of the Franks analysis is not met.

In summary, Delgado has failed to make a substantial preliminary showing that (1) "a deliberate falsehood or statement made with reckless disregard for the truth was included in the warrant affidavit" and that (2) that falsehood was "necessary to the judge's finding of probable cause." U.S. v. Falso, 544 F.3d at 125. Therefore, the court concludes that the defendant is not entitled to a Franks hearing on the validity of the warrant.

III. MOTION TO SUPPRESS (DOC. NO. 237)

Delgado also moves to suppress evidence obtained as a result of the search of his residence. He argues that the search warrant was not based on probable cause. See Mot. to Suppress (Doc. No. 237) at 1.¹ Specifically, Delgado argues that the Affidavit contained no information to “corroborate the conclusory allegation that the defendant possessed 1 [k]ilogram of cocaine, or . . . met up with CS#2 to receive parcels of narcotics [sic] through the United States Postal Service.” Id. at 1.

For the reasons discussed above, the court concludes that the search warrant was based on probable cause and denies the Motion to Suppress. As discussed supra at 5-6, the Affidavit includes several examples of situations in which the CS’s information was corroborated. See supra at 5-6 (discussing Affidavit ¶¶ 24, 28, 31-32, 35-36). As just one example, the officers watched as Delgado’s car drove toward an address provided by the CS shortly after the CS reported telling Delgado that a package had been delivered. Id. ¶¶ 31-36. Further, officers do not need to corroborate every specific piece of information given to them by a confidential informant. In Illinois v. Gates, 462 U.S. 213 (1983), for example, the officers were able to corroborate several pieces of information they received from the informant—as the informant said, Gates flew from Illinois to Florida and, very shortly thereafter, drove back to Illinois—but did not specifically see Gates transfer any drugs into his car before they obtained the

¹ The court notes that the Motion to Suppress (Doc. No. 237) consists of three pages, ends mid-sentence, and contains no signature page. Given Mr. Delgado’s insistence, at times, on representing himself, the court permitted him to docket this motion pro se. The court has instructed Delgado’s counsel to obtain the rest of the document. Defense counsel has informed the court, copied to the government, that Delgado has refused to meet with him and thus, he has not yet been able to obtain the remaining pages. The court considers the Motion to Suppress to the extent as it has been filed.

warrant. 462 U.S. at 225-27. The Supreme Court, ruling that a totality-of-the-circumstances approach is appropriate when analyzing whether a warrant is supported by probable cause, upheld the search warrant. Id. at 238, 243-245.

Here, in addition to corroborating the CS's tips, officers conducted additional surveillance of Delgado. On one occasion, law enforcement observed Delgado and another individual park outside a post office in Willimantic and watched as Delgado waited in his vehicle while the other individual "entered and exited the post office numerous times" and then carried a small parcel into the post office. Affidavit ¶ 38. The Affidavit also described Officer Myshrall's experience with the DEA and his training, as well as various insights about the behavior of drug traffickers, in general, that he had gleaned from that experience and training. Affidavit ¶¶ 2-4.

As discussed, probable cause cannot be "reduced to a neat set of legal rules," nor a specific probability. Gates, 462 U.S. at 232. Because it is so dependent on the totality of the circumstances of a specific case, a Magistrate Judge's determination of probable cause "should be paid great deference." Id. at 236. Here, based on information that law enforcement was able to corroborate, law enforcement surveillance, and law enforcement experience and training, the Magistrate Judge had a substantial basis for concluding that there was probable cause to search Delgado's residence and the three vehicles.

IV. CONCLUSION

For the reasons discussed above, the Motion for a Franks Hearing (Doc. No. 233) is **DENIED**. Also for the reasons discussed above, the Motion to Suppress (Doc. No. 237) is **DENIED**.

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SO ORDERED.

Dated this 12th day of December, 2019, at New Haven, Connecticut.

/s/ Janet C. Hall
Janet C. Hall
U.S. District Judge