

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



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FINAL JUDGMENT

August 9, 2021

Before

DANIEL A. MANION, *Circuit Judge*
DIANE P. WOOD, *Circuit Judge*
MICHAEL B. BRENNAN, *Circuit Judge*

No. 20-3264	UNITED STATES OF AMERICA, Plaintiff - Appellee v. ADAM L. WARE, Defendant - Appellant
Originating Case Information:	
District Court No: 1:19-cr-10005-JBM-JEH-1 Central District of Illinois District Judge Joe Billy McDade	

The judgment of the District Court is **AFFIRMED** in accordance with the decision of this court entered on this date.

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Argued June 3, 2021

Decided August 9, 2021

Before

DANIEL A. MANION, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 20-3264

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Appeal from the United States District
Court for the Central District of Illinois.

v.

No. 1:19-cr-10005

ADAM L. WARE,
Defendant-Appellant.

Joe Billy McDade,
Judge.

ORDER

When, pursuant to a warrant issued by a state-court judge, officers from the Peoria, Illinois, police department searched the home of Adam Ware, they found drugs, cash, and firearms. Ware wound up facing federal charges, in the course of which he challenged the validity of the search warrant. The district court rejected his argument, however, prompting Ware conditionally to plead guilty while preserving his right to appeal the denial of his motion to suppress. See FED. R. CRIM. P. 11(a)(2). On appeal, Ware argues both that the warrant was not supported by probable cause and that the good-faith exception recognized by *United States v. Leon*, 468 U.S. 897 (1984), is

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- Lane observed what he believed to be a drug transaction on February 6, 2019, when Ware drove from Warren Street and stopped at Millman Street, based on the short meeting with another man at Millman Street.
- About 45 minutes after reestablishing surveillance at 1103 S. Warrant Street, Ware again drove away from the residence and shortly thereafter committed a traffic violation.
- During the stop for the traffic violation, officers discovered 4.4 grams of cocaine and \$1,140.

Lane also stated that Ware lived at 1103 S. Warren, even though Ware had given a different address when he was arrested. The affidavit concluded that, based on his training and experience, which included training and working as a Drug Enforcement Administration task force officer, Lane believed that evidence of illegal drug activity would likely be found at 1103 S. Warren. Lane then met with a state circuit judge at a restaurant and presented this affidavit; the judge issued the requested warrant.

Upon obtaining the warrant, Lane and some other officers immediately searched the Warren Street residence. They found over five kilograms of cocaine, 86 grams of cocaine base, \$200,000 in cash, firearms, and proof that Ware resided there. Ware was then charged in federal court with possessing controlled substances with intent to distribute, 21 U.S.C. § 841(a)(1), possessing a firearm in furtherance of a drug trafficking crime, 18 U.S.C. § 924(c), and possessing a firearm as a felon, 18 U.S.C. § 922(g).

Early in the proceedings, Ware moved to suppress all evidence that had been seized from the Warren Street house, as well as the evidence from the February 6, 2019, traffic stop. The district court held an evidentiary hearing, at which Lane and Barisch, along with the officers who made the February 6 stop, all testified. Their testimony focused primarily on the February 2019 surveillance and traffic stop. The court also heard oral argument on Ware's motions. His attorney made several points: Lane's affidavit relied on stale, uncorroborated information; nothing but speculation about the interaction on Millman Street pointed to drugs; and his past drug convictions and possession of the 4.4 grams of cocaine did not support an assumption that drugs were inside his house. Ware also urged that the basis of the warrant was so flimsy that *Leon* could not save it.

The district court denied the motion to suppress the evidence from Ware's home. It acknowledged that Lane had a history of shoddy warrant applications, and that a number of judges had expressed frustration over Lane's weak affidavits. On the other hand, the court found in this particular affidavit enough indicia of probable cause to permit the team of officers to rely on the warrant in good faith. (The court made no

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Messerschmidt v. Millender, 565 U.S. 535, 547 (2012) (“the threshold for establishing [the] exception [to the presumption] is a high one, and it should be”). His attacks on the district court’s reasoning primarily rehash his arguments that the affidavit failed to establish probable cause. But we assume probable cause was lacking if we reach the *Leon* argument. The point of *Leon* is that not all evidence obtained without probable cause must be suppressed. Ware’s strongest argument for bad faith—Lane’s track record—cannot overcome the cumulative signals to an objective officer that Ware was engaged in the drug trade, and that evidence of those activities was likely to be at his home.

The district court thus correctly denied Ware’s motion to suppress. With that resolved, his convictions and his 180-month sentence stand as well.

AFFIRMED.

UNITED STATES DISTRICT COURT

Central District of Illinois

UNITED STATES OF AMERICA

v.

Adam Lee Ware

JUDGMENT IN A CRIMINAL CASE

Case Number: 19-cr-10005-01

USM Number: 22703-026

Robert A Alvarado

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1, 2, 3 and 4

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(A)	Possession of a Controlled Substance with Intent to Distribute	2/6/2019	1
21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(B)	Possession of a Controlled Substance with Intent to Distribute	2/6/2019	2
18 U.S.C. § 924(c)	Possession of a Firearm in Furtherance of a Drug Trafficking Crime	2/6/2019	3

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

11/18/2020

Date of Imposition of Judgment

s/Joe B McDade

Signature of Judge

Joe B. McDade U.S. District Judge

Name and Title of Judge

11/19/2020

Date