

Weber that Palmer would be met at the airport by a black male driving a yellow Acura. Id. at 5-6.¹

After receiving this information, Weber contacted the Drug Enforcement Agency's ("DEA") Airport Interdiction Program ("AIP") and spoke with DEA special agent Kevin Donnelly ("Donnelly"). Id. at 7. In response, Donnelly assigned Pennsylvania State Troopers William D. Knightly ("Knightly"), Kevin Schmidt ("Schmidt"), Dave Caldwell ("Caldwell"), and Louis Uribe to investigate the matter. Govt.'s Resp. at 3; Tr. of 6/15/98 at 22.

On the morning of June 25, 1997, Knightly contacted representatives of USAirways and verified that a person named Barbarella Palmer was listed as a passenger on USAirways flight 1490, originating in Ft. Lauderdale, Florida and scheduled to land in Philadelphia at 9:09 a.m. on June 25, 1997. Govt.'s Resp. at 3; Tr. of 6/15/98 at 23-24. Knightly also learned that Palmer had purchased the round trip ticket and traveled to Ft. Lauderdale from Philadelphia on June 24, 1997. Govt.'s Resp. at 3; Tr. of 6/15/98 at 24. After receiving this information, DEA AIP members set up surveillance at Philadelphia Airport gate C-31 to await the arrival of USAirways flight 1490. Tr. of 6/15/98 at 24, 25.

1. Pennsylvania State Trooper William D. Knightly testified that the confidential source also told Weber that the man driving the yellow Acura would be "approximately six foot, 230 pounds." Tr. of 6/15/98 at 23.

At approximately 9:40 a.m., USAirways flight 1490 arrived at gate C-31. Govt.'s Rep. at 3; Tr. of 6/15/98 at 26. Members of the surveillance team, who were not dressed in uniforms, saw a woman, later identified as Barbarella Palmer-Mendoza, who fit the description given by the confidential source. Tr. of 6/15/98 at 26, 27, 28. Palmer-Mendoza exited the plane carrying a blue carry-on bag. Id. at 27. Members of the surveillance team observed Palmer-Mendoza walk towards the baggage area, use a pay phone to place what appeared to be phone calls to beeper numbers,² and then walk towards a red Volkswagen Rabbit, driven by a black male, that had just arrived in front of the airport. Id. at 26, 31.

At approximately 10:00 a.m., Knightly, along with other members of the surveillance team, approached Palmer-Mendoza as she neared the vehicle, and Knightly identified himself as a law enforcement officer. Id. at 26, 34. Other members of the surveillance team walked over to the driver's side of the car, and began speaking with the driver of the red Volkswagen. Id. at 28. Knightly asked Palmer-Mendoza if she was willing to answer some questions, and she agreed to do so. Id. at 29.

Palmer-Mendoza told the surveillance team that she was returning from a business trip lasting several days. Id. at 63. She also produced a boarding pass in her name. Id. at 29. After

2. Knightly believed that these calls were placed to beeper numbers, because the defendant, "didn't talk to anyone, but she entered a lot of numbers in the [number pad]." Tr. of 6/15/98 at 27.

answering a few other preliminary questions, Knightly and Caldwell explained their reasons for stopping Palmer-Mendoza, and they asked whether they could search Palmer-Mendoza's bag. Id. at 30; Govt's Resp. at 5. Palmer-Mendoza asked whether she was required to give consent, and, after Knightly and Caldwell informed her that she could refuse the search, Palmer-Mendoza declined to give her consent. Tr. of 6/15/98 at 30.

As Knightly and several DEA AIP members were questioning Palmer-Mendoza, other surveillance team members questioned the black male driving the red Volkswagen, later identified as Gregorio Taylor ("Taylor"). Id. at 30. Taylor stated "[t]hat he was there to pick up [the defendant] and that he had dropped her off the day before to fly down to Florida, and that they were friends." Id. at 31. The interviewing officers saw that Taylor had a bulge in his pants, and, when asked about it, Taylor produced \$1000 in cash, wrapped in rubber bands. Id. at 33; Govt.'s Resp. at 5. Finally, Taylor told the officers that he had borrowed the red car, and, in fact, owned a yellow Acura. Tr. of 6/15/98 at 33; 59.

After Palmer-Mendoza refused to consent to the search of her bag, the surveillance team members informed her that she was going to be detained so that a search warrant could be obtained for her person and carry-on bag. Id. at 34. Schmidt took Palmer-Mendoza's bag from her and carried it to an office inside the airport. Id. at 34; 68. At approximately 10:15 a.m., a trained

narcotics canine, brought to the airport by Philadelphia Police Sergeant Edward Hill, gave a positive result for the presence of drugs in Palmer-Mendoza's bag. Id. at 34, 35; 68-69.

During the investigation, a female police officer was called to the scene. Id. at 39. After Schmidt took Palmer-Mendoza's bag and while the canine sniff was being conducted, the female officer "led [Palmer-Mendoza] . . . into the ladies restroom inside the terminal." Id. at 56; 76. While inside the restroom, the officer strip searched Palmer-Mendoza. Id. at 87; 96. The officer did not discover any narcotics on Palmer-Mendoza's person.

Palmer-Mendoza and Taylor were then handcuffed and transported to the nearby Pennsylvania Attorney General's office in a police vehicle. Id. at 40; 69. Relying on the positive drug alert, Knightly and the other members of the surveillance team began preparing an application for a search warrant. Id. at 37. At approximately 4:00 p.m., Philadelphia County Court of Common Pleas Judge Gregory Smith issued a search warrant authorizing a search of Palmer-Mendoza's person and bag. Id. at 38. A search of the carry-on bag revealed one kilogram of cocaine. Id. at 39; 70. Following the search of the bag, a female officer again searched Palmer-Mendoza, but failed to discover illegal drugs on her person. Id. at 40. Palmer-Mendoza and Taylor were both arrested and charged with drug trafficking. Id. After being advised of her

Miranda rights, Palmer-Mendoza gave a sworn statement concerning her recent activities. Id.

On September 23, 1997, a grand jury indicted and charged Palmer-Mendoza with one count of conspiracy to distribute cocaine, in violation of 21 U.S.C. § 846, and one count of possession of cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). On November 12, 1997, Taylor pled guilty to conspiracy to possess cocaine with intent to distribute, in violation of 21 U.S.C. § 846. On February 2, 1998, Palmer-Mendoza filed the instant motion to suppress, seeking to exclude any statements she made prior to or subsequent to her arrest, as well as all physical evidence associated with her arrest, including the kilogram of cocaine recovered from her carry-on bag.

II. DISCUSSION

The Fourth Amendment of the United States Constitution guarantees that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation" U.S. Const. amend. IV. When someone or her belongings are seized and searched without a warrant, the government bears the burden to demonstrate that the search and seizure were reasonable. United States v. Johnson, 63 F.3d 242, 245 (3d Cir. 1995), cert. denied, 518 U.S. 1007 (1996).

A. The Initial Approach and Questioning

"Whether an individual has been 'seized,' or whether there has been nothing more than a consensual encounter, depends upon whether, 'in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave.'" United States v. Martel, 966 F. Supp. 317, 320 (D.N.J. 1997) (quoting United States v. Mendenhall, 446 U.S. 544, 555 (1980)). A court must consider the totality of the circumstances objectively, although "it is appropriate to consider a defendant's characteristics, such as age, maturity, education, intelligence, and experience." Martel, 966 F. Supp. at 320 (citing Florida v. Bostick, 501 U.S. 429 (1991); United States v. Watson, 423 U.S. 411 (1976); Schneckloth v. Bustamonte, 412 U.S. 218 (1973)).

As the United States Supreme Court stated in Florida v.

Royer:

law enforcement officers do not violate the Fourth Amendment by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions, by putting questions to him if the person is willing to listen, or by offering in evidence in a criminal prosecution his voluntary answers to such questions. See Dunaway v. New York, 442 U.S. 200, 210 n. 12 (1979); Terry v. Ohio, 392 U.S. 1, 31, 32-33 (1968) (Harlan, J., concurring); id. at 34 (White, J., concurring). Nor would the fact that the officer identifies himself as a police officer, without more, convert the encounter into a seizure requiring some level of objective justification. United States v.

Mendenhall, 446 U.S. 544, 55 (1980) (opinion of Stewart, J.). The person approached, however, need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way. Terry v. Ohio, supra, 392 U.S. at 32-33 (Harlan, J., concurring); id. at 34 (White, J., concurring). He may not be detained even momentarily without reasonable, objective grounds for doing so; and his refusal to listen or answer does not, without more, furnish those grounds. United States v. Mendenhall, supra, 446 U.S. at 556 (opinion of Stewart, J.). If there is no detention - no seizure within the meaning of the Fourth Amendment - then no constitutional rights have been infringed.

460 U.S. 491, 497-98 (1983).

It is apparent that Palmer-Mendoza's Fourth Amendment rights were not infringed when the DEA AIP agents approached Palmer-Mendoza, identified themselves as law enforcement officers, inquired whether she would answer a few questions, and then proceeded to ask the questions. Until the point that the surveillance team told Palmer-Mendoza that she and her bag were going to be detained, Palmer-Mendoza's Fourth Amendment rights were not implicated. See United States v. Thomas, 87 F.3d 909, 912 (7th Cir.), cert. denied, 117 S. Ct. 409 (1996) ("The stop did not become an investigatory stop until [the defendant] refused to give his consent to a search of the suitcase and [the law enforcement officer] told [the defendant] that he was nevertheless going to detain the suitcase briefly so that a police dog could sniff it for narcotics."); United States v. Frost, 999 F.2d 737, 740 (3d Cir.),

cert. denied, 510 U.S. 1001 (1993) (refusing to find seizure where officers asked to talk to defendant and requested ticket information from defendant); United States v. Thame, 846 F.2d 200, 203 (3d Cir.), cert. denied, 488 U.S. 928 (1988) (finding that officers did not conduct a Terry stop where officers asked defendant for his ticket and identification).

B. The Investigatory Stop

In this case, it is undisputed that the surveillance team detained Palmer-Mendoza without a warrant. Govt.'s Resp. at 5. Therefore, the burden shifts to the government to show that the law enforcement officials' actions were reasonable.

In Terry v. Ohio, 392 U.S. 1 (1968),

the Supreme Court held that law enforcement officers have the authority under the Fourth Amendment to stop and temporarily detain citizens short of an arrest, and that such a stop is justified by less than the probable cause necessary for an arrest. Under Terry, a police officer may detain and investigate citizens when he or she has a reasonable suspicion that "criminal activity may be afoot." Id. at 30.

United States v. Roberson, 90 F.3d 75, 77 (3d Cir. 1996). To do so, a "police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion." Terry, 392 U.S. at 21 (footnote omitted). Moreover, "an informant's tip can

provide . . . reasonable suspicion for a Terry stop." Roberson, 90 F.3d at 77.

In Adams v. Williams, 407 U.S. 143 (1972), the Supreme Court "sustained a Terry stop and frisk undertaken on the basis of a tip given in person by a known informant who had provided information in the past." Alabama v. White, 496 U.S. 325, 328 (1990). As the Supreme Court stated in Alabama v. White, where officers investigate a tip:

Reasonable suspicion, like probable cause, is dependant upon both the content of information possessed by police and its degree of reliability. Both factors - quantity and quality - are considered in the "totality of the circumstances - the whole picture," United States v. Cortez, 449 U.S. 411, 417, 101 S. Ct. 690, 695, 66 L.Ed.2d 621 (1981), that must be taken into account when evaluating whether there is reasonable suspicion. Thus, if a tip has a relatively low degree of reliability, more information will be required to establish the requisite quantum of suspicion than would be required if the tip were more reliable. The Gates Court applied its totality-of-the-circumstances approach in this manner, taking into account the facts known to the officers from personal observation, and giving the anonymous tip the weight it deserved in light of its indicia of reliability as established through independent police work. The same approach applies in the reasonable-suspicion context, the only difference being the level of suspicion that must be established.

496 U.S. at 330-331.

In the instant action, the Court finds that the surveillance team's Terry stop was lawful, because the officers "sufficiently corroborated [the tip] to furnish reasonable

suspicion that [the defendant] was engaged in criminal activity." White, 496 U.S. at 331. Initially, the Court notes that the confidential informant had previously provided information that subsequently led to investigations and arrests. Tr. of 6/15/98 at 9. More importantly, however, the DEA AIP members verified every significant aspect of the tip and observed other suspicious actions by the defendant, prior to making the Terry stop.

On June 24, 1997, Webber received the following information from his confidential source: 1) "a female, possibly Hispanic, [with] dark hair, [and a] medium build," would be traveling from Ft. Lauderdale, Florida to Philadelphia with a large quantity of cocaine, Tr. of 6/15/98 at 5; 2) the woman's name was "Palmer," and she would be carrying a blue backpack, id. at 5, 16; 3) Palmer would be traveling on a USAirways flight that was scheduled to arrive on the morning of June 25, 1997, id. at 5, 8; and 4) Palmer would be met at the airport by a black male standing six feet tall, weighing approximately 230 pounds, and driving a yellow Acura, id. at 5, 6, 23.

In response, Knightly and DEA AIP members did the following to corroborate the predictive facts of the tip. First, Knightly contacted USAirways representatives and verified that a person named Barbarella Palmer was listed as a passenger on USAirways flight 1490, originating in Ft. Lauderdale, Florida and scheduled to land in Philadelphia at 9:09 a.m. on June 25, 1997.

Tr. of 6/15/98 at 23-24. Second, members of the surveillance team observed a woman fitting the description given by the confidential source exit the plane carrying a blue carry-on bag. Id. at 26, 27, 28. Third, the team members followed the woman as she left the airport and approached a red Volkswagen driven by a black male who met the general description given by the source. Id. at 28, 31. Fourth, in response to the officers' request, the suspect produced her boarding pass and driver's license, identifying her as Barbarella Palmer-Mendoza. Id. at 29. Fifth, the driver of the red Volkswagen explained that he had borrowed the car, and, in fact, owned a yellow Acura. Id. at 33, 59. Thus, the DEA AIP members corroborated every aspect of the tip. See Roberson, 90 F.3d at 78 ("Stressing the value of corroboration, the [Gates] court concluded that because the informant had been right about these facts, his assertions about illegal activity were also probably true."). Moreover, the tip correctly predicted several future events. See id. (discussing significant value of predictive facts when determining the reliability of a tip).

In addition, the surveillance team members discovered several other acts that gave rise to "reasonable suspicion" of Palmer-Mendoza's illegal drug activity. After contacting USAirways representatives, the surveillance team members learned that Palmer-Mendoza had purchased the round trip ticket on June 24, 1997, the day she flew to Florida. Tr. of 6/15/98 at 24. Accordingly, the

team knew that Palmer-Mendoza had flown to and from Ft. Lauderdale in less than a 24 hour period.³ See Gates, 462 U.S. at 243 ("Florida is well-known as a source of narcotics and other illegal drugs [The defendant's] flight to [Florida], his brief, overnight stay . . . , and apparent immediate return . . . [was] suggestive of a prearranged drug run."). Moreover, when questioned about the length of her trip, Palmer-Mendoza lied to DEA AIP members by stating that her trip lasted several days. Tr. of 6/15/98 at 63; United States v. Toledo, No. CIV.A.97-3065, 1998 WL 58117, at * 3 (10th Cir. Feb. 12, 1998), cert. denied, 66 U.S.L.W. 3790 (1998) ("Inconsistent stories [regarding one's travel plans] may support a finding of reasonable suspicion."); Thomas, 87 F.3d at 912 ("Perhaps most importantly, [the defendant] gave contradictory answers to simple questions about his family, his residence, and the purpose of his trip.").

"Here, the totality of the circumstances were enough to raise a reasonable suspicion in the officers' minds about the lawfulness of [the defendant's] activities. In reviewing the evidence as a whole, [the Court] do[es] not mean to suggest that any one factor alone would be suspicious." Thomas, 87 F.3d at 912. Instead, "[o]nly when they were combined did they justify the modest investigatory detention of [the defendant's backpack] for

3. In fact, the defendant "produced the ticket that had shown that she traveled down [to Florida] on the 24th . . . at . . . 12:00 o'clock." Tr. of 6/15/97 at 30. Further, Taylor told the officers that he had "dropped [the defendant] off the day before to fly down to Florida." Id. at 31.

purposes of the 'sniff' test." Id.; see United States v. Padilla, No. CRIM.A.96-606-03, 1997 WL 158396, at * 6 (E.D. Pa. Mar. 31, 1997) ("Although there was no eyewitness evidence of actual illegal narcotic or criminal activity, and some of [the defendant's] actions . . . may on the surface appear to be innocent, the Supreme Court has held that a 'series of acts, each of them perhaps innocent,' may, 'taken together,' raise a reasonable suspicion warranting further investigation.") (quoting United States v. Sokolow, 490 U.S. 1, 9-10 (1989); Terry, 392 U.S. at 22). In the instant action, the officers' observations, coupled with the tip, gave the team a reasonable suspicion that criminal activity was afoot. See United States v. Daly, 937 F. Supp. 401, 411 (E.D. Pa. 1996), aff'd, 135 F.3d 767 (3d Cir. 1997), cert. denied, 118 S. Ct. 1324 (1998) ("the confidential informant provided specific and detailed information regarding the travel plans of [the defendant], his modus operandi, the vehicles he drove, drug-related conversation between him and [the defendant], and his pager number," sufficient to find probable cause). Accordingly, the law enforcement officers were authorized, under Terry, to conduct an investigatory stop.

C. The Canine Sniff

"[W]hen an officer's observations lead him reasonably to believe that a traveler is carrying luggage that contains narcotics, the principles of Terry and its progeny . . . permit the

officer to detain the luggage briefly to investigate the circumstances that aroused his suspicion, provided that the investigative detention is properly limited in scope." United States v. Place, 462 U.S. 696, 706 (1983). "[D]rug-related investigatory detentions for canine sniffs have . . . been held permissible" as a proper device to use when investigating that suspicion. United States v. Cruz, No. CRIM.A.95-55-10, 1992 WL 212416, at * 4 (E.D. Pa. Aug. 26, 1992), aff'd, United States v. Quintero, 38 F.3d 1317 (3d Cir. 1994), cert. denied, 513 U.S. 1195 (1995) (quoting Place, 462 U.S. at 702); see Padilla, 1997 WL 158396, at * 8 (discussing validity of investigatory seizure and canine sniff).

"In assessing whether a detention is too long in duration to be justified as an investigatory stop, [it is] appropriate to examine whether the police diligently pursued a means of investigation that was likely to confirm or dispel their suspicions quickly, during which time it was necessary to detain the defendant." United States v. Sharpe, 470 U.S. 675, 686 (1985) (citations omitted). In Frost, the United States Court of Appeals for the Third Circuit discussed the proper scope of an investigatory stop in an airport, where law enforcement officials have a reasonable suspicion that luggage contains illegal drugs. 999 F.2d at 742. The Third Circuit explained that there is no "rigid time limit on the duration of investigatory seizures." Id.

Instead, the scope of an investigatory seizure is defined by the extent of the intrusion. Id.

As the Frost court stated:

The seizure in Place lasted 90 minutes because of a lack of diligence on the part of the police to minimize the intrusion, a lack that was indicated not only in the failure to arrange for a dog sniffing team to be in place to greet Place upon his arrival at La Guardia, but also in the failure to communicate to Place where his luggage was being transported and how he might be able to get it back. The conduct of the officers in Place thus exhibited a general lack of concern for Place's enjoyment of his property.

We find no similar lack of concern in the case before us. The detectives called for a drug sniffing unit as soon as [the defendant] made it clear that he would not consent to a search of the bag. It does not demonstrate a lack of diligence on the part of the detectives that a drug sniffing unit was not on duty that day, so that one had to be summoned to the airport. Nor is it unreasonable that the unit, being summoned at six o'clock in the evening, would take nearly an hour to reach the airport. Moreover, the detectives exhibited diligence in giving [the defendant] receipts for the detained items and instructing him on how he could retrieve them. We find that none of the indicia of a lack of diligence, which substantially informed the result in Place, occurred in the instant case. We thus hold that the detention of [the defendant's] suitcase constituted no violation of his rights.

Frost, 999 F.2d at 742.

In the instant case, the surveillance team did not violate Palmer-Mendoza's rights by detaining her carry-on bag and subjecting it to the canine sniff. After informing Palmer-Mendoza

that the surveillance team intended to detain her and her bag temporarily for additional investigation, the surveillance team acted diligently. In fact, "it was only a few minutes before a canine sniff" was performed, revealing that narcotics were inside the bag. Govt.'s Resp. at 17. The law enforcement officials in the instant case acted more efficiently than those in Frost, where the Third Circuit upheld the investigatory seizure. Accordingly, the scope of the investigatory seizure in this case was proper.

D. The Arrest

It is well established that in order for a warrantless arrest to be lawful it must be based on probable cause. Watson, 423 U.S. at 422; Beck v. Ohio, 379 U.S. 89, 91 (1964); United States v. Bronowski, 575 F. Supp. 668 (W.D. Pa. 1983). In Watson, 423 U.S. at 417, the Supreme Court held that probable cause for a warrantless arrest exists when the officer has reasonable grounds to believe that an offense has been or is being committed. The existence of probable cause is based on a flexible "totality of the circumstances" standard. United States v. De Los Santos, 810 F.2d 1326 (5th Cir.), cert. denied, 484 U.S. 978 (1987). Furthermore, in United States v. Wajda, 810 F.2d 754, 758 (8th Cir.) cert. denied, 481 U.S. 1040 (1987), the court held that police may use their special training and experience to draw reasonable inferences of criminal activity from circumstances which the general public may find innocuous.

In the instant action, the officers arrested the defendant after the police dog indicated that the defendant's bag contained narcotics. "Of course, once the dog reacted positively for narcotics," the officers had reasonable grounds to believe that an offense had been committed. Thomas, 87 F.3d at 912. Accordingly, "the officers had probable cause to obtain a search warrant for the suitcase," as well as probable cause for the warrantless arrest. Id.; see United States v. Massac, 867 F.2d 174, 176 (3d Cir. 1989).

E. The Strip Search

The defendant asserts that the kilogram of cocaine seized from her bag, as well as the statements she made, must be suppressed at trial. Def.'s Suppl. Mem. at 4. The defendant contends that the officers lacked probable cause to conduct the strip search, and, accordingly, this evidence should not be admissible.

The evidence derived from an unlawful search or seizure is tainted and must be suppressed. Wong Sun v. United States, 371 U.S. 471 (1983). However, "[f]or the narrow purpose of this suppression hearing, it is enough that there is no event that came into the chain of discovery of the physical evidence which could have been the fruit of that poisonous tree, i.e., fruit of the allegedly illicit detention which logically evolved into a full-fledged arrest." Cruz, 1992 WL 212416, at * 5 (citing Wong Sun,

371 U.S. 471). As stated by the Honorable Edward N. Cahn, Chief Judge of the United States District Court for the Eastern District of Pennsylvania:

the defendant's attack on the constitutionality of his detention and arrest is misplaced. To justify the exclusion of evidence, a violation of the fourth amendment must be at least indirectly connected to the seizure of the evidence sought to be excluded. See Wong Sun v. United States, 371 U.S. 471 (1963). No evidence was seized as a result of the defendant's arrest; therefore, even if the arrest is constitutionally defective it cannot affect the admissibility of the evidence seized pursuant to the independent search warrant.

United States v. Bausman, No. Crim.A.86-236-01, 1987 WL 6109, at * 3 (E.D. Pa. Jan. 31, 1987), aff'd, 829 F.2d 32 (3d Cir.) (TABLE), cert. denied, 484 U.S. 933 (1987).

In the instant action, to the extent the defendant argues that the strip search violated her Fourth Amendment rights, the alleged violation would not lead to the suppression of the narcotics or her statements. The officers did not discover this evidence as a result of the allegedly illegal search. Accordingly, this alleged violation does not justify the exclusion of evidence in the instant action under Wong Sun, and, accordingly, the defendant's motion is denied.

An appropriate Order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION
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BARBARELLA PALMER-MENDOZA : NO. 97-481-01

O R D E R

AND NOW, this 28th day of July, 1998, upon consideration of the Motion by Defendant Barbarella Palmer-Mendoza to Suppress Evidence (Docket No. 33), IT IS HEREBY ORDERED that Defendant's Motion is **DENIED**.

BY THE COURT:

HERBERT J. HUTTON, J.