



reviewing court is simply to ensure that the magistrate had a substantial basis for concluding that a fair probability existed that evidence would be found. Id. Doubtful or marginal cases should be resolved in favor of the warrant. United States v. Ventresca, 380 U.S. 102, 109 (1965); Conley, 4 F.3d at 1205.

The district court should focus on what information is actually contained in the affidavit, not on what information an affidavit does not include. Conley, 4 F.3d at 1208. The supporting affidavit must be read in its entirety and in a common sense and nontechnical manner. Gates, 462 U.S. at 230-31.

Courts determine the existence of probable cause by analyzing the totality of the circumstances. Id. at 233. While an informant's veracity, reliability and basis of knowledge are all highly relevant in determining the value of his tip, these factors are not separate and independent requirements to be rigidly applied in each case. Id. at 230. Rather, these concepts should be understood as closely intertwined issues that "may usefully illuminate the common sense, practical question whether there is probable cause to believe that contraband or evidence is located in a particular place." Id. In determining the overall reliability of a tip, a deficiency in one factor may be compensated for by either a strong showing as to the other factor or by some other indicia of reliability. Id. at 233.

The Court is not persuaded by Defendant's arguments. The

warrant is not facially deficient. The affidavit supporting the warrant contained sufficient information to provide the magistrate with a substantial basis to conclude that there was a fair probability that contraband would be found.

The supporting affidavit cites five prior instances where the informant had provided reliable information leading to lawful arrests, convictions, and seizures of contraband. Although the affidavit does not contain information as to the basis of the informant's knowledge, that is not an absolute bar to a finding of probable cause based on his tip. See Gates, 462 U.S. at 233. The tip contained a sufficient amount of detail to support its overall reliability and police were able to independently corroborate many of the details prior to the search. See Id.; Draper v. United States, 358 U.S. 307, 313 (1959).

Furthermore, the tip did not just relate to easily obtained facts and conditions existing at the time of the tip, but rather predicted Seawright's future actions. See Gates, 462 U.S. at 245. The predictive nature of the tip negates any issue of the age of the information. Staleness becomes problematic primarily when an informant's tip relates to past behavior or conditions. See United States v. Stiver, 9 F.3d 298, 300-01 (3rd Cir. 1993)(involving tips on a defendant's prior narcotic sales). For these reasons, the Court finds that the issuing magistrate had a substantial basis for concluding that a fair probability existed that contraband would be found in Defendant's car and therefore

denies Defendant's Motion.