

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA)	
)	Case No.: 8:21-CR-348-T-SCB-SPF
v.)	
)	
JEREMY BROWN)	

UNITED STATES' MOTION TO EXCEED THE PAGE LIMIT

The United States of America, by Roger B. Handberg, United States Attorney for the Middle District of Florida, files this motion for permission to file a response in excess of twenty pages pursuant to Middle District of Florida Local Rule 3.01(b) and, in support, states as follows:

On June 27, 2021, the Defendant filed a 25-page Amended Motion to Suppress, challenging the search warrant that led to the discovery of the evidence in this case, and requesting the suppression of all evidence in the case. The Motion raises four arguments: that (1) the magistrate judge did not have jurisdiction to issue the search warrant, *see* Doc. 186 at 5-17; (2) the affidavit in support of the warrant lacked probable cause, *id.* at 17-21; (3) the seizure of his cell phone from his vehicle was unlawful, *id.* at 21-23; and (4) the affidavit contained material factual omissions and that, therefore, a hearing is warranted pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978).

Responding to these arguments requires detailed quotations of and citations to the relevant facts, which come from a lengthy 57-page search warrant application

package. In addition, responding to the Defendant's arguments requires discussion of rules and statutes relating to the jurisdictional provisions at issue as well as pertinent legislative history, and discussions of caselaw on a variety of subjects including jurisdiction, probable cause, staleness of information in search warrant affidavits, searches of vehicles, the good faith exception to the exclusionary rule, and *Franks* hearings. In spite of substantial efforts of the undersigned AUSA and others to shorten the response, the United States respectfully submits that it cannot adequately address the Defendant's arguments in twenty pages. Accordingly, the United States respectfully requests permission to file a response that is 25 pages in length.

Local Rule 3.01(b) provides that no party shall file any response longer than twenty pages without prior permission from the district court.

Therefore, pursuant to this rule, the United States seeks permission from the district court to exceed the page limitation with respect to the above-described motion.

Respectfully submitted,

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U.S. v. Jeremy Brown

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CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Roger Futerman, Esq.

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