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Inevitable Change to Inevitable Discovery: The Eleventh Circuit's New Standard of Proof for Cases Addressing the Inevitable Discovery Exception to the Exclusionary Rule

Hannah Pressley*

I. INTRODUCTION

The inevitable discovery doctrine is an exception to the rule that evidence obtained by the government in violation of the Fourth Amendment will be excluded at trial. Under the inevitable discovery doctrine, illegally obtained evidence will be admissible at trial if the government can establish that it would have discovered the evidence even if the Fourth Amendment violation had not occurred. In *United States v. Watkins*,¹ the United States Court of Appeals for the Eleventh Circuit, sitting en banc, addressed the following question: what is the standard of proof that the government must meet to show that illegally obtained evidence would have been inevitably discovered? For decades, the Eleventh Circuit adhered to circuit precedent and held that the government had to show only a “reasonable probability” that the evidence would have been inevitably discovered, despite the fact that the 1984 landmark Supreme Court of the United States decision recognizing the inevitable discovery exception, *Nix v. Williams*,² clearly

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1. 10 F.4th 1179 (11th Cir. 2021).

2. 467 U.S. 431 (1984).

stated that government should be required to satisfy the preponderance of the evidence standard.³ Perhaps bowing to the inevitable, in *Watkins*, the en banc Eleventh Circuit overruled its prior precedent and brought the law of the circuit into conformity with the Supreme Court and the other circuits.

II. FACTUAL BACKGROUND

Latecia Watkins was the criminal defendant at trial with several drug charges brought against her. However, she moved to have evidence obtained against her suppressed at trial because of the method in which that evidence was obtained by the federal law enforcement agents.⁴ Watkins was a supervisor of the Boca Raton, Florida Post Office at the time that two packages containing cocaine arrived from Trinidad and Tobago.⁵

Upon entering the country, these packages were discovered, and law enforcement agents removed the real cocaine, replaced it with fake cocaine, and attached a GPS tracking device in the packages before allowing them to continue in the mail stream.⁶ By the time the packages arrived in the Boca Raton area, the real cocaine was gone and the GPS tracking devices were activated, although they stopped functioning shortly after the packages arrived.⁷

Federal law enforcement agents used both the GPS tracking devices they inserted into the packages and the Postal Service's tracking system to confirm that the packages arrived at the Boca Raton Post Office despite the GPS devices having stopped working earlier that morning.⁸ Federal agents noted that both packages were improperly addressed, and the updates on the Postal Service's tracking system were not routine updates. This is one of the factors that led the agents to believe that the importation of the cocaine was being perpetrated by an employee in the postal system that had the ability to manipulate the tracking system and sneak the packages through the mail stream. Agents also deduced that the employee would need to be someone with "unique access to certain aspects" of the system, thus leading them to conclude it was most likely a supervisor.⁹

3. *Watkins*, 10 F.4th at 1181.

4. *United States v. Watkins*, 981 F.3d 1224, 1226 (11th Cir. 2020).

5. *Id.* at 1227–28.

6. *Id.* at 1227.

7. *Id.*

8. *Id.*

9. *Id.* at 1228.

In furtherance of this belief, two agents entered the post office on the day that the packages arrived, and Watkins's reaction upon recognizing one of them as a postal inspector only heightened their suspicions.¹⁰ According to the agents, Watkins seemed to be so nervous that her knees buckled, and she looked as if she might pass out. This physical reaction only subsided after the agents falsely told her that they were only there to retrieve some documents.¹¹

The agents monitored the post office until it closed that evening and decided to enter and search for the packages after all the employees, including Watkins, had left for the day.¹² Although the agents did not see anyone leave with the packages, the packages could not be found at the post office. Since they did not locate the packages at the post office, the agents testified that their next step would "probably" be to conduct a knock-and-talk at Watkins's home because she was their lead and only suspect.¹³ However, the GPS devices suddenly reactivated before the agents made the formal decision to conduct a knock-and-talk, which confirmed that the packages were at Watkins's address.¹⁴ This led the agents to Watkins's home, where a strong smell of marijuana emanated from the home as she answered the door for the agents. When asked if she knew why the agents were there, Watkins indicated that it was because of the boxes or packages.¹⁵

After Watkins answered the agent's first question, that agent asked Watkins to step outside of the house so they could continue the conversation.¹⁶ They walked to the end of the driveway as they spoke, where Watkins again indicated she had knowledge of the packages and what was supposed to be inside of them.¹⁷ The agent then asked Watkins if she would show them the packages. Watkins turned back up the driveway towards the house, seeming to indicate that she was consenting to the agents' entry into the house.¹⁸

Before they proceeded, the officers conducted a protective sweep,¹⁹ which revealed the marijuana and the two packages all in plain view

10. *Id.*

11. *Id.*

12. *Id.*

13. *Id.* at 1228–29.

14. *Id.* at 1229.

15. *Id.*

16. *Id.*

17. *Id.*

18. *Id.*

19. "A police officer's quick and limited search—conducted after the officer has lawfully entered a premises, esp. as incident to an arrest or to a warrantless entry to search—based on a reasonable belief drawn from specific and articulable facts that such a

within the home.²⁰ Watkins was informed of her rights, signed *Miranda* and *Garrity* waivers,²¹ and then told the agents how she met her coconspirator and that she feared he had already been arrested because she had not been able to get in touch with him.²²

Watkins was charged with four crimes and sought to suppress all evidence and statements obtained from the federal agents' warrantless installations of the GPS tracking devices inside the two packages.²³ Judge Matthewman issued a report after an evidentiary hearing, recommending that Watkins's motion to suppress be denied. This recommendation was founded on several principles: the testimony of the agents to be credible while the testimony of Watkins's witnesses to not be credible; the initial searches and seizures of the packages were lawful; the law enforcement agents had reasonable suspicion to conduct a knock-and-talk at Watkins's house and planned to do so anyway; Watkins consented to the agent's entry into her home and her incriminating statements were made voluntarily; probable cause and exigent circumstances justified a protective sweep of the home upon Watkins opening the door because of the marijuana odor emanating from the home and the fear that evidence would be destroyed. It is clear based on this extensive list that Judge Matthewman believed several avenues existed for the federal agents to be able to legally obtain the evidence against Watkins, and thus escape the restraints of the exclusionary rule at trial.²⁴

Despite the recommendation that the motion to suppress be denied, the United States District Court for the Southern District of Florida still granted Watkins's motion to suppress.²⁵ The court relied on Supreme Court decisions in *United States v. Jones*²⁶ and *United States*

search is necessary to protect the officer or others from harm." *Protective Sweep*, BLACK'S LAW DICTIONARY (11th ed. 2019).

20. *Watkins*, 981 F.3d at 1229.

21. *Id.* at 1229–30 (citing *Miranda v. Arizona*, 384 U.S. 436 (1996); *Garrity v. New Jersey*, 385 U.S. 493 (1967)). *Miranda* and *Garrity* involve the voluntariness of a suspect's statements to police in regards to their Fifth Amendment rights. By signing a waiver, the suspect would be indicating that they have been informed of their rights, are waiving those rights, and are willing to speak with law enforcement officers.

22. *Id.*

23. *Id.* at 1230.

24. *Id.*

25. *Id.*

26. 565 U.S. 400, 403–04 (2012). The use of information obtained from GPS tracking on the undercarriage of the defendant's vehicle that was placed without a warrant is a "search" and thus violates the Fourth Amendment. The intrusion of the defendant's private property without a warrant is part of the rationale the court used in suppressing the evidence obtained from the GPS device.

*v. Karo*²⁷ to hold that the government's failure to have a warrant to monitor the tracking device once it entered Watkins's home and left a public place constituted a Fourth Amendment violation.²⁸ This also led the court to rule that any alleged consent to search or voluntary statements were in fact the products of this Fourth Amendment violation and were not exempt from exclusion. The district court denied the government's motion to reconsider and held that the inevitable discovery doctrine did not apply.²⁹

On the interlocutory appeal by the government, the Eleventh Circuit reversed the lower court's decision to exclude the evidence requested by Watkins. The court of appeals expressly held that the inevitable discovery doctrine would apply to the evidence obtained by law enforcement.³⁰ However, the court of appeals also granted a rehearing en banc to decide under what standard of proof the government must operate in the future to show that the evidence obtained against Watkins would have ultimately been gained through lawful means without a constitutional violation.³¹

III. LEGAL BACKGROUND

The issue before the court en banc was what the proper standard of proof should be when dealing with the inevitable discovery exception to the exclusionary rule.³² The Eleventh Circuit was operating under a lesser standard of proof than what was used by the Supreme Court. In addition, the district courts within the Eleventh Circuit seemed to be split on the issue, and the rehearing was meant to clarify that standard for use in all future proceedings. The two standards in dispute were whether the government must show that the ultimate discovery of evidence would have been obtained either by a reasonable probability or by a preponderance of the evidence.³³

27. 468 U.S. 705, 714 (1984). Law enforcement agents' warrantless monitoring of a beeper installed in a can of ether was unconstitutional when it entered the home of the defendant because the defendant had an expectation of privacy in the residence.

28. *Watkins*, 981 F.3d at 1230–31.

29. *Id.*

30. *Id.* at 1239.

31. *Watkins*, 10 F.4th at 1180.

32. *Id.*

33. *Id.*

A. History of Applying the Reasonable Probability Standard of Proof

In 1980, the United States Court of Appeals for the Fifth Circuit held in *United States v. Brookins*³⁴ that the government must show that there was a “reasonable probability” that the evidence would have been discovered by otherwise lawful means.³⁵ In *Brookins*, the defendant was convicted of receiving or concealing a stolen vehicle after the lower court refused to suppress a prosecution’s witness who was discovered through incriminating statements that had been suppressed.³⁶ The Fifth Circuit reasoned that since the evidence pertaining to the witness could have been discovered through routine police investigations anyway, the lower courts were correct in not suppressing that particular evidence.³⁷

The government must also show that the lawful means that made discovery inevitable were being pursued prior to the illegal conduct, as held by the court in *United States v. Johnson*.³⁸ This is required to help solidify the argument that the police were really pursuing lawful means of obtaining the evidence, and strengthens the assertion that the evidence really was inevitably going to be found.

In *Johnson*, the defendant’s sawed-off shotgun was discovered during a warrantless search of his truck.³⁹ However, the court of appeals held that the inevitable discovery doctrine did apply because at the time the search was conducted, the officer had not yet determined what he would do with the truck, but he did know that Johnson’s license was suspended and that the owner of the truck was deceased, leaving him with no one to whom he could release the vehicle.⁴⁰ This left the officer with no choice but to impound the vehicle, as he could not leave it on the side of the road. Therefore, despite the initial warrantless search, the officer would have still found the shotgun when he inventoried the truck before he impounded it, making the discovery of the evidence inevitable through lawful actions.⁴¹

After the *Brookins* decision, the Eleventh Circuit adopted the same approach in determining whether the inevitable discovery doctrine would prevent the exclusion of evidence in Fourth Amendment cases.⁴²

34. 614 F.2d 1037 (5th Cir. 1980).

35. *Id.* at 1044.

36. *Id.* at 1039–40.

37. *Id.* at 1049.

38. 777 F.3d 1270 (11th Cir. 2015).

39. *Id.* at 1272.

40. *Id.* at 1272–73.

41. *Id.* at 1273.

42. *Brookins* was decided on April 3, 1980, prior to the Fifth and Eleventh Circuits splitting into two. After they split into two separate circuits, a new rule was developed

More than twenty years passed between *Brookins* and *Johnson*, but the rationale of the Eleventh Circuit seemed to hold steadfast in its approach to inevitable discovery. Affirming its belief that the standard is whether there is a reasonable probability that the evidence would have been found through legal means, the court of appeals reiterated that the standard is not whether the evidence certainly would have been found, but rather whether there is a reasonable probability that it would have been found by lawful means.

B. Shift to Applying the Preponderance of the Evidence Standard of Proof

This evolution in the legal principles of the court is made in reliance on the decision set forth in *Nix* which held that “if the prosecution can establish by a preponderance of the evidence that the information ultimately or inevitably would have been discovered by lawful means . . . the evidence should be received.”⁴³ In *Nix*, the defendant petitioned the district court for a writ of habeas corpus after he had been found guilty of first-degree murder and was sentenced to life imprisonment.⁴⁴ This came after evidence regarding the condition of the victim’s body was admitted at his second trial despite that information having been obtained through unlawful questioning by the police. The Supreme Court reasoned that the lower court was proper in admitting the evidence pertaining to the discovery and condition of the victim’s body because the prosecution was able to show that it was more likely than not that they would have ultimately discovered this particular evidence even if no constitutional violation had occurred.⁴⁵

The Eleventh Circuit’s allegiance to the *Brookins* precedent of applying a reasonable probability standard is made clear in their 2004 decision, *Jefferson v. Fountain*.⁴⁶ The Supreme Court decided *Nix* only a few years after the Fifth Circuit decided *Brookins*. However, the Eleventh Circuit continued to apply the *Brookins* standard of reasonable probability, arguing that it was consistent with the Supreme Court’s decision in *Nix*.⁴⁷ Although the Eleventh Circuit was fully aware of the *Nix* decision when deciding cases surrounding inevitable

that said any Fifth Circuit case decided prior to October 1, 1981 is binding on the Eleventh Circuit. Therefore, *Brookins* was binding precedent on the Eleventh Circuit at the time *Watkins* was decided. *Griffin Industries v. Irvin*, 496 F.3d 1189 (11th Cir. 2007).

43. 467 U.S. at 444.

44. *Id.* at 434.

45. *Id.*

46. 382 F.3d 1286 (11th Cir. 2004).

47. *Id.* at 1296.

discovery after 1984, the court's interpretation of that decision did not find the preponderance of the evidence standard to be required.⁴⁸ Rather, it interpreted this decision to mean that courts could use either preponderance of the evidence or reasonable probability in deciding whether the evidence would have inevitably been found through lawful means. One of the arguments for this rationale was that the court deemed the portion of the opinion surrounding this issue to be dicta.⁴⁹

In *Jefferson*, the court held that the defendant was not entitled to have the evidence obtained as a result of an illegal detention suppressed at trial because the specific evidence in question would have likely been discovered by lawful means inevitably.⁵⁰ In this opinion, the court looks to the *Nix* decision in its application of the inevitable discovery doctrine, but it also cites the *Brookins* decision, seeming to suggest that they work in conjunction with each other regarding inevitable discovery.⁵¹ The Eleventh Circuit in no way thought that the *Brookins* precedent was inconsistent with *Nix* at the time of this opinion.⁵²

This belief that *Brookins* and *Nix* could be applied together held less weight, however, if it is looked at with *Bourjaily v. United States*.⁵³ In this case, the Supreme Court bolstered its confidence in the *Nix* preponderance of the evidence standard. Although *Bourjaily* is not directly related to the inevitable discovery doctrine, it illuminates the Court's stance on the applicability of when the preponderance of the evidence standard should be used.⁵⁴ *Bourjaily* extended the rationale in *Nix* to the coconspirator exception of the hearsay rule. In *Bourjaily*, the court summarized its decision in *Nix* by stating that the "inevitable discovery of illegally seized evidence must be shown to have been more likely than not."⁵⁵ The use of the word "must" in this summary of the *Nix* case strengthened the argument that the preponderance of the evidence standard is required, rather than recommended.

Overall, the Eleventh Circuit has seemingly been able to align its precedent with Supreme Court rulings for decades with very little variation in its application of the standard of proof it requires for inevitable discovery. Despite the fact that the Supreme Court set forth

48. *Id.*

49. *Watkins*, 10 F.4th at 1182.

50. *Jefferson*, 382 F.3d at 1295.

51. *Id.*

52. *Id.* at 1296.

53. 483 U.S. 171 (1987).

54. *Id.* at 176.

55. *Id.*

a different set of standards, the Eleventh Circuit has remained consistent, and parties bringing up the inevitable discovery doctrine could expect to have the lesser standard of reasonable probability applied in their cases.

IV. COURT'S RATIONALE

The court's rationale is a two-pronged analysis. First, the court states that there is binding precedent that confirms the ruling here to apply the preponderance of the evidence standard to inevitable discovery cases. Second, the court says that even if that precedent from the Supreme Court did not exist, it has an independent and purely logical basis for abandoning the reasonable probability standard of proof for inevitable discovery cases. On rehearing, the panel of judges sitting for the court of appeals held that the standard of proof for the inevitable discovery doctrine applied by the district court and on appeal were incorrect, thus breaking from the previous caselaw the court had relied on.

The Eleventh Circuit has almost exclusively applied the reasonable probability standard of proof to the inevitable discovery doctrine set forth by *Brookins*.⁵⁶ Because of this longstanding adherence to *Brookins*, the court was required to uphold that precedent in the government's interlocutory appeal from the district court's suppression order. However, the panel of judges, sitting en banc, were not bound by that same requirement. The court expressly held that the standard the Supreme Court requires is that the evidence would more likely than not have been discovered through lawful methods. Therefore, it reaffirms that the standard to be used hereinafter for inevitable discovery should be by a preponderance of the evidence.⁵⁷

The court explains that while reasonable probability is a lesser standard of proof than what is required by a preponderance of the evidence, it had previously not seen any indication that the reasonable probability standard was in conflict with the precedent laid out in the Supreme Court.⁵⁸ The Eleventh Circuit now turns away from the *Brookins* standard and will exclusively rely on *Nix* to use a preponderance of the evidence standard when it comes to inevitable discovery cases. In contrast to *Jefferson*, the court no longer believes that *Brookins* and *Nix* can work in conjunction with each other, and *Nix* must take priority.⁵⁹

56. *Watkins*, 10 F.4th at 1180.

57. *Id.* at 1181.

58. *Id.*

59. *Id.*

On the interlocutory appeal, the court was obligated to apply the reasonable probability standard, as that was the standing precedent in the circuit.⁶⁰ However, the panel of judges, sitting en banc, decided to overrule that precedent and align itself with the precedent relied on by the Supreme Court for inevitable discovery.⁶¹ The judges acknowledged that in the past, the Eleventh Circuit reasoned that the *Nix* decision used a preponderance of the evidence standard, but did not command it. Previously, the court reasoned that the portion of *Nix* saying that preponderance of the evidence “must” be the standard was dicta. However, the panel on this hearing en banc recognized that circuit courts are not at liberty to distinguish between the language in Supreme Court opinions in this way and are bound by its decisions. Therefore, the Eleventh Circuit did not believe it was operating contrary to the Supreme Court in prior rulings.⁶²

Despite this, the court reassessed the rationale upon the request of the government in this case.⁶³ In the rehearing for clarification on what standard of proof the prosecution will be held to, the court looked to *Bourjilay*. In doing so, the panel, sitting en banc, believed that the preponderance of the evidence standard for inevitable discovery was in fact the required standard.⁶⁴ Based on the summary of *Nix* in that case, the Eleventh Circuit determined that the preponderance of the evidence standard must be used for the inevitable discovery doctrine. This is a stark contrast to its previous rulings that have held the *Nix* decision to be permissive rather than required.⁶⁵

In addition, the court here held that it would now apply the preponderance of the evidence standard of proof even if the Supreme Court did not require that it be the standard.⁶⁶ The court addressed serious concerns about the definition and practical applicability of the reasonable probability standard for inevitable discovery cases. The court went on to explain that the reasonable probability standard creates a multitude of ambiguities when it is applied in the context of inevitable discovery cases.⁶⁷ There has been no formal definition created for how it would apply to inevitable discovery, and the court poses the

60. *Id.*

61. *Id.*

62. *Id.* at 1182.

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

frequently asked question: what is reasonable?⁶⁸ The court takes it even further to say that a reasonable probability standard does not fit best for inevitable discovery because, in order for a probability of discovering evidence to be reasonable, there must also be an unreasonable probability for discovery.⁶⁹ According to the court, there is simply no practical way to apply this standard of proof. Based on this reasoning, the court held that such a standard, while it may work in other contexts, does not make sense for the Fourth Amendment inevitable discovery doctrine.⁷⁰

To provide contrast, the court analyzes the ruling in *Strickland v. Washington*,⁷¹ which holds that the reasonable probability standard is proper when determining the prejudicial effect of ineffective counsel.⁷² This example makes the distinction in standards clearer. It is more easily understood that there is a reasonable probability that a lack of professional counsel could affect the outcome of a trial than it is to see how reasonable probability applies to the discovery of evidence in connection to the exclusionary rule. Rather, it is much more logical to try to determine whether law enforcement would have more likely than not found the evidence they seek to use against a defendant at trial through lawful methods had the constitutional violation not occurred.

Overall, the Eleventh Circuit finally aligned itself with the requirements of the Supreme Court only after prompting by the government.⁷³ There is both a binding obligation on the circuit to apply precedent by the Supreme Court and a purely rational basis for utilizing preponderance of the evidence in inevitable discovery cases. Therefore, this will be the standard of proof placed upon the government in the Eleventh Circuit from now on to show that the evidence would have more likely than not been discovered by lawful means, even if the Fourth Amendment violation had not occurred.

V. IMPLICATIONS

The Eleventh Circuit's decision in this rehearing changes approximately forty years of precedent in this circuit. Not only does this decision change decades of caselaw, but it helps ensure continuity between the circuits and the Supreme Court. Now, the Eleventh Circuit is abiding by its obligation to be fully aligned with the Supreme Court

68. *Id.*

69. *Id.*

70. *Id.*

71. 466 U.S. 668 (1984).

72. *Id.* at 696–98.

73. *Watkins*, 10 F.4th at 1180.

in its interpretation of the standard of proof that is required for the government to successfully utilize the inevitable discovery doctrine and avoid the exclusion of evidence under the Fourth Amendment.

The Fourth Amendment and all it entails is often the subject of heated debate. The inevitable discovery doctrine is one of the many facets that stem from the Fourth Amendment and determines when evidence may still be admissible in court. One point of contention about the inevitable discovery doctrine is that it only applies when a constitutional violation has occurred. While on the surface one might assume that a violation of the constitution would automatically result in the exclusion of the evidence obtained from the violation, Fourth Amendment doctrines show that is not necessarily true.

The inevitable discovery doctrine is one way the government may still be able to admit evidence against a person at trial despite the fact that law enforcement has violated a person's Fourth Amendment rights in the way that they obtained that evidence. The interpretation and application of the inevitable discovery doctrine have enormous consequences on law enforcement tactics and people's rights and protections from the government. The decision in this case will affect police practices across multiple states, as Georgia, Alabama, and Florida make up the Eleventh Circuit and will now be held to the preponderance of the evidence standard regarding inevitable discovery. Although a preponderance of the evidence standard is not a very tall order in what it requires the government to show, it could heighten the expectations of police to ensure that they are following proper procedure in their cases.

The Fourth Amendment has arguably been watered down over the years with the many exceptions that still allow the government to admit evidence one might have assumed would otherwise be excluded under the exclusionary rule. Adherence to the preponderance of the evidence standard could also be viewed as an increase in accountability for the government in Fourth Amendment cases. Defendants seeking to have unfavorable evidence against them suppressed in the Eleventh Circuit will now have a higher level of protection. Therefore, it is important that the circuit courts have clear direction from the Supreme Court on how they should be addressing these constitutional issues.

Since the inevitable discovery doctrine is an exception to the exclusionary rule, even if law enforcement violates someone's Fourth Amendment rights, they might still be able to use that illegally obtained evidence against the person whose rights were violated. On its face, this seems counterintuitive. However, the courts often compare this doctrine in the Fourth Amendment to the general doctrine of harmless error. This argument follows the logic that even if there was a

Fourth Amendment violation, the evidence the government seeks to use at trial was situated in such a way that it would have been discovered despite the violation. This is comparable to when a court makes an error, but the error was one that did not affect the outcome of the case, and thus it was harmless. This provides more insight into the purpose of the inevitable discovery doctrine. It has been said that this doctrine is meant to place the parties in the same place they would have been absent the violation.

With a doctrine as far-reaching into the lives of people in the United States as inevitable discovery, there is a significant public policy interest in having the courts apply it uniformly. The United States as a whole benefits from law enforcement agencies that are well trained and courts that understand the laws of the land. When it comes to violations of the constitution, it is beneficial to all parties involved to be able to anticipate how the law will be applied. This provides law enforcement with guidelines for permissible state action; gives the victims of the violation an avenue for potential relief; and allows the prosecution to understand the burden of proof they will be required to meet when these cases arise. Despite all these benefits, the Eleventh Circuit had been operating under its own set of standards for decades. Such a practice indicates instability in the judicial system and leaves parties uncertain as to their rights at trial.

The decision here provides a clearer roadmap for how to address issues arising from the inevitable discovery doctrine. Now, the Eleventh Circuit has provided an explicit standard it will adhere to—the preponderance of the evidence standard—that is also aligned with the standard set forth by the Supreme Court. In addition, preponderance of the evidence is a higher standard than reasonable probability. Although the preponderance of the evidence standard is not very high up on the list of standards of proof as a whole, it is beneficial to note that the courts in the Eleventh Circuit will be expected to apply at least a slightly higher level of scrutiny to evidence obtained through constitutional violations than they were before. This decision also promotes continuity among the courts which helps promote the efficiency and understanding of the system as a whole.

The issues arising under the Fourth Amendment are highly debated and ever-evolving. However, the court here indicated that this standard is something the courts have agreed upon. While this decision might be limited in its reach, this is one more step to greasing the machine of the judicial system by providing a more cohesive approach to the inevitable discovery doctrine among the courts.