
**BOTCHED SEARCH AND SEIZURE LEADS TO DISMISSAL OF ALL CHARGES
AGAINST DEFENDANT**

On May 17, 2010 Defense Attorney Thomas Wooldridge earned a dismissal for his client on all charges. The government had alleged his client (*United States v. Lara-Gonzalez*, 1:09-CR-510), was involved in a major drug conspiracy and possessed weapons to further that conspiracy.

Essentially the case boiled down to whether evidence discovered and statements obtained as a result of an alleged “consent search” were legally admissible. Defense counsel argued consent for the search was involuntary and only given based on DEA Agents coercive behavior.

On Cross Examination, a DEA Agent admitted they failed to follow training guidelines when the DEA went to the house without a warrant, for the purpose of engaging in a consent search. Though the Agent indicated an officer shortage was the reason a proper search warrant was not sought, the investigation reveals 18 of 23 searches were conducted in violation of the DEA Training manual. Once on the scene, Agents descended en masse on the location, surrounded the house, and knocked on the door several times. Eventually Mr. Lara-Gonzalez answered and within seconds Agents rushed into the house, showing automatic assault rifles and DEA vests. Agents searched every room and then asked for permission to do a broader search. Mr. Lara-Gonzalez gave that permission after he had observed agents search the entire house.

The Federal Judge agreed with Mr. Wooldridge, ruling:

The agents’ persistence in approaching and knocking on the door with visible weapons would communicate to a reasonable occupant, and did communicate to Defendant Ignacio, that he was not free to ignore the officers. These and the other coercive elements weigh against a finding of voluntary consent. ...

Considering the totality of the evidence, including Defendant Ignacio’s testimony, I find that the circumstances here were more indicative of submission to a claim of lawful authority than to a voluntary consent.

Subsequently, the evidence was suppressed and all charges against the Defendant were dismissed.