

FACTS

On March 3, 2003, the court held an evidentiary hearing on the motion to suppress. The government presented the testimony of Sergeant Richard Doyle ("Doyle") of the Easton, Connecticut, police department. At the time of the searches at issue, Doyle was working with the Drug Enforcement Administration ("DEA") in connection with the investigation of this case. Based on Doyle's testimony, the court finds the following facts.

On eleven separate occasions between May 28, 1998, and February 18, 1999, the investigating agents went to Wilson's residence at 245 Brooklawn Avenue in Bridgeport, Connecticut, between the hours of 3 a.m. and 5 a.m. to search his garbage. Doyle participated in seven of those searches with other DEA agents. Doyle did not participate in the first four searches, which occurred on May 28, 1998, June 4, 1998, June 25, 1998 and July 16, 1998.¹

On each of the seven occasions in which Doyle participated in the search and seizure, the agents found

¹The government did not present any evidence pertaining to the circumstances surrounding these four searches and thus the court does not have an adequate record on which to base a ruling as to them. However, as the court stated at the hearing, it will reserve decision on the legality of these searches until such evidence is presented at trial.

Wilson's trash in plastic bags inside covered garbage cans. The garbage cans were located either on the grass strip between the sidewalk and the curb, or on the road directly in front of Wilson's residence. Wilson's house was a two-story private residence with a detached two-car garage. Both the house and garage were set back approximately 100 feet from the road.

The procedure the agents followed during the seven searches in which Doyle participated was to empty all of Wilson's trash into their vehicle and drive away to an off-site location where they would search through it. The agents seized evidence consisting of drug records, "green plant-like material with seeds," and a marijuana cigarette.

DISCUSSION

Wilson maintains that the government has failed to provide a sufficient factual basis to establish that the garbage was abandoned and thus its warrantless search and seizure was unreasonable and violated his Fourth Amendment rights. There is no merit to this claim.

In California v. Greenwood, 486 U.S. 35, 39-41 (1988), the Supreme Court ruled that the Fourth Amendment does not prohibit a warrantless search and seizure of garbage left for collection outside the curtilage of a home. It held that an

individual could have no reasonable expectation of privacy in such discarded property that was exposed to and accessible to the public and left at the curb for the express purpose of having strangers take it away. See id. at 41-42. "What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection." Id. at 42 (quoting Katz v. United States, 389 U.S. 347, 351 (1967)).

Here, when Wilson left his garbage at the curb in front of his residence for the express purpose of conveying it to a third party, i.e., a trash collector, for disposal, he relinquished all reasonable expectations of privacy in its contents. Thus, there was no violation of the Fourth Amendment when the agents searched and seized his trash.

Further, because Wilson had no reasonable expectation of privacy in the trash and thus has no standing to raise a Fourth Amendment challenge to the searches, his arguments as to the reasonableness of the agents' actions and probable cause, as well as his claim that the agents violated a Bridgeport ordinance governing trash collectors, are all untenable. The court's inquiry ends with its conclusion that under Greenwood, Wilson had no reasonable expectation of privacy in the trash he abandoned at the curb in front of his

residence.

Accordingly, Wilson has not presented any grounds to suppress the evidence seized during seven of the eleven "garbage pulls" at issue.

CONCLUSION

For the foregoing reasons, the defendant's motion [doc. # 20] to suppress evidence seized from Wilson's garbage is DENIED with respect to seven of the eleven searches for which the

government presented evidence at the suppression hearing. The court RESERVES DECISION on suppression of the other four searches and the identification evidence until the time of trial.

SO ORDERED this day of March, 2003, at Bridgeport, Connecticut.

Alan H. Nevas
United States District Judge