No. _____

In The

Supreme Court of the United States

SHARON LYNN BROWN,

Petitioner,

v.

POLK COUNTY, WISCONSIN, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

MAHESHA P. SUBBARAMAN
SUBBARAMAN PLLC
222 S. 9th St., Ste. 1600
Minneapolis, MN 55402
(612) 315-9210
mps@subblaw.com

VINCENT J. MOCCIO
Counsel of Record
BENNEROTTE & ASSOCIATES, P.A.
3085 Justice Way, Ste. 200
Eagan, MN 55121
(612) 799-5160
vincent@bennerotte.com

January 15, 2021

COCKLE LEGAL BRIEFS (800) 225-6964
WWW.COCKLELEGALBRIEFS.COM

QUESTION PRESENTED

Whether the Fourth Amendment permits jail officials to conduct a physical, penetrative search of the vagina and/or anus of a pretrial detainee without a warrant, probable cause, or exigent circumstances, including in cases of persons detained for minor nonviolent non-drug offenses like shoplifting.

PARTIES TO THE PROCEEDING

The parties to this proceeding are identified in the caption of this petition, except as follows.

In addition to Polk County (Wisconsin), the Respondents here include:

- Steven Hilleshiem, Correctional Officer at the Polk County Jail;
- Janet Lee, Correctional Officer at the Polk County Jail;
- Wes Revels, Chief Deputy at the Polk County Jail; and
- Polk County Jail Correctional Officers John Doe 1 through 10.

DIRECTLY RELATED PROCEEDINGS

- ***Brown v. Polk County, Wisconsin, et al.***— United States District Court for the Western District of Wisconsin; Docket No. 3:18-cv-391-wmc; Final Judgment Entered August 16, 2019.
- ***Brown v. Polk County, Wisconsin, et al.***— United States Court of Appeals for the Seventh Circuit; Docket No. 19-2698; Final Judgment Entered July 13, 2020; Final Order Denying Rehearing En Banc and Panel Rehearing Entered August 18, 2020.

TABLE OF CONTENTS

APPENDIX

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES—Continued

Page

TABLE OF AUTHORITIES—Continued

Sharon Lynn Brown (née Smith) respectfully petitions this Court for a writ of certiorari to review the Seventh Circuit's judgment in this case.

OPINION & ORDERS BELOW

The Seventh Circuit's July 13, 2020 panel opinion is published at 965 F.3d 534 and reproduced at App. 1–14. The Seventh Circuit's August 18, 2020 denial of rehearing is reproduced at App. 36.

The district court's August 16, 2019 opinion and order is reproduced at App. 15–35.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1) based on: (1) the Seventh Circuit's July 13, 2020 entry of final judgment (App. 1–14); and (2) the Seventh Circuit's August 18, 2020 denial of Brown's timely rehearing petition (App. 36).

On March 19, 2020, the Court issued an order extending the time within which to file a petition for a writ of certiorari for any petition due on or after that date to 150 days from (as relevant here) the date of an order denying a timely rehearing petition. This order extended Petitioner's time to file a certiorari petition to and including January 15, 2021.

CONSTITUTIONAL PROVISION INVOLVED

The Fourth Amendment to the Constitution of the United States provides that:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

STATEMENT

This case presents a question that the Court has been waiting to decide—one that can wait no longer. That question is whether the Fourth Amendment permits jail officials to physically penetrate the most sensitive parts of a pretrial detainee's body absent exigency or the safeguards this Court has always required for physical searches below the skin: either a judicially-issued warrant or probable cause.

Relying on third- and fourth-hand hearsay, jail officials had a doctor insert a speculum in Sharon Lynn Brown's vagina and anus on a hunt for drugs that did not exist. Jail officials made Sharon suffer this intrusion despite Sharon being charged only with shoplifting and zero probable cause to believe that Sharon was concealing drugs in any body cavity. Finally, right before penetrating Sharon's vagina and anus, the doctor

did an abdominal ultrasound exam that confirmed the absence of hidden drugs.

Sharon's case then crystallizes the need for this Court to affirm that the Fourth Amendment requires a warrant, probable cause, or exigent circumstances to justify a manual body-cavity search—i.e., the most intrusive search possible of a person's body.[1] Sharon endured the physical penetration of her body because of a county jail policy allowing manual body-cavity searches on mere reasonable suspicion. The county has since repealed the policy.

The courts below nevertheless held reasonable suspicion is good enough for jail officials to invade the bodies of pretrial detainees like Sharon. The courts thereby settled this Fourth Amendment question conversely to the vast majority of federal and state courts—a question left open by the Court eight years ago in *Florence v. Board of Chosen Freeholders of County of Burlington,* 566 U.S. 318 (2013).

The Court sought in *Florence* to address "what rules, or limitations, the Constitution imposes on searches of arrested persons who are to be held in jail while their cases are being processed." *Id.* at 322. The Court generally held that "courts must defer to the judgment of correctional officials unless the record

---

[1] "[A] 'manual body cavity search' occurs when the police put anything into a suspect's body cavity, or take anything out." *Gonzalez v. City of Schenectady*, 728 F.3d 149, 158 (2d Cir. 2013). This search thus differs in scope and kind from a "strip search" (self-removal of clothing) and a "visual body cavity search" (hands-off observation of body cavities). *Id.*

contains substantial evidence showing their policies are an unnecessary or unjustified response to problems of jail security." *Id.* at 322–23. On this basis, the Court upheld a jail policy of suspicionless visual cavity searches of pretrial detainees before admission to the jail's general population. *Id.*

A plurality of the Court, however, stressed that "[t]here also may be legitimate concerns about the invasiveness of searches that **involve the touching of detainees**." *Id.* at 339 (bold added). And in separate concurring opinions, Chief Justice Roberts and Justice Alito each recited additional reasons to "leave open the possibility of exceptions." *Id.* at 340 (Roberts, C.J., concurring) (citation omitted).

Chief Justice Roberts noted that cases involving "a minor . . . offense" may require more justification. *Id.* Justice Alito also noted that blanket visual cavity searches "may not be reasonable . . . if an alternative [less-intrusive] procedure is feasible." *Id.* at 341–42 (Alito, J., concurring). But since the particular facts of *Florence* did not raise these issues, the Court left searches like the physical penetration of a pretrial detainee's vagina and anus to another day.

That day has arrived.

A. Legal Background

1. The legal traditions behind our nation have long been concerned with the pretrial "confinement of the person"—"a less public, a less striking, and

therefore a more dangerous engine of arbitrary government." 1 W. BLACKSTONE, COMMENTARIES ON THE LAW OF ENGLAND 136 (1770). These traditions emphasize that pretrial detention "is only for safe custody." 4 BLACKSTONE, COMMENTARIES 297.

Pretrial detainees are then entitled to be treated with "the utmost humanity."[2] *Id.* Detainees are not to be "loaded with needless fetters or subjected to other hardships" besides those "absolutely requisite for the purpose of confinement only." *Id.* And this is true even though what is "absolutely requisite" often falls "to the discretion of the jailers." *Id.*

For example, "[t]he law will not justify" a jailer who "fetter[s] a prisoner unless . . . he was unruly or ha[s] attempted an escape." *Id.* The law thus does not permit jail officials to subject pretrial detainees to physical hardships without a level of justification proportional to the hardship involved. The words of the Fourth Amendment carry this principle forward, consistent with their role as an essential bulwark of the "great . . . doctrine of the common law."[3]

2. The Fourth Amendment to the Constitution guarantees "[t]he right of the people to be secure in

---

[2] Blackstone generally noted the "tenderness and humanity to prisoners, for which . . . English laws are justly famous." 4 BLACKSTONE, COMMENTARIES 346.

[3] 3 JOSEPH STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES § 1895, p.748 (1st ed. 1833); *see also*, *e.g.*, *Carpenter v. United States*, 138 S. Ct. 2206, 2243 (2018) (Thomas, J., dissenting) (explaining that the text of the Fourth Amendment codifies "the reason of the common law").

their persons . . . against unreasonable searches." This right governs "any compelled intrusion into the human body," be it the insertion of a needle for a blood-alcohol test[4] or surgical removal of a bullet.[5] *Missouri v. McNeely*, 569 U.S. 141, 159 (2013).

For a compelled intrusion into the body to be "reasonable" under the Fourth Amendment, it must be supported by either: (1) a warrant; (2) probable cause, as embedded in a long-recognized warrant-exception; or (3) exigency, proven on a case-by-case basis.[6] The Court's decision in *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016) shows this.

Birchfield concerned the Fourth Amendment validity of state laws that required persons "lawfully arrested for driving while impaired" to submit to warrantless breath and blood tests. *See id.* at 2172–73. The Court prefaced its analysis with a harrowing description of the government interest at stake: "Drunk

---

[4] *See Schmerber v. California*, 384 U.S. 757, 767–69 (1966) ("[W]e must decide . . . whether the means and procedures employed in taking [a person's] blood respected relevant Fourth Amendment standards of reasonableness.").

[5] *See Winston v. Lee*, 470 U.S. 753, 759 (1985) (observing that "[a] compelled surgical intrusion into an individual's body for evidence . . . implicates expectations of privacy and security" that necessarily trigger Fourth Amendment review).

[6] Exigency is a long-settled exception to the warrant rule that applies when "there is compelling need for official action and no time to secure a warrant." *McNeeley*, 569 U.S. at 149. The Court has emphasized "careful case-by-case assessment of exigency" and rejected "categorical rule[s]" that would allow the police to claim exigency in blanket manner. *Id.* at 152.

drivers take a grisly toll on the Nation's roads, claiming thousands of lives, injuring many more victims, and inflicting billions of dollars in property damage every year." *Id.* at 2166.

The Court nevertheless established that even such pressing circumstances did not displace the Fourth Amendment's strong protection of the person against compelled physical intrusions. *See id.* at 2176–78. This led the Court to conclude that the Fourth Amendment generally prohibits warrantless blood tests because such tests were "significantly . . . intrusive" and their reasonableness had to be judged "in light of the availability of the less invasive alternative of a breath test." *Id.* at 2184.

Blood tests were "a different matter" because they involved "intrusions beyond the body's surface," even if the tests carried "virtually no risk, trauma, or pain." *Id.* at 2179, 2183. So the Court held that police are obliged to "seek[] a warrant for a blood test when there is sufficient time to do so" in a given case or "rely[] on the exigent circumstances exception" when the exception properly applies. *Id.* at 2184.

As for breath tests, the Court held that police may conduct these tests on a warrantless basis. *Id.* at 2176. These tests involved "blow[ing] continuously for 4 to 15 seconds into a straw-like mouthpiece" and there was "nothing painful or strange about this." *Id.* at 2177. But even then, the Court did not uphold warrantless breath tests under all circumstances—only when "administered as a search incident to a lawful arrest for

drunk driving." *Id.* at 2185. A lawful arrest, by extension, requires "probable cause." *See Henry v. United States,* 361 U.S. 98, 102 (1959) ("[I]f an arrest . . . is to support an incidental search, it must be made with probable cause.").

Birchfield then embodies this Court's bottom-line mandate that only a warrant, probable cause, or case-by-case exigent circumstances will permit the government to physically enter a person's body, be it through a straw-like mouthpiece or a needle. And in considering Fourth Amendment limits on searches of pretrial detainees, the Court has not deviated from this rule. The Court has instead noted that hands-on searches of detainees may well exceed the deference otherwise owed to jail officials in this context.

3. "There is no iron curtain drawn between the Constitution and the prisons of this country." *Wolff v. McDonnell*, 418 U.S. 539, 555–56 (1974). The Court has thus recognized the Fourth Amendment governs pretrial detainees, forbidding unreasonable physical searches of detainees' bodies. *See Bell v. Wolfish*, 441 U.S. 520, 558 (1979). "Courts must consider the scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted." *Id.* at 559.

In *Bell v. Wolfish*, the Court applied this rule to a New York City jail that housed pretrial detainees. *Id.* The jail required pretrial detainees "to expose their body cavities for visual inspection as a part of a strip search conducted after every contact visit with a

person from [the] outside." *Id.* at 558. At issue was whether the jail could ever do these "visual body-cavity inspections" on "less than probable cause." *Id.* at 560. The Court said yes: the Fourth Amendment allowed this as a matter of "[b]alancing" the jail's "significant and legitimate security interests against the privacy interests of the inmates."[7] *Id.*

At the same time, the Court acknowledged that visual body-cavity searches "instinctively" gave the Court great "pause." *Id.* at 559. The Court refused to "underestimate the degree to which these searches . . . invade[d] the personal privacy of inmates" and emphasized they "must be conducted in a reasonable manner." *Id.* at 560. The Court also made clear that its decision was limited to a visual, non-penetrative search. While pretrial detainees had to expose their "vaginal and anal cavities," the detainees were "not touched by security personnel at any time during the visual search procedure." *Id.* at 558 n.39.

4. Following *Bell*, the Court did not consider Fourth Amendment limits governing body searches of pretrial detainees again until *Florence v. Board of Chosen Freeholders*. A state trooper arrested Albert Florence based on an erroneous record of a live bench warrant. 566 U.S. at 323. Florence was then held in one county jail and later transferred to another. *See id.* at

---

[7] The security interest at issue was contact visits leading to "[s]muggling of money, drugs, weapons, and other contraband," with detainees trying "to secrete these items . . . by concealing them in body cavities." *Bell*, 441 U.S. at 559.

323–24. As part of the intake process, both jails forced Florence to undergo visual strip-searches of varying intrusiveness. *See id.* at 324 ("[W]ithout touching the detainees, [a correctional] officer looked at their ears, nose, mouth, hair, scalp, fingers, hands, arms, armpits, and other body openings.").

Florence challenged these searches as violating his Fourth Amendment rights. *Id.* at 324. Florence argued "persons arrested for a minor offense could not be required to remove their clothing and expose the most private areas of their bodies to close visual inspection as a routine part of the intake process." *Id.* Florence believed these kinds of searches were justifiable only insofar as jail officials had reasonable suspicion that a specific detainee was "concealing a weapon, drugs, or other contraband." *Id.*

Identifying *Bell* as the proper "starting point" for analyzing Florence's claim, the Court reaffirmed *Bell*'s central holding: when it comes to the Fourth Amendment and pretrial detainees, "[t]he need for a particular search must be balanced against the resulting invasion of personal rights." *Id.* at 326–27. Applying this test, the Court found that Florence had not provided "substantial evidence" to establish the searches at issue were an "exaggerated" response to "undoubted security imperatives." *Id.* at 330.

The Court observed a "significant interest in conducting a thorough search as a standard part of the intake process" as well as "[d]etecting contraband concealed by new detainees." *Id.* at 330–31. Against these

interests, the evidence for Florence's proposed limits on visual body-cavity searches fell short. *See id.* at 334–38. This evidence showed "the seriousness of an offense [was] a poor predictor of who has contraband" and that "it would be difficult in practice to determine" which detainees fell within Florence's "proposed [search] exemption." *Id.* at 334.

These conclusions were supported by a majority of the Court. A four-justice plurality, however, went on to highlight what the Court was *not* deciding. *See id.* at 338–39. The Court was *not* deciding "the types of [jail] searches that would be reasonable in instances where, for example, a detainee will be held without assignment to the general jail population." *Id.* The Court also was *not* deciding the reasonableness of "searches that involve the touching of detainees," which raised "legitimate concerns . . . not implicated on the facts of [Florence's] case." *Id.* at 339.

Chief Justice Roberts concurred. *Id.* at 340. He explained it was "important" to him that the Court was not foreclosing "the possibility of an exception to the rule it announces." *Id.* The Chief Justice also noted "circumstances" not present in *Florence* that might support such an exception, including detention for minor offenses and detention outside a jail's general population. *Id.* The Chief Justice also noted that "[f]actual nuances ha[d] not played a significant role" in *Florence*, which then affirmed the need "to leave open the possibility of exceptions." *Id.*

Justice Alito also concurred. *See id.* at 340–41. Like Chief Justice Roberts, Justice Alito sought to "emphasize the limits" of *Florence*: "arrestees who are committed to the general population of a jail" and "visual strip searches not involving physical contact." *Id.* Justice Alito underscored *Florence* did not decide "whether it is always reasonable, without regard to the offense or the reason for detention, to strip search an arrestee before the arrestee's detention has been reviewed by a judicial officer." *Id.*

Justice Breyer dissented, joined by Justices Ginsburg, Sotomayor, and Kagan. *See id.* at 342–55. In Justice Breyer's view, the Fourth Amendment did not permit strip searches of "an individual arrested for a minor offense that does not involve drugs or violence" unless "prison authorities ha[d] reasonable suspicion to believe that the individual possesses drugs or other contraband." *Id.* at 343–44. Justice Breyer rested this conclusion on strong empirical data and recommendations by professional bodies demonstrating the efficacy of "a reasonable suspicion standard before strip searching inmates entering the general jail population." *Id.* at 350–51.

Otherwise, Justice Breyer joined Justice Alito in observing everything that *Florence* left "open for the Court to consider." *Id.* at 355. These open questions included what Fourth Amendment standards apply to searches of pretrial detainees that: (1) involve physical penetration of body cavities like the vagina or anus; and (2) are imposed on those charged with minor nonviolent non-drug offenses. *See id.* at 339 (plurality op.).

The lower courts have filled this gap, requiring a warrant or probable cause.

5. Even before *Florence*, "the clear weight of authority from . . . federal and state courts" was that "[manual] body cavity searches . . . require a warrant supported by probable cause." *Young v. Gila Reg'l Med. Ctr.*, No. A-1-CA-36474, 2020 N.M. App. LEXIS 26, at *14–15 (N.M. Ct. App. June 4, 2020) (collecting pre-*Florence* cases standing for this rule). The reason for this rule was obvious: "a manual cavity search is more intrusive and gives rise to heightened privacy and health concerns"—even when "weighed against the legitimate needs of law enforcement." *People v. Hall*, 886 N.E.2d 162, 166–67 (N.Y. 2008).

Since *Florence*, courts have adhered to this view and even broadened it consistent with *Florence*. For example, the Tenth Circuit has determined "probable cause" is required to "justify a [visual] body-cavity strip search" for pretrial detainees "who will not be housed in the jail's general population." *Hinkle v. Beckham Cnty. Bd. of Cnty. Comm'rs,* 962 F.3d 1204, 1239 (10th Cir. 2020); *see id.* at 1233 ("[*Florence*] recognized that judicial deference to strip searches might well lessen in other circumstances.").

Not the Seventh Circuit. The court has ruled jail officials may do manual body-cavity searches based on "reasonable suspicion" alone. App. 9. And this is despite being unable to conceive of anything "more invasive" than the physical penetration of a person's vagina or anus. App. 12. Simply put, the Seventh Circuit has

found jail officials may perform the most-invasive search conceivable upon information "less reliable than that required to show probable cause." *Alabama v. White*, 496 U.S. 325, 330 (1990).

B. Facts & Procedural History

1. Sharon Lynn Brown (Petitioner) is a Native American woman, member of the Fond du Lac Band of Lake Superior Chippewa, and Minnesota citizen. Dist. Ct. Dkt. 1 at 2; Dist. Ct. Dkt. 17 at 17:9–25. Mother to four children, Sharon has worked several minimum-wage jobs on or related to the Fond du Lac reservation, including as a day laborer and a casino bingo vendor. Dist. Ct. Dkt. 17 at 6:10–29:4.

2. In May 2017, Sharon was a passenger in a car driven by then boyfriend after visiting a Wal-Mart in Polk County, Wisconsin. Police stopped the car and arrested Sharon and her then-boyfriend for alleged shoplifting. *See* App. 2. Police took Sharon to the Polk County jail where they housed Sharon in a pod with other inmates. Dist. Ct. Dkt. 20 at 4.

3. The Polk County jail had a written policy for manual body cavity searches. *See* App. 16–17. This policy empowered jail officials to have a licensed doctor "penetrat[e]" a pretrial detainee's "anal or vaginal cavity" with "an instrument." Dist. Ct. Dkt. 12-1 at II.E. The policy authorized this in two cases: (1) "reasonable grounds to believe" that a pretrial detainee was "concealing weapons, contraband, or evidence in a body cavity"; or (2) any general belief that "the safety and

security of the jail would benefit from a body cavity search." *Id.* at III.G.3.

The jail's written policy for manual body-cavity searches thus allowed correctional officers to order these searches without a warrant, probable cause, or exigency. *See id.* The policy also established that to order a manual body-cavity search, a correctional officer need only obtain the prior approval of the jail administrator and inform the shift supervisor. *Id.* The shift supervisor would then "contact a physician and make the proper arrangements." *Id.*

4. Steven Hilleshiem was a correctional officer at the Polk County jail when Sharon was a detainee. App. 16. It was Hilleshiem's practice to order manual body-cavity searches every time a pretrial detainee told him another detainee was hiding contraband in a body cavity. Dist. Ct. Dkt. 14 at 19:3–11, 23:2–9. Hilleshiem would not investigate either the truth of the allegation or the trustworthiness of the detainee making the allegation. *Id.* Hillshiem did not see this as any part of his job. *Id.* at 29:34–30:11.

5. Less than a day after Sharon entered the Polk County jail, another detainee told Hilleshiem that she had heard Sharon was hiding drugs in her "body cavity." App. 17. The detainee did not claim to possess any firsthand basis for this accusation (e.g., seeing the drugs). *See id.* Hilleshiem, in turn, did not investigate the truth of the detainee's accusation or consider if it was probable (or even made sense) that Sharon—arrested for shoplifting—was hiding drugs. App. 17. As

far as Hilleshiem was concerned, none of this was relevant. *See* Dist. Ct. Dkt. 22 at 2–3.

Hilleshiem instead accepted the accusation at face value and proceeded to order a manual body-cavity search of Sharon. Dist. Ct. Dkt. 14 at 18:14–15. Hilleshiem called jail administrator Wes Revels, who assumed that Hilleshiem's order for a manual body-cavity search was justified. Dist. Ct. Dkt. 22 at 2–3. Revels did not ask Hilleshiem to dig deeper; nor did Revels pursue his own investigation or speak to Sharon's accuser. Dist. Ct. Dkt. 22 at 4.

Meanwhile, Hilleshiem told the jail nurse about the accusation against Sharon. *See* App. 17–18. The nurse did not trust the accuser, who "had a pattern of being untruthful." Dist. Ct. Dkt. 32 at 32. The nurse spoke to another pretrial detainee in Sharon's pod. *Id*. at 20–21. The nurse later testified that this second detainee also said Sharon was hiding drugs.[8] *Id.* at 29:14–17. But the nurse could not remember if this second report was based on the detainee seeing the drugs or the detainee claiming to have overheard Sharon admit to concealing drugs. *Id.* The record that the nurse made at the time said the report rested on an overheard admission. *See* Dist. Ct. Dkt. 19-1.

---

[8] In her deposition, Sharon disputed these accusations. *See* Dist. Ct. Dkt. 24 at 2–4. This genuine factual dispute then precluded summary judgment against Sharon based on these accusations. *See*, *e.g.*, *Tolan v. Cotton*, 572 U.S. 650, 660 (2014) ("[G]enuine disputes are generally resolved by juries . . . .").

Hilleshiem, however, never spoke to this second accuser. Dist. Ct. Dkt. 14 at 31:8–21. Hilleshiem simply discussed the matter further with the jail nurse and other jail staff before deciding to go ahead with a manual body-cavity search of Sharon. App. 19. Hilleshiem and his colleagues thus found the unverified hearsay of two detainees (one a recognized liar) sufficient basis to penetrate the most sensitive parts of Sharon's body. *See id.*

6. Jail staff collected Sharon. App. 21. Sharon asked to use the restroom. *Id*. The staff allowed this and had a female staff member watch Sharon as she used the toilet. *Id.* Once Sharon was done, the staff handcuffed and shackled Sharon and then took her to the local hospital. Dist. Ct. Dkt. 22 at 6. The staff did not tell Sharon this was all due to the hearsay accusations of two other detainees—women that Sharon did not know and with whom Sharon had no meaningful interactions. *See* Dist. Ct. Dkt. 17 at 101:10–102:8. The only conversation that staff had with Sharon this whole time was to ask if Sharon had anything on her. *Id.* at 102:9–106:12.

At the hospital, after an hour-long wait, a male doctor took an ultrasound of Sharon's abdomen. Dist. Ct. Dkt. 22 at 6. The doctor found nothing. App. 4. Instead of stopping there, the doctor penetrated Sharon's vagina with a speculum and looked inside. *Id.* Once again, the doctor found nothing. *Id.* That should have been the end. Hilleshiem never ordered and Revels never approved anything beyond a search of Sharon's vagina, and neither possessed any facts to indicate

Sharon was hiding drugs in another body cavity. Dist. Ct. Dkt. 14 at 28:5–7; Dkt. 19 at 31:5–14; Dist. Ct. Dkt. 33 at 15:6–16.

Yet, the search went on. The doctor penetrated Sharon's anus with the speculum—something that Sharon had never gone through before. Dist. Ct. Dkt. 17 at 120:4–13. During this unauthorized anal exam. the doctor's head lamp failed and he made Sharon wait as he tried to fix the problem. *Id.* For Brown, it felt "like it took forever" for the doctor "to find a [new] light." Dist. Ct. Dkt. 17 at 120:17–121:9.

When the doctor finally removed the speculum from Sharon's anus—after finding nothing there—Sharon started to cry and could not stop. *Id.* at 121: 14–25. Sharon cried while getting dressed, cried all the way back to the jail, and cried herself to sleep. *Id*. Sharon asked jail staff to put her in a separate cell so other detainees would not see her in this condition. *Id.* at 124:12–15. The search ultimately scarred her for life, leaving her with ongoing depression, anxiety at the possibility of being pulled over again, and fear of being alone with males. *Id.* at 52:2–58:2.

7. Sharon filed a civil rights lawsuit under 28 U.S.C. § 1983. *See* Dist. Ct. Dkt. 1. Asserting that the penetrative search of her vagina and anus violated her Fourth Amendment rights, Sharon named as defendants (among others) Polk County, correctional officer Hilleshiem, and jail administrator Revels. *Id.* at 2–6. Sharon requested a jury trial, compensatory damages, attorney's fees, and costs. *Id.* at 7.

8. Polk County and the individual defendants filed an answer and, upon completion of discovery, moved for summary judgment. *See* Dist. Ct. Dkt. 20. The defendants argued their conduct passed muster because jail staff had a "reasonable suspicion" that Sharon was hiding drugs in a body cavity and the Fourth Amendment required no more. *See id.* at 9–17. The defendants did not argue they also had "probable cause." *Id.* The individual defendants also did not assert qualified immunity.[9] *See id.* at 9–20.

Sharon opposed summary judgment. *See* Dist. Ct. Dkt. 22. Sharon argued that the defendants' anal search had no basis at all—it was not ordered by Hilleshiem, approved by Revels, and had no factual justification (reasonable suspicion or probable cause). *See id.* at 10. Sharon next argued the penetrative searches of her vagina and anus violated the Fourth Amendment because the defendants conducted them without a warrant, probable cause, or exigency—i.e., mere "reasonable suspicion" was not enough. *Id.* at 10–20. Finally, Sharon argued that even "reasonable suspicion" did not exist in her case, with the searches resting on bare detainee accusations of concealment that defendants admitted they took at face value and did not investigate or verify. *Id.* at 20–28.

In making these arguments, Sharon emphasized that her case did *not* involve the kind of purely *visual*

---

[9] Counties may not claim qualified immunity, especially for constitutional violations caused by express county policies. *See Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 690–91 (1978).

(hands-off) search of the body that courts have often allowed jail officials to conduct without a warrant or probable cause. *See* Dist. Ct. Dkt. 22 at 11; *Florence*, 566 U.S. at 323–34; *Bell*, 441 U.S. at 558–60 & n.39. Rather, Sharon's case involved a *manual* (hands-on) search of her vagina and anus. This *more*-intrusive into-the-skin search then logically required far *more* justification (a warrant, probable cause, or exigency) than was sufficient to justify a less-intrusive visual search (reasonable suspicion, or no suspicion at all in the case of blanket jail-intake searches).

9. The district court granted the defendants' summary-judgment motion. App. 15–35. The court admitted Sharon had "reason to question . . . such an invasive search of her person based on third and fourth-hand reports." App. 34. But the court found the Fourth Amendment permitted "warrantless body cavity searches" upon "**reasonable suspicion** of . . . a weapon or contraband." App. 25–26 (bold added). The court refused to consider that *manual* (hands-on) searches and *penetrative* searches of the body logically require greater justification than mere *visual* inspections. *Id.* (drawing "reasonable suspicion" standard from a set of Seventh Circuit cases that involved only strip searches or visual body-cavity searches).

On this basis, the district court determined the defendants acted reasonably in ordering the physical penetration of Sharon's vagina and anus. App. 29–32. The court found the defendants had "a reasonable basis to suspect" that Sharon was hiding drugs in a body cavity since "two inmates separately reported" this.

App. 29. The court did not, however, find these hearsay reports were sufficient to establish "probable cause"; nor did the court find that the defendants lacked sufficient time to get a warrant—an element of the exigent-circumstances exception. *Id.*

As for Sharon's argument that the defendants' anal search lacked any justification, the court noted the defendants (not the doctor) were the ones who "determine[d] whether a search [was] necessary and ha[d] the information" to decide "its scope." App. 33. But the court found the defendants acted reasonably in searching Sharon's anus since "contemporaneous [jail] documents" were ambiguous about "where the contraband" was allegedly hidden on Sharon. App. 33–34.

10. The Seventh Circuit affirmed. App. 1–14. The panel conceded Sharon was "right" to argue "the search she underwent was more invasive because it was not just visual but also involved a physical intrusion into the most private parts of her body." App. 11. But the panel found this made no difference "given the heft of the security interest at stake." *Id.* The panel therefore ruled the Fourth Amendment required "only reasonable suspicion" of internal drug concealment to justify a physical penetrative search of a pretrial detainee's vagina or anus. *Id.*

The panel then found that defendants had such reasonable suspicion in Sharon's case because they "relied on tips" from two detainees "and a credible tip from a reliable informant can support reasonable suspicion." *Id.* Like the district court, however, the panel

did not find that defendants' evidence rose to the level of "probable cause." *Id.* Also like the district court, the panel did not find the defendants lacked sufficient time to get a warrant. *See id.*

11. Sharon timely petitioned for rehearing. The Seventh Circuit denied the petition. App. 36.

12. This certiorari petition follows.

REASONS TO GRANT THE PETITION

I. Federal and state courts are divided.

Following the Seventh Circuit's decision in this case, federal and state courts are split on the Fourth Amendment limits that govern manual body-cavity searches—i.e., physical, penetrative searches of the vagina or anus. On one side is a broad consensus of courts ruling (or indicating) that these *most*-intrusive searches require the *most* justification, even in the context of pretrial detention or like circumstances. On the other side is the Seventh Circuit, which views reasonable suspicion as good enough.

1. Four federal courts of appeals have ruled or indicated that manual body-cavity searches require a warrant, probable cause, or exigency:[10]

[10] Federal district courts have also reached this conclusion. *See*, *e.g.*, *United States v. Jones*, No. 1:07-CR-103, 2008 WL 2397676, at *6 (N.D. Ind. June 10, 2008) (declaring a criminal defendant was "correct" in his assertion that "[p]robable cause is

First Circuit: The First Circuit allows "digital searches of a vagina and rectum [i.e., the insertion of fingers] when supported by probable cause." *Spencer v. Roche*, 659 F.3d 142, 147 (1st Cir. 2011) (citing as examples of this principle both *Sanchez v. Pereira-Castillo*, 590 F.3d 31 (1st Cir. 2009) and *Rodriques v. Furtado*, 950 F.2d 805 (1st Cir. 1991)).

Sixth Circuit: In *United States v. Booker*, the Sixth Circuit ruled that a warrantless rectal exam of a pretrial detainee was "an unreasonable search." 728 F.3d 535, 547 (6th Cir. 2013); *see also id.* at 538–39 (in-jail strip search of pretrial detainee indicated hidden contraband, prompting the police to transport the detainee to a hospital for a manual rectal exam). The court explained: "when there [is] time to obtain a court order and the police decline[] to seek one, the suspect's privacy interests should be given particular solicitude." *Id.* at 549. The court thereby refused to approve the rectal exam at issue even though the police "reasonably suspect[ed]" that the detainee was hiding contraband in his rectum. *Id.* at 537.

Ninth Circuit: In *United States v. Fowlkes*, the Ninth Circuit held that police violated the Fourth Amendment in their warrantless search of a pretrial detainee's rectum. 804 F.3d 954, 967 (9th Cir. 2015). Among the court's reasons for this conclusion was "the justifications—or lack thereof" for the search. *Id.* at

---

required before a body cavity search is conducted" because of these searches' highly "offensive and intrusive" nature).

966. There was "no evidence that a medical emergency existed." *Id.* The police then had "time" to "secur[e] . . . a warrant"—a step that would have helped to "mitigate the risk" of the search resulting in "physical and emotional trauma." *Id.*

Tenth Circuit: In *Hinkle v. Beckham County Board of County Commissioners,* the Tenth Circuit found jail officials had to put forward "probable cause that a [pretrial] detainee is secreting evidence of a crime" in order to "justify a [visual] body-cavity strip search" of a detainee "who will not be housed in the jail's general population." 962 F.3d 1204, 1239 (10th Cir. 2020). By logical extension, *Hinkle* indicates that probable cause is required (at minimum) for manual cavity searches—i.e., a *more* invasive search.

2. Several state courts have likewise ruled or indicated that manual body-cavity searches require a warrant, probable cause, or exigency.

Arizona: Arizona appellate courts have ruled that "an officer must secure a warrant" to the extent their "actions have the effect of exerting force within an arrestee's body." *State v. Barnes*, 159 P.3d 589, 591 (Ariz. Ct. App. 2007) (addressing a custodial search in which an officer "remove[d] items partially protruding from an arrestee's rectum").

Maryland: Maryland appellate courts have found that searches involving "an actual probing into the anal or the vaginal cavity" occupy an "entirely different plateau of invasiveness and of required justification."

State v. Harding, 9 A.3d 547, 564 (Md. Ct. Spec. App. 2010). Such "medical or quasi-medical search[es]" require a "warrant or court order" that is "based on probable cause." *Id.* at 565, 569.

Massachusetts: Massachusetts' high court has held as a "rule" that the "manual search of a body cavity" is permissible "only with a warrant . . . on a strong showing of particularized need supported by a high degree of probable cause." *Commw. v. Jeannis*, 93 Mass. App. Ct. 856, 856 (2018) (quoting and citing *Rodriques v. Furtado,* 410 Mass. 878, 888 (1991)).

New Mexico: New Mexico appellate courts respect "the clear weight of authority . . . that body cavity searches . . . require a warrant supported by probable cause." *Young v. Gila Reg'l Med. Ctr.*, No. A-1-CA-36474, 2020 N.M. App. LEXIS 26, at *14–15 (N.M. Ct. App. June 4, 2020) (finding officers violated this rule through a rectal exam of an arrestee when "nothing" in a warrant the police obtained before the exam "authorized [such] an invasive search").

New York: New York's high court has found that the Fourth Amendment (as interpreted by this Court) "prohibits all warrantless intrusions into an arrestee's body if there is no probable cause and exigent circumstances established, regardless of where the search occurs" (e.g., in a police station, versus other possible locations). *People v. Hall*, 886 N.E.2d 162, 168 n.7 (N.Y. 2008); *see also*, *e.g.*, *People v. Holton*, 160 A.D.3d 1288, 1289–90 (N.Y. App. Div. 2018) (applying *Hall* to "a

manual body cavity search [done] in a correctional facility setting").

3. Breaking from the above weight of authority, the Seventh Circuit has ruled that jail officials need "only reasonable suspicion" to perform "a physical intrusion into the most private parts" of a pretrial detainee's body. App. 11. The court has expressly refused to recognize any "higher standard" or require "a warrant based on probable cause." App. 10. The court's main basis for this refusal is "the necessity of a jail's ability to search those under its care for contraband, for the protection of all." *Id.*

The nation's courts are thus split on whether the Fourth Amendment requires anything more than reasonable suspicion to physically penetrate a pretrial detainee's vagina or anus. The Court routinely grants review to settle Fourth Amendment limits for a given search. *See*, *e.g.*, *Riley v. California*, 573 U.S. 373, 373 (2014) (resolving whether the Fourth Amendment in general requires a warrant to search an arrestee's cell phone); *Maryland v. King*, 569 U.S. 435, 442 (2013) (resolving whether the Fourth Amendment prohibits collection of DNA samples from arrestees). And the need for settled Fourth Amendment limits on manual body-cavity searches could not be more pressing given these searches' invasiveness and ubiquity.

II. The question is exceptionally important.

The Court has recognized "legitimate concerns" may exist "about the invasiveness of searches that involve the touching of detainees." *Florence*, 566 U.S. at 339 (plurality op.). Even a cursory review of these concerns then confirms the exceptional importance of settling Fourth Amendment limits on the physical penetration of a detainee's vagina or anus:

1. By definition, manual body-cavity searches are "more intrusive" than any visual search of the body and also "give[ ] rise to heightened privacy and health concerns." *Hall*, 886 N.E.2d at 166. "Searches of this nature" therefore "instinctively give [courts] cause for concern as they implicate and threaten the highest degree of dignity that [courts] are entrusted to protect." *Rodriques,* 950 F.2d at 811.

Just so. Even when done in a hygienic manner that inflicts no physical scars, manual body-cavity searches produce extreme "feelings of humiliation" that leave persons "shaking, sweating, and sick to [their] stomach." *Blackburn v. Snow*, 771 F.2d 556, 564 (1st Cir. 1985); *cf., e.g.*, *Mary Beth G. v. City of Chicago*, 723 F.2d 1263, 1272 (7th Cir. 1983) (noting that even a *visual* body-cavity search is "demeaning, dehumanizing, undignified, humiliating, terrifying, unpleasant, embarrassing, [and] repulsive").

There is also no guarantee that a manual body-cavity search will not result in lasting physical harm. For example, a "coerced invasion of one's anal cavity" presents several "health and safety risks," including

"potential bleeding, tearing, and bowel perforation." *State v. Brown*, 932 N.W.2d 283, 290 (Minn. 2019). And in the midst of the current COVID-19 pandemic, manual body-cavity searches—whether done in a jail or at a hospital—now risk a detainee being infected with a lethal disease or infecting others.[11]

2. The dignitary and health risks of manual body-cavity searches are then multiplied by the large population who stand to be injured by them. On any given day, the nation's jails are home to over 555,000 pretrial detainees, including 16,000 youth.[12] Many are in jail for "minor offenses" (like Petitioner was). *Florence*, 566 U.S. at 341 (Alito, J., concurring).

Most of these detainees "are not dangerous" and will be "released from custody" before or at the time their arrest is reviewed by a judge. *Id.* "In some cases, the charges are dropped. In others, arrestees are released either on their own recognizance or on minimal bail. In the end, few are sentenced to incarceration." *Id.* It is then of grave consequence whether the Fourth Amendment leaves all these people without the protections of a warrant, probable cause, or exigency when

---

[11] Members of the Court have observed the "tinderbox" that correctional facilities present when it comes to COVID–19 and the concomitant inability of prisoners "to take even the most basic precautions against the virus on their own." *Valentine v. Collier*, No. 20A70, slip op. at 1, 11 (U.S. Nov. 16, 2020) (order on stay vacatur) (Sotomayor & Kagan, JJ., dissenting).

[12] *See* Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2020*, PRISON POLICY INITIATIVE, Mar. 24, 2020, https://bit.ly/3ibx9q2.

faced with "'the greatest personal indignity' searching officials can visit upon an individual." *Blackburn*, 771 F.3d at 564.

3. When courts allow "search[es] . . . without [a] warrant"—as the Seventh Circuit does here—it is only a matter of time before this power is pushed "to the limit." *Brinegar v. United States*, 338 U.S. 160, 182 (1949) (Jackson, J., dissenting). On this score, it is helpful to contrast Petitioner's case with another Seventh Circuit detainee-search case: *United States v. Freeman*, 691 F.3d 893, 896 (7th Cir. 2012).

In *Freeman*, the Seventh Circuit determined the following facts established reasonable suspicion that Tyron Freeman was hiding drugs in a body cavity (which he was): (1) Freeman "was arrested for attempted drug distribution"—i.e., "exactly the type of crime that raises reasonable suspicion of concealed contraband"; (2) the officers who searched Freeman knew about his "habit of hiding drugs between his buttocks"; and (3) Freeman visibly "fidget[ed] while seated at the police station." *Id.* at 901–02.

Now compare these facts to Petitioner's case. Petitioner was arrested for shoplifting—not any drug crime. App. 2. The jail official who ordered Petitioner searched did not claim any knowledge of Petitioner whatsoever (personal or investigative). Dist. Ct. Dkt. 14 at 17:2–13. No jail official saw any physical sign

Petitioner was hiding drugs in her body,[13] even after watching her use the toilet before the search. App. 21. And consistent with all these facts, no drugs were ever found on Petitioner. *See* App. 2.

Yet, the Seventh Circuit held that jail officials reasonably suspected a large amount of drugs was hidden in Petitioner. App. 11. The panel held such reasonable suspicion may rest solely on detainee "tips" without any further legwork and regardless of a myriad of facts weighing against the tip. *Id.* This outcome then "underscores the seriousness of the problem" of whether "reasonable suspicion" is the correct test for manual-body cavity searches. *United States v. Cameron*, 538 F.2d 254, 257 (9th Cir. 1976). If all jail officials need to penetrate a detainee's vagina or anus is to hear a good story from another detainee, more cases like Petitioner's are bound to follow.

III. This case is the right vehicle.

For three reasons, Petitioner's case is the right vehicle for the Court to finally settle the question of what Fourth Amendment limits govern manual body-cavity searches of pretrial detainees:

---

[13] Besides visible fidgeting (like in *Freeman*), other sufficient physical indications of drugs being hidden in the body include: (1) "indications of narcotic influence" (e.g., "pinpointed eyes, slurred speech, and recent needle marks"); and (2) the presence of "grease or lubricant" in a detainee's genital area. *United States v. Cameron*, 538 F.2d 254, 257 (9th Cir. 1976).

1. Petitioner's case falls within the situations identified by the *Florence* plurality and concurrences as warranting further Court review. Besides concerning a search that involves "touching detainees," 566 U.S. at 339 (plurality op.), Petitioner's case arises from an arrest for "a minor . . . offense"—shoplifting. *Id.* at 340 (Roberts, C.J., concurring). Petitioner's case also concretizes the risks of manual body-cavity searches even when performed by a licensed doctor. App. 13 ("[The] failure of the doctor's headlamp added some length to the ordeal, minutes that surely felt like an eternity to [Petitioner]."). Finally, Petitioner's case does not involve complicating factors like the search-at-issue actually revealing hidden drugs or previous convictions for drug-based offenses. App. 2.

2. The parties' arguments below squarely raise (and fully ventilate) the question of whether manual body-cavity searches of pretrial detainees require a warrant, probable cause, or exigency. Before both the district court and the Seventh Circuit, Petitioner argued the Fourth Amendment imposed this limit. Dist. Ct. Dkt. 22 at 10–20; App. 10. The defendants, in turn, never argued their conduct was justifiable on any basis other than "reasonable suspicion," with the jail's written policy for manual body-cavity searches cementing this. Dist. Ct. Dkt. 20 at 9–17; Dkt. 12-1 at II.E, III.G.3. Put another way, it is undisputed that the defendants performed a manual body-cavity search without having a warrant, probable cause, or exigency. The search's validity then rises and falls on the pure legal issue of

whether such a search may be justified on "reasonable suspicion" alone.

3. Petitioner's case bears out the virtues of the question that she advances. Petitioner was subjected to a needless penetrative search of her vagina based on "third and fourth-hand" hearsay that would have failed to pass muster before a neutral magistrate. App. 34. Petitioner was then subjected to a needless penetrative search of her anus based on no facts at all—precisely the kind of police overreaching that the warrant requirement is meant to catch and prevent. *See Birchfield*, 136 S. Ct. at 2181 ("[W]arrant[s] limit[ ] the intrusion on privacy by specifying the scope of the search—that is, the area that can be searched and the items that can be sought.").

IV. The decision below is wrong.

The Seventh Circuit's allowance of manual body-cavity searches on "reasonable suspicion" alone—i.e., without a warrant, probable cause, or exigency—stands in direct conflict with the Court's precedents addressing Fourth Amendment limits on compelled physical intrusions. The Seventh Circuit's related thumb-on-the-scale in favor of jail security is belied by the Court's careful reservation of this point when it comes to hands-on searches of pretrial detainees.

1. In *Schmerber v. California*, 384 U.S. 757 (1966), this Court articulated the following bright-line rule: "[s]earch warrants are ordinarily required for searches of dwellings, and, absent an emergency, **no**

less could be required where intrusions into the human body are concerned." *Id.* at 770 (bold added). For good reason. "The interests in human dignity and privacy which the Fourth Amendment protects forbid any such intrusions on the mere chance that desired evidence might be obtained." *Id.* at 769–70.

Since *Schmerber*, the Court has never upheld an intrusion into the human body unless supported by a warrant, probable cause, or exigency. *See id.* ("[T]he facts . . . established probable cause . . . ."). The Court's most recent Fourth Amendment decisions addressing intrusions into the human body confirm this. In *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016), the Court held that commonly-administered tests for drunk driving that intrude into the human body require either a warrant (blood test) or probable cause (breath test). *See id.* at 2176–77, 2183–84. And in *Mitchell v. Wisconsin*, 139 S. Ct. 2525 (2019), the Court held that police may order warrantless blood tests of unconscious drivers only when they have "probable cause to believe" that the driver committed "a drunk-driving offense." *Id.* at 2539–40.

Applying the straightforward rule of *Schmerber*, the Seventh Circuit erred. There can be no dispute that a manual body-cavity search such as occurred in Petitioner's case was an intrusion into the human body (rather than a mere visual exam). At the behest of jail officials, a doctor inserted a speculum into Petitioner's vagina and anus. App. 4. The only basis on which these jail officials could then justify this intrusion was

through a warrant, probable cause or exigency—and it is undisputed that none of those existed in Petitioner's case. *See* App. 10.

The Seventh Circuit nevertheless reasoned that *Schmerber* did not govern the physical penetration of Petitioner's vagina and anus because *Schmerber* did not implicate jail security. App. 10. But nothing in *Schmerber* espouses any such limit. *See* 384 U.S. at 769–70. So the Seventh Circuit turns to the Court's pretrial-detainee cases, asserting "*Bell* and *Florence* underscore the necessity of a jail's ability to search those under its care for contraband." App. 10. But close review of these cases reveals the Court's careful effort to avoid weakening the *Schmerber* rule.

2. In *Bell* and *Florence*, the Court took care to explain the jail searches at issue did *not* intrude into the body. As *Bell* states, pretrial detainees were "not touched by security personnel at any time." 441 U.S. at 558 n.39. *Florence* similarly notes that "touching of detainees" was not at issue. 566 U.S. at 339 (plurality op.). Neither *Bell* nor *Florence* then rejects application of *Schmerber* in the pretrial-detainee context. Just the opposite: these cases reaffirm that "[c]ourts must consider the scope of the particular intrusion," even when the intrusion is defended as vital to jail security. *Bell*, 441 U.S. at 559.

3. Once the scope of the intrusion is accounted for, it is clear that the Seventh Circuit's allowance of *gravely*-intrusive searches on the *lesser* standard of reasonable suspicion cannot stand. "It should be

intuitive that searches intruding within a person's body involve substantial privacy interests at least parallel to those involved in searching a . . . home; therefore, such searches presumptively require a warrant." *Barnes*, 159 P.3d at 593. This is also a readily-administrable rule which ensures jail officials do not default to manual body-cavity searches when "far less intrusive means" would reveal if a detainee is hiding drugs. *Booker*, 728 F.3d at 547.

Manual body-cavity searches epitomize the very evil that the Fourth Amendment is meant to guard against: searches that "crush[] the spirit of the individual and put[] terror in every heart." *Brinegar*, 338 U.S. at 180 (Jackson, J., dissenting). Holding jail officials to the *Schmerber* rule when they perform these searches then is no sacrifice. Rather, it is a vindication of the ancient common law directive that pretrial detainees (as Petitioner was) are to be treated by jail officials with "the utmost humanity." 4 BLACKSTONE, COMMENTARIES 297.

CONCLUSION

The Court should grant this certiorari petition.

Respectfully submitted,

VINCENT J. MOCCIO
Counsel of Record
BENNEROTTE & ASSOCIATES, P.A.
3085 Justice Way, Ste. 200
Eagan, MN 55121
(612) 799-5160
vincent@bennerotte.com

MAHESHA P. SUBBARAMAN
SUBBARAMAN PLLC
222 S. 9th St., Ste. 1600
Minneapolis, MN 55402
(612) 315-9210
mps@subblaw.com

Dated: January 15, 2021