No. 10-2031

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

United States of America,
Plaintiff-Appellee,

v.

Ernest R. Snow,
Defendant-Appellant.

Appeal From The United States District Court
For the Southern District of Indiana, Indianapolis Division
Case No. 1:09-CR-00087
The Honorable Judge Larry McKinney

BRIEF AND REQUIRED SHORT APPENDIX OF DEFENDANT-APPELLANT ERNEST SNOW

Bluhm Legal Clinic
Northwestern University School of Law
375 East Chicago Avenue
Chicago, IL 60611
Phone: (312) 503-0063

Sarah O'Rourke Schrup
Attorney
Richard Robinette
Senior Law Student
John MacIver
Senior Law Student

Counsel for Defendant-Appellant,
Ernest R. Snow

No. 10-2031

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

United States of America, Plaintiff-Appellee, v. Ernest R. Snow, Defendant-Appellant.	Appeal From The United States District Court For the Southern District of Indiana, Indianapolis Division Case No. 1:09-CR-00087 The Honorable Judge Larry McKinney

---

Disclosure Statement

I, the undersigned counsel for the Defendant-Appellant, Ernest R. Snow, furnish the following list in compliance with Fed. R. App. P. 26.1 and Cir. R. 26.1:

1. The full name of every party or amicus the attorney represents in the case:
Ernest R. Snow

2. Said party is not a corporation.

3. The names of all law firms whose partners or associates are expected to appear for the party before this Court:

Sarah O'Rourke Schrup (attorney of record), Richard Robinette (senior law student), John MacIver (senior law student), of the Bluhm Legal Clinic at the Northwestern University School of Law.

The names of all law firms whose partners or associates have appeared for the party in the district court and are not expected to appear:

Gary M. Selig
1416 N. Pennsylvania Street
Indianapolis, IN 46202

Attorney's Signature: _____
Date: October 29, 2010
Attorney's Printed Name: Sarah O. Schrup

Please indicate if you are Counsel of Record for the above listed parties pursuant to Circuit Rule 3(d). Yes X No

Address: 375 East Chicago Avenue, Chicago, Illinois 60611
Phone Number: (312) 503-0063
Fax Number: (312) 503-8977
E-mail Address: s-schrup@law.northwestern.edu

Table of Contents

Table of Authorities

Cases

Statutes

Jurisdictional Statement

The United States District Court for the Southern District of Indiana, Indianapolis Division, had jurisdiction over appellant Ernest Snow's federal criminal prosecution pursuant to 18 U.S.C. § 3231, which states that the "district courts of the United States shall have original jurisdiction . . . of all offenses against the laws of the United States." 18 U.S.C. § 3231 (2006). This jurisdiction was based on a single-count indictment charging Snow with a violation of 18 U.S.C. § 922(g)(1) (2006).

Snow was indicted on June 3, 2009. (A. 70.)[1] He pled guilty on January 28, 2010 (Doc. 35), and preserved his right to appeal the district court's denial of his motion to suppress evidence of a firearm, (A. 73:2-6, 79:5-11). The district court sentenced Snow on April 14, 2010. (A. 74:18-78:21.) Final judgment was docketed on April 27, 2010. (A. 2-7.)

Snow filed his timely notice of appeal on April 20, 2010. (Doc. 46.) This Court has jurisdiction over this appeal pursuant to 28 U.S.C. § 1291 (2006), which grants jurisdiction of "all final decisions of the district courts of the United States" to its courts of appeal.

[1]Citations to documents contained within the attached appendix are designated (A. #). Citations to documents not in the appendix are cited to the district court docket number (Doc. #).

Statement of the Issue

I. In the absence of any other suspicious or threatening circumstance, does an officer have the reasonable suspicion that a person is armed and dangerous necessary to justify a search based only on a third-party allegation that the person had attempted to "get into" a window of a neighboring house?

Statement of the Case

During an investigatory stop, an officer ordered Snow out of his truck in order to frisk him for weapons. (A. 27:8-9.) After he exited the truck, officers seized a pistol from his waistband. (A. 29:11-12, 43:8-14.) As a result of this seizure, Snow was charged on June 3, 2009, in a one-count indictment with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). (A. 70.)

On November 12, 2009, Snow filed a motion to suppress the gun recovered during the search. (Doc. 17.) The district court heard the motion on November 30, 2009, and denied it the same day. (A. 9.) Snow eventually pled guilty to the charge, but preserved his right to appeal the denial of his motion to suppress. (A. 73, 79.) The district court sentenced him on April 14, 2009 to 180 months' imprisonment (A. 74:18-78:21), and entered final judgment on April 27, 2010 (A. 2-7). Snow filed his timely notice of appeal on April 20, 2010. (Doc. 46.)

Statement of the Facts

911 call and dispatch

On the afternoon of January 16, 2009, a woman called 911 and reported "somebody trying to get into a house [across the street] through the windows." (A. 58:3-5; 17:22-25.) She said that the individual was wearing a gray hood or black hood and gray pants. (A. 58:7-8.) When asked whether he got in, the caller responded that the individual was "still trying to go around the house to get in from the back, and I've lost eye contact with them." (A. 58:11-14.) The caller stated that she could not identify the individual's race because his hood was up. (A. 58:15-16.) The caller also indicated that a truck was parked in front of the house. (A. 58:18.)

At this point, the operator put the caller on hold while she dispatched officers. (A. 58:23.) At 3:55 P.M., officers were dispatched to a "burglary in progress, 5131 Thrush Drive." (A. 64:2-5.) The operator described the suspect as "a person [of] unknown racial description in a black hoodie, gray pants, trying to crawl through the front window, now went around back." (A. 64:6-8.)

The operator then returned to the caller and asked for a description of the house, to which the caller responded that it was one-story, light yellow, with burgundy shutters. (A. 59:1-10.) She also reported that a pickup truck was parked in front, the front half of

which was green, and the back half was white. (A. 59:13-22.) The operator then gave the officers a correct description of the house, but inaccurately described the truck as a "green and black pickup." (A. 64:18-21.) The operator also mentioned that the suspect "[h]asn't made entry." (A. 64:21.)

The operator then asked, "What's he doing now?" to which the caller responded that he had gone around to the west side of the house. (A. 59:25.) She then changed her description of the man to include loose fitting blue jeans (A. 60:3-4), although she still could not identify his race (A. 60:7-8). The operator notified police that the suspect was a male with a black hoodie and loose-fitting blue jeans who was now on the west side of the house. (A. 64:22-25.)

The caller reported that the man came back around to the front of the house and looked "like he might be texting or holding a cell phone." (A. 60:12-19.) She said that he then got into his truck and was driving north on Gerrard Avenue, at which point she lost sight of him. (A. 60:25-51:6.) The operator reported these events to the police (A. 64:25-65:1), and an officer immediately replied that he had spotted the truck headed westbound on 34th Street from Gerrard Avenue, approximately two blocks from Thrush Drive (A. 65:9-13, 23:4-8). The officers stopped the truck shortly thereafter. (A. 65:16-25.)

The Terry stop

The truck's driver was the appellant, Ernest Snow. (A.17:22-25.) The officer who pulled him over, Nicholas Andrews, testified that he was dispatched to a burglary in progress at 5138 Thrush Drive, and that the suspect vehicle was a pickup truck with a green front end and a "different color" back end.[2] (A. 17:18-8:3.)

Andrews approached the driver-side door. (A. 25:17-26:1.) When he came abreast of the driver-side window he saw Snow in a black hooded sweatshirt and baggy blue jeans. (A. 26:1-4.) Andrews first asked Snow for his driver's license; Snow cooperated and surrendered it. (A. 26:9-15.) Snow also turned off his vehicle and voluntarily handed Andrews his keys. (A. 30:4-6.) Two other officers arrived at the scene around this same time. (A. 26:24-17:9, 35:8-14, 42:4-9.)

The Terry frisk and subsequent arrest

According to Andrews's testimony, he did not ask Snow any further questions but instead ordered him out of the vehicle with the intention of performing a pat-down. (A. 27:8-14.) Although Andrews cited officer safety as his purpose for the search (A. 27:12-14), he never elaborated on any reasons why he suspected that Snow was armed or dangerous other than the fact that he was a burglary suspect. (A.

[2] In fact, all three officers on the scene remembered only that the truck had a green front and "a different color" back or that it was "multicolored." (A. 8:20, 28:17, 35:22.)

27:15-17.) As Andrews was about to pat Snow down, Snow turned around to face him. (A. 36:2-4.) Andrews interpreted this as aggressive behavior and grabbed Snow's left arm to physically restrain him. (A. 27:18-28:6.) Officer Michael Wolley assisted Andrews by grabbing Snow's right arm. (A. 29:2-7, 36:4-7, 27-21.) Officer Emily Perkins then observed the handle of a handgun in Snow's waistband. (A. 41:16-22, 43:4-6.) She yelled, "gun" and seized the handgun. (A. 29:11-12, 43:8-14.) Snow was never charged with attempted burglary in connection with the events at 5138 Thrush Drive. Snow had previously been convicted of a felony, so he was ultimately charged with knowingly possessing a firearm as a felon. (A. 70-71.) Snow pled guilty to the charge but reserved for appeal a challenge to the denial of his motion to suppress the firearm. (A. 73:5-6.)

Summary of the Argument

Officer Andrews did not have a sufficient factual basis to believe that Ernest Snow might be armed and dangerous. The fact that Snow had been labeled a "burglary suspect" is insufficient, standing alone, to create reasonable suspicion that he was armed. Andrews also knew that the underlying activity giving rise to that label was little more than the suspicious observation of a neighbor. Andrews made no attempt to corroborate the untrained caller's suspicion and he made no independent observations that would suggest Snow was a threat. The district court likewise gave Snow's arguments supporting his suppression motion short shrift by finding dispositive the reasonable suspicion for the stop and failing to address the subsequent illegal search. This Court should reverse.

Argument

I. In the absence of corroboration from law enforcement, a 911 caller's observation of unusual activity outside a neighboring house is not sufficient to create the reasonable suspicion that the person is presently armed and dangerous necessary to justify a search.

The district court erred in denying Snow's motion to suppress because the officer's decision to search him was not based on adequate reasonable suspicion. This Court reviews *de novo* the district court's legal conclusions on a motion to suppress, including the question whether reasonable suspicion existed to justify a stop and subsequent search. *Ornelas v. United States*, 517 U.S. 690, 699 (1996). Searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment, subject only to a few specifically established and well-delineated exceptions. *Katz v. United States*, 389 U.S. 347, 357 (1967). There is no ready test for determining the reasonableness of a search and seizure other than by balancing the need to search or seize against the invasion that it entails. *Terry v. Ohio*, 392 U.S. 1, 20-21 (1968). An officer may conduct a brief stop that amounts to less than a full-blown arrest (a "*Terry* stop") and detain a person for investigatory purposes when the officer can demonstrate a reasonable and articulable suspicion that criminal activity may be afoot. *Id.* at 21. Reasonable suspicion is a standard less than the probable cause required for an

arrest but more than a mere hunch. *United States v. Lenoir*, 318 F.3d 725, 729 (7th Cir. 2003). Accordingly, an officer may conduct a limited search (a *"Terry* frisk") for weapons only when all of the articulable facts and reasonable inferences from those facts known to the officer at the time of the stop would lead a reasonable officer to believe that a suspect is presently armed and dangerous. *United States v. Thomas*, 512 F.3d 383, 388 (7th Cir. 2008); *United States v. Odum*, 72 F.3d 1279, 1284 (7th Cir. 1995). Therefore, not every *Terry* stop justifies a search. *United States v. Barnett*, 505 F.3d 637, 640 (7th Cir. 2007).

In this case the sum of all of the articulable facts and reasonable inferences arose from a 911 caller's report of suspicious activity across the street, hastily labeled a "burglary" by a dispatch officer relaying the information to police. The investigating officer was aware of the weak foundation for this label but did not offer a single personal observation to suggest that the suspicious activity described was actual criminal behavior, nor did he suggest any other fact to establish his reasonable suspicion that Snow was armed and dangerous.

A. The district court improperly equated the reasonable suspicion necessary for a stop with the reasonable suspicion necessary to perform a pat-down search for weapons.

Snow argued in the district court that the seizure was impermissible for two reasons: (1) the officers lacked reasonable suspicion to conduct the stop; and (2) there were not specific and

articulable facts that would lead the officer to believe that he was armed and presented a risk of harm. (*See* Doc. 18 at 7.) At the suppression hearing, Snow's lawyer emphasized that there was no reason for the responding officers to believe Snow was armed based on the totality of the circumstances. (A. 56:10-14.)

It is well settled that, although an officer may conduct an investigatory *stop* if he has reasonable suspicion that a crime has been committed or is imminent, the officer may not conduct a protective *pat-down search* without reasonable suspicion that the suspect is both armed and a threat to the safety of officers or others. *Terry*, 392 U.S. at 27, 30; *Gentry v. Sevier*, 597 F.3d 838, 847 (7th Cir. 2010) ("A law enforcement officer can conduct a 'protective pat-down search' during a *Terry* stop only if the officer has 'at a minimum some articulable suspicion that the subject is concealing a weapon or poses a danger to the [officer] or others . . . .'" (quoting *United States v. Pedroza*, 269 F.3d 821, 827 (7th Cir. 2001) (alteration in *Gentry*)).

The district court, however, failed to consider whether Officer Andrews had reasonable suspicion for a pat-down search for weapons, as opposed to the distinct consideration required for a mere stop. Instead, the court conflated the two standards, basing its denial of Snow's motion to suppress entirely on the fact that the 911 caller's description of the truck was "close" and that the proximity of the traffic

stop to the suspected criminal activity was "even closer." (A. 12:1-15:19.) By failing at any point to consider the subsequent invasion of Snow's liberty when he was ordered out of the vehicle to be searched, the district court implicitly (and improperly) found that reasonable suspicion to conduct a stop was itself sufficient justification for the frisk.

B. Neither the facts articulated by the arresting officer at the suppression hearing, nor the facts known to the officer at the time of the stop, support a reasonable suspicion that Snow was armed or a threat to the officer.

The officers lacked reasonable suspicion that Snow was an armed threat to them. The proper test for reasonable suspicion requires consideration of the totality of circumstances. *Thomas*, 512 F.3d at 388. When evaluating the totality of the circumstances courts make practical, non-technical, commonsense determinations. *See Illinois v. Gates*, 462 U.S. 213, 230-31, 234-35 (1983) (distinguishing totality of the circumstances from technical legal threshold tests, which encourage "undue attention being focused on isolated issues that cannot sensibly be divorced from the other facts presented"). As a threshold matter, the district court erred in failing to require and find evidence of reasonable suspicion for the search because, as noted above, its entire inquiry and disposition of Snow's motion to suppress focused on the validity of the initial stop. Even if the district court had considered the facts relevant to the search itself, it nonetheless erred

because the only fact that Andrews articulated as the basis for his search of Snow was that he was investigating a "burglary in progress." (A. 27:14-17.) In the 911-call context, courts have required something more—either more concrete proof of actual criminal activity or a first-hand observation by the officers themselves that establishes reasonable suspicion or corroborates an earlier report. *See United States v. Hampton*, 585 F.3d 1033 (7th Cir. 2009) (several callers reporting gunshots fired); *United States v. Whitaker*, 546 F.3d 902 (7th Cir. 2008) (two separate callers reported an altercation in a parking lot, one caller indicated that the suspect had a gun); *United States v. Hicks*, 531 F.3d 555 (7th Cir. 2008) (caller reported an armed man beating a woman); *United States v. Wooden*, 551 F.3d 647 (7th Cir. 2008) (caller reported that a man had pulled a gun while arguing with an apparent girlfriend); *United States v. Drake*, 456 F.3d 771 (7th Cir. 2006) (caller reported that an occupant of the suspect vehicle pulled a gun on her son-in-law). *See also Florida v. J.L.*, 529 U.S. 266, 268 (2000).

Turning first to the absence of concrete proof of criminal activity, in *Florida v. J.L.* a caller to the police department claimed a young man was standing at a bus stop carrying a firearm. 529 U.S. 266, 268 (2000). The caller gave a description of the suspect's race, location, and clothing. *Id.* He did not say how he knew the suspect was carrying a

gun. Officers responding to the call went to the bus stop, found a youth who matched the caller's description, and frisked him for weapons, seizing a gun from his pocket. *Id.* The Court held that, although an "accurate description of the suspect's readily observable location and appearance" is reliable in a "limited sense: It will help the police correctly identify the person whom the tipster means to accuse," the search was not justified because the tip did not "show that the tipster ha[d] knowledge of concealed criminal activity."[3] *Id.* at 272.

In much the same way, the search of Snow was unjustified. The caller's information that Snow had been trying to get through a window across the street was helpful to the police in the limited sense that it gave them an accurate description of Snow and his whereabouts. But the caller did not identify any foundation to support that Snow's conduct was actually criminal in nature. She did not say that she knew the owner of the house, his or her whereabouts, or who was authorized to be on the property. As in *J.L.*, the caller's tip helped police correctly identify the person she meant to accuse, but unlike the caller in *J.L.*, the caller in this case did not give any indication whatsoever that the person she saw was armed or had even

[3] In *J.L.,* "concealed criminal activity" literally meant a concealed weapon. *See id*. at 273 n.* ("[Police] would have had reasonable suspicion that J.L. was engaged in criminal activity only if they could be confident that he was carrying a gun in the first place.") While *J.L.* limits its holding to whether there was reasonable suspicion of criminal activity to justify an initial stop, its factual analysis is indistinguishable from a determination whether there was reasonable suspicion that a suspect was armed.

committed a crime. "The reasonable suspicion here . . . requires [reliability] in its assertion of illegality, not just in its tendency to identify a determinate person." *Id.*

Thus, Andrews possessed no concrete information to justify his search of Snow. At the time of the stop Andrews had been provided with little more than the caller's meager factual description and the dispatcher's label of the suspicious activity as a "burglary in progress." The dispatcher's shorthand of "burglary in progress" does not transform an untrained caller's report of mere suspicious behavior into concrete criminal activity,[4] and it cannot excuse the officers from their Constitutional duty to assess the circumstances of each case before infringing on a person's Fourth Amendment rights.

Second, not only was the 911 call insufficient to support the search, Andrews identified no additional facts that typically support a decision to frisk such as a high-crime neighborhood, *see, e.g.*, *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000), recent crimes in the area, *United States v. Hendricks*, 319 F.3d 993, 1003 (7th Cir. 2003); a reported weapon sighting or use of burglary tools, *Hicks*, 531 F.3d at 557; or a nervous, evasive, sweaty or secretive suspect, *United States v. Baskin*, 401 F.3d 788, 790 (7th Cir. 2005); *United States v. Oglesby*, 597 F.3d 891, 894 (7th Cir. 2010); *Barnett*, 505 F.3d at 638.

[4] In Indiana, burglary is the unauthorized entry into a building or structure of another with the intent to commit a felony. Ind. Code § 35-43-2-1 (2004).

During Snow's suppression hearing, Andrews testified only that he asked Snow to exit the vehicle so that he could pat him down "for officer safety" because he "believed [Snow] was a burglary suspect." (A. 27:8-17.) Andrews articulated no other facts based on personal observation that would typically support a belief that a suspect might be armed and pose a threat to his safety.

Even if Andrews had considered the facts known to him at the time, it would have only served to weaken the suspicion that Snow was armed. As noted above, at the time of the stop Andrews had only received word of a potential "burglary in progress" in the middle of the afternoon; he knew only that a third party had reported a man allegedly "trying to crawl in through the front window" of a house across the street from 5131 Thrush Drive. (A. 64:4-21.) He also knew that the man never actually entered, that he merely walked around the rear of the house, and then returned to his truck. (A. 64:8-65:1.) He was aware that the report was contemporaneous with the dispatch, but without any corroboration by a trained law enforcement officer. A bit later, Snow was spotted driving his truck in this area and was stopped by officers. (A. 55:9-13.) Snow was not speeding away from the scene. (A. 31:19-32:3.) When he had stopped Snow, Andrews approached the vehicle and asked for Snow's driver's license, which Snow handed to him. (A. 26:1-15.) Snow also surrendered his keys,

apparently without being asked to do so. (A. 30:4-6.) Andrews did not ask Snow to step out of the vehicle until after other officers arrived at the scene. (A. 26:24-17:9, 35:8-14, 42:4-9.) A man who was in no hurry to leave the scene of an alleged crime, who first gave his identification to an officer, and who voluntarily surrendered his car keys is not a threat to officer safety. The deterrent effect of additional officers arriving at the scene makes the inference of a threat even more unreasonable.

Finally, even though he had no more than a bald assertion of criminal activity, Andrews made no attempt to corroborate the information himself. He neither asked Snow any questions related to his whereabouts or activities nor detained him briefly so that officers could confirm any criminal activity on Thrush Drive. Therefore, these additional facts actually undermine reasonable suspicion.

In conclusion, where a 911 caller reports mere suspicious activity, officers must at least minimally corroborate that report through observation or questioning rather than summarily assuming that a suspect is presently armed and dangerous and subjecting him to a physical search. No such corroboration was performed in this case. Thus the government failed to show that there was reasonable suspicion to order Snow out of his vehicle to be patted down. Because

no supporting facts were offered, and no analysis was performed by the court, the district court erroneously denied Snow's motion to suppress.

Conclusion

For the foregoing reasons, Appellant respectfully requests that this Court reverse the district court's order, vacate the guilty plea, and grant Snow's motion to suppress.

Respectfully Submitted,

Ernest R. Snow
Defendant-Appellant

By:_____
Sarah O'Rourke Schrup
Attorney

Richard Robinette
Senior Law Student

John MacIver
Bluhm Legal Clinic

Northwestern University School of Law
375 East Chicago Avenue
Chicago, IL 60611
Phone: (312) 503-0063

Counsel for Defendant-Appellant,
Ernest R. Snow

No. 10-2031

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

United States of America, Plaintiff-Appellee, v. Ernest R. Snow, Defendant-Appellant.	Appeal From The United States District Court For the Southern District of Indiana, Indianapolis Division Case No. 1:09-CR-00087 The Honorable Judge Larry McKinney

---

Certificate of Compliance with Federal Rule of Appellate Procedure 32(a)(7)

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(b) because this brief contains 3,717 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Office Word 2007 in 12 point Century Schoolbook font with footnotes in 11 point Century Schoolbook font.

Sarah O'Rourke Schrup
Attorney
Bluhm Legal Clinic
Northwestern University School of Law
375 East Chicago Avenue
Chicago, IL 60611
Phone: (312) 503-0063

Dated: October 29, 2010

No. 10-2031

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

United States of America, Plaintiff-Appellee, v. Ernest R. Snow, Defendant-Appellant.	Appeal From The United States District Court For the Southern District of Indiana, Indianapolis Division Case No. 1:09-CR-00087 The Honorable Judge Larry McKinney

---

Circuit Rule 31(e)(1) Certification

I, the undersigned, counsel for the Defendant-Appellant, Ernest R. Snow, hereby certify that I have filed electronically, pursuant to Circuit Rule 31(e), versions of the brief and all of the Appendix items that are available in non-scanned PDF format.

Sarah O'Rourke Schrup
Attorney
Bluhm Legal Clinic
Northwestern University School of Law
375 East Chicago Avenue
Chicago, IL 60611
Phone: (312) 503-0063

Dated: October 29, 2010

Proof of Service

I, the undersigned, counsel for the Defendant-Appellant, Ernest R. Snow, hereby certify that on October 29, 2010, two copies of the Brief and Required Short Appendix of Appellant, as well as a digital version containing the brief, were sent by United States mail to the following individual:

James Marshall Warden
United States Attorney's Office
10 West Market Street
Suite 2100
Indianapolis, IN 46204

_____

Sarah O'Rourke Schrup
Attorney
Bluhm Legal Clinic
Northwestern University School of Law
375 East Chicago Avenue
Chicago, IL 60611
Phone: (312) 503-0063

Dated: October 29, 2010

No. 10-2031

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

United States of America, Plaintiff-Appellee, v. Ernest R. Snow, Defendant-Appellant.	Appeal From The United States District Court For the Southern District of Indiana, Indianapolis Division Case No. 1:09-CR-00087 The Honorable Judge Larry McKinney

---

Circuit Rule 30(d) Statement

I, the undersigned, counsel for the Defendant-Appellant, Ernest R. Snow, hereby state that all of the materials required by Circuit Rules 30(a), 30(b), and 30(d) are included in the Appendix to this brief.

Sarah O'Rourke Schrup
Attorney
Bluhm Legal Clinic
Northwestern University School of Law
375 East Chicago Avenue
Chicago, IL 60611
Phone: (312) 503-0063

Dated: October 29, 2010