

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                          |   |                    |
|--------------------------|---|--------------------|
| _____                    | ) |                    |
| UNITED STATES OF AMERICA | ) |                    |
|                          | ) |                    |
| v.                       | ) | CRIMINAL ACTION    |
|                          | ) | NO. 3:18-30001-WGY |
| NIA MOORE-BUSH and       | ) |                    |
| DAPHNE MOORE,            | ) |                    |
|                          | ) |                    |
| Defendants.              | ) |                    |
| _____                    | ) |                    |

YOUNG, D.J.

June 5, 2019

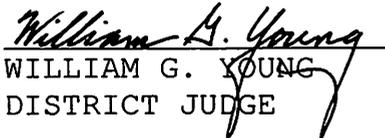
**ORDER**

After a careful review of the Government's motion for reconsideration, ECF No. 423, the Court DENIES the Government's motion. Though the Government now seeks to suggest that defendants Nia Moore-Bush and Daphne Moore lacked a subjective expectation of privacy because the tree in front of their home lacked leaves during much of the surveillance, this new argument flatly contradicts the Government's earlier assertion that "it is clear from the Affidavit that the tree partially obstructed the view of the pole camera across the street, thus actually minimizing any potential intrusion." Compare Mot. Recons. Mem. & Order & Continue Trial Date Allow Recons. ("Mot. Recons.") 6 with Government's Opp'n Defs.' Mot Suppress Pole Camera Evid. 5, ECF No. 367.

Further, the Government neglects to explain to the Court why the Court ought excuse the Government's waiver of its argument that the good faith exception to the exclusionary rule applies. Compare Am. Mem. & Order 4-5 n.2, ECF No. 422 with Mot. Recons. 7-8. The Court concludes that the Government's remaining arguments lack merit.

Accordingly, the Court DENIES the Court DENIES the Government's motion, ECF No. 423. There shall be no continuance.

**SO ORDERED.**

  
WILLIAM G. YOUNG  
DISTRICT JUDGE