

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY  
STATE OF \_\_\_\_\_

\_\_\_\_\_,  
Plaintiff,

v. Case No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

## MOTION TO SUPPRESS EVIDENCE

COMES NOW, the Defendant, \_\_\_\_\_, by and through undersigned counsel, and respectfully moves this Honorable Court for an Order suppressing all evidence, including but not limited to \_\_\_\_\_, obtained by law enforcement officers on or about \_\_\_\_\_, at \_\_\_\_\_, and in support thereof states as follows:

### I. PROCEDURAL POSTURE

1. The Defendant is charged with \_\_\_\_\_.
2. The evidence sought to be suppressed was obtained by law enforcement officers on or about \_\_\_\_\_, during an incident occurring at \_\_\_\_\_.

### II. STATEMENT OF FACTS

3. On or about \_\_\_\_\_, at approximately \_\_\_\_\_ [time], law enforcement officers, including Officer \_\_\_\_\_ and Officer \_\_\_\_\_, made contact with the Defendant at \_\_\_\_\_.
4. The contact occurred under circumstances that did not establish reasonable suspicion or probable cause for a stop or seizure of the Defendant. Specifically, \_\_\_\_\_.
5. During the encounter, officers conducted a search of \_\_\_\_\_, which resulted in the discovery of the evidence sought to be suppressed.
6. The search was conducted without a warrant, without the Defendant's voluntary consent, and without any applicable exception to the warrant requirement. Specifically, \_\_\_\_\_.
7. The Defendant was not advised of \_\_\_\_\_ rights prior to \_\_\_\_\_.
8. Any statements made by the Defendant were obtained in violation of the Defendant's constitutional rights because \_\_\_\_\_.

### **III. GROUNDS FOR SUPPRESSION**

9. The evidence in question was obtained in violation of the Defendant's rights under the Fourth Amendment to the United States Constitution, which protects against unreasonable searches and seizures.
10. The search and/or seizure of the Defendant and/or the Defendant's property was conducted without probable cause or a warrant, and no exception to the warrant requirement applies.
11. The evidence was obtained in violation of the Defendant's rights under the Fifth Amendment to the United States Constitution, specifically the right against self-incrimination, as the Defendant was subjected to custodial interrogation without being properly advised of \_\_\_\_\_ rights.
12. The evidence was obtained in violation of the Defendant's rights under the Sixth Amendment to the United States Constitution, specifically the right to counsel, as the Defendant was interrogated without counsel present after asserting the right to counsel.

13. The evidence is the "fruit of the poisonous tree" and must be suppressed as it was derived from an unlawful search, seizure, or interrogation.

**IV. RELIEF REQUESTED**

WHEREFORE, Defendant, \_\_\_\_\_, respectfully requests that this Honorable Court enter an Order suppressing all evidence, including but not limited to \_\_\_\_\_, obtained by law enforcement officers on or about \_\_\_\_\_, at \_\_\_\_\_, and for such other and further relief as this Court deems just and proper.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_

**Signature:** \_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**Bar No.:** \_\_\_\_\_

**Attorney for Defendant Address:**

\_\_\_\_\_

\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion to Suppress Evidence was served upon the following counsel of record via \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ :

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**Printed Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_

Signature