

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF **INSERT DISTRICT**

UNITED STATES OF AMERICA,) CASE NO. **INSERT CASE #**
)
Plaintiff,)
) **MOTION TO SUPPRESS EVIDENCE**
vs.) **& STATEMENTS; REQUEST FOR**
) **EVIDENTIARY HEARING**
INSERT CLIENT NAME,)
)
Defendant.)

COMES NOW Defendant, **INSERT CLIENT NAME**, by and through **his/her** attorney, **INSERT ATTORNEY NAME**, and respectfully moves this Court for an Order suppressing and excluding from use against **him/her** any and all evidence and statements obtained by the Government as a result of the stop, detention and seizure of the Defendant, on or about **INSERT DATE**, in the area of **INSERT LOCATION, CITY AND COUNTY**, which resulted in the **criminal charges/indictment** for the present case, and further, Defendant requests an evidentiary hearing on this matter. In support of this Motion, Defendant states the following:

1. Law Enforcement conducted a traffic stop of Defendant on or about **INSERT DATE**, in the area of **INSERT LOCATION, CITY AND COUNTY**, without probable cause to believe Defendant committed a traffic violation and without reasonable suspicion that criminal activity was afoot.

2. Law Enforcement acted without lawful authority in stopping and detaining the Defendant in violation of Defendant's Fourth Amendment Right under the United States Constitution to remain free from unreasonable seizures.

3. Law Enforcement's investigation exceeded the lawful scope of the traffic stop, in violation of Defendant's Fourth Amendment Right under the United States Constitution to remain free from unreasonable searches.

4. Law Enforcement unlawfully detained Defendant after completing the mission of the traffic stop, and the Government lacked reasonable suspicion for the continued detention.

5. Law Enforcement lacked both probable cause and valid consent to search the vehicle.

6. Law Enforcement lacked probable cause to arrest Defendant prior to the search.

7. Any and all evidence Law Enforcement seized in this matter that has been or will be used against Defendant for the present or future charges related to this incident were obtained as a direct result of the Government's unlawful stop and detention of Defendant, and the Government's subsequent search of a vehicle that the Defendant was located in, and are considered "fruits of the poisonous tree." Wong Sun v. United States, 371 U.S. 471 (1963).

8. During Law Enforcement's detention of Defendant, officers interrogated Defendant, while in custody, without first advising Defendant of his Miranda rights. Any statements made by Defendant were illegal fruits obtained as a direct result of the unlawful traffic stop of the Defendant. See, Miranda v. Arizona, 384 U.S. 436 (1966), Fifth Amendment of the United States Constitution, and Wong Sun v. United States, 371 U.S. 471 (1963).

WHEREFORE, the Defendant respectfully moves this Court for an Order suppressing and excluding from use against the Defendant any and all evidence and statements obtained by the Law Enforcement as a result of the above-mentioned traffic stop and subsequent detention of Defendant on or about **INSERT DATE**, in the area of **INSERT LOCATION, CITY AND COUNTY**, and the subsequent custodial interrogation of Defendant, for the reason that such evidence was obtained in violation of the rights of the Defendant as guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States, Wong Sun v. United States, 371 U.S. 471 (1963), and Miranda v. Arizona, 384 U.S. 436 (1966). Defendant requests a hearing in this matter.

DATED: **INSERT DATE**.

CLIENT NAME, Defendant,

By: s/**Attorney Name**
ATTORNEY NAME & INFO

CERTIFICATE OF SERVICE

I hereby certify that on the day of , 20, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which sent notification to the United States Attorney.

/s/**ATTY ELECTRONIC SIGNATURE**
ATTY NAME, ATTY BAR #