STATE OF MAINE UNIFIED CRIMINAL DOCKET

COUNTY, ss LOCATION: [CITY/TOWN OF COURT]

DOCKET NO.: [DOCKET #]

)

STATE OF MAINE )

)

v. ) MOTION TO SUPPRESS

)

[DEFENDANT’S NAME] )

Defendant )

NOW COMES Defendant, [DEFENDANT’S NAME], through their undersigned counsel, and moves to suppress the [STOP/SEIZURE/SEARCH/STATEMENTS] of Defendant on [DATE]. Defendant so moves on the grounds that the [STOP/SEIZURE/SEARCH/STATEMENTS] [occurred/were obtained] in violation of Defendant’s [4th/5th/6th] Amendment rights under the United States Constitution, made applicable to the states through the 14th Amendment, and Article I, Section 5 of the Constitution of Maine. Defendant further moves to suppress all evidence obtained as a direct or indirect result of the illegal [STOP/SEIZURE/SEARCH/QUESTIONING] In support thereof, Defendant submits as follows:

Relevant Factual & Procedural History:

*[Note- Keep this section very brief. Only include limited, relevant facts sufficient to orient the court to the issue]*

1. On or about [DATE] officers of the [LEO agency] [STOPPED/DETAINED/SEARCHED/QUESTIONED] Defendant; and
2. Defendant stands charged with [CRIME/CRIMES]

Applicable Law:

1. The [4th/5th/6th] Amendment of the U.S. Constitution provides that…[This/these provision(s)] are made applicable to the states through the 14th Amendment to the U.S. Constitution;
2. Article I, Section 5 of the Constitution of Maine provides that:

“The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause -- supported by oath or affirmation.” Me. Const. art. I, § 5.

1. Evidence obtained directly or indirectly as a result of a violation of the constitutionally based right of a person cannot be, over objection, introduced into evidence in a criminal case against the person whose rights have been violated in obtaining the evidence, *see Wong Sun v. United States*, 371 U.S. 471, 485, 83 S.Ct. 407, 416 (1963) (“The exclusionary rule has traditionally barred from trial physical, tangible materials obtained either during or as a direct result of an unlawful invasion.”) (*emphasis added*) *Nix v. Williams*, 467 U.S. at 431, 442 (1984) (purpose of fruit of poisonous tree doctrine is to “deter police from violations of constitutional and statutory protections”).

Argument:

1. Defendant was [STOPPED/DETAINED/SEARCHED/QUESTIONED] in violation of [RELEVANT CONSTITUTIONAL PROVISION(S)]; and
2. Because the [STOP/DETENTION/SEARCH/QUESTIONING] was unconstitutional, all evidence obtained as a result thereof must be suppressed.

WHEREFORE, Defendant respectfully moves this Honorable Court to suppress the aforementioned [STOP/DETENTION/SEARCH/STATEMENTS] and all evidence obtained as a result thereof.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ATTORNEY NAME], Esq., Bar No. [BAR #] Dated: November 4, 2022

Attorney for Defendant

Firm Name

Address

Phone

CERTIFICATE OF SERVICE:

I certify that a true copy of the foregoing Motion was sent to the State via electronic mail to [prosecutor’s email] on November 4, 2022.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ATTORNEY NAME], Esq., Bar No. [BAR #] Dated: November 4, 2022

Attorney for Defendant

ORDER:

Defendant’s Motion is granted // denied.

Judge/Justice Unified Criminal Court