

Motion Draft

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****COMMONWEALTH OF MASSACHUSETTS****
****SUPERIOR COURT****
****WORCESTER COUNTY****

****COMMONWEALTH OF MASSACHUSETTS****
****v.****
****JOHN MICHAEL SMITH****

Case No.: CR-2024-00123

****DEFENDANT'S MOTION TO SUPPRESS EVIDENCE****

TO THE HONORABLE COURT:

NOW COMES the Defendant, JOHN MICHAEL SMITH, by and through undersigned counsel, and hereby respectfully moves this Honorable Court to suppress evidence obtained in violation of his rights under the Fourth Amendment to the United States Constitution and Article 14 of the Massachusetts Declaration of Rights, and in support thereof states as follows:

****I. PROCEDURAL BACKGROUND****

1. The Defendant, JOHN MICHAEL SMITH, stands charged in the above-captioned matter.
2. This Motion is filed pursuant to Mass. R. Crim. P. 13 and is timely filed.
3. The evidence sought to be suppressed was obtained during an unlawful search conducted on January 15, 2024.

****II. STATEMENT OF FACTS****

4. On January 15, 2024, at approximately 3:30 p.m., Defendant was operating his motor vehicle in Worcester, Massachusetts.
5. Officer Johnson of the Worcester Police Department initiated a traffic stop of Defendant's vehicle, allegedly for running a red light at the intersection of Main Street and Park Avenue.
6. Upon information and belief, video surveillance evidence demonstrates that the traffic light was yellow when Defendant entered the intersection, making the initial stop pretextual and without reasonable suspicion of any traffic violation.
7. During the course of the traffic stop, Officer Johnson conducted a search of Defendant's vehicle without obtaining Defendant's consent, without a valid search warrant, and without probable cause to believe that evidence of criminal activity would be found therein.
8. No exigent circumstances existed that would have justified the warrantless search of Defendant's vehicle.