

COMMONWEALTH OF MASSACHUSETTS

DISTRICT COURT DEPARTMENT
EASTERN HAMPSHIRE DIVISION
DOCKET # 1098CR605

COMMONWEALTH)
)
v.)
)
ELI DAMON)

MOTION TO SUPPRESS

Now comes the Defendant in the above titled matter and hereby respectfully moves this Honorable Court, pursuant to Mass.R.Crim.P.Rule 13, suppressing any and all items seized, including but not limited to a video recording device with video, by law enforcement officers as a result of a warrantless search and seizure of the Defendant. The warrantless search and seizure of items took place on March 10, 2010 in Hadley, Massachusetts. The Defendant further moves this court to suppress any "fruits" of the search.

As grounds therefore, it is stated that the items were seized in the absence of a search warrant, without probable cause, without reasonable suspicion to justify a "stop", and in violation of the Defendant's rights under the Fourth and Fourteenth Amendments to the U.S. Constitution, and Article XII and XIV of the Massachusetts Declaration of Rights. The Defendant requests an evidentiary hearing on this Motion.

Respectfully Submitted,
ELI DAMON by his
Attorney

Peter Dejnak