

<p>County Court, xxx County  Court Address:  (City), CO (zip code)</p> <hr/> <p>PEOPLE OF THE STATE OF COLORADO  Plaintiff,</p> <p>vs.</p> <p>(JOE BIKERO  Defendant.</p> <hr/> <p>Attorney or Party Without Attorney: (Name &amp; Address)</p>	<p style="text-align: center;">▲                      ▲</p> <p style="text-align: center;"><b>COURT USE ONLY</b></p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p><b>Motion to Suppress Evidence</b></p>	

COMES NOW the Defendant, AND requests that this Honorable Court enter its Order suppressing, as evidence herein, any evidence seized from the person, or vehicle of the defendant, and any statements made by the Defendant, and

AS GROUNDS THEREFORE, states as follows:

1. The Defendant was apprehended by (GOLDEN?) police officers. Observations were made, evidence was seized, and statements may have been made by the Defendant at that time.

2. Any statements made and/or consent given by the defendant were not made or given after a proper and timely advisement of his constitutional and statutory rights.

3. There was insufficient basis for the warrantless stop, search, seizure, and arrest of the Defendant. There was not a reasonable, articulable suspicion of criminal activity to warrant the detention, search and seizure of the defendant.

4. Any evidence discovered by agents of the police was the fruit of an improper stop, search, seizure, detention and/or arrest.

5. Any observation of the exhaust pipes on Defendant's motorcycle was the fruit of an illegal stop, and was conducted without the Defendant's informed consent. The underside of Defendant's motorcycle cannot legitimately be described as in 'plain view.' Moreover, "reasonable suspicion" is not enough to justify a search under the "plain view" doctrine as the United States Supreme Court has held: "However, the search was invalid because, as the State concedes, the policeman had only a "reasonable suspicion" - i. e., less than probable cause to believe - that the stereo equipment was stolen. Probable cause is required to invoke the "plain view" doctrine as it applies to seizures. It would be illogical to hold that an object is seizable on lesser grounds, during an unrelated search and seizure, than would have been needed to obtain a warrant for it if it had been known to be on the premises." Arizona v. Hicks, 480 U.S. 321 (1987)

WHEREFORE, Defendant prays that the fruits of the improper stop, search, seizure, arrest and questioning, including, but not limited to, any statements of the defendant, be suppressed as evidence herein, and that the Court grant such other and further relief as may be just and proper.

Respectfully submitted,

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(Joe Biker)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document was placed in the United States mails, postage prepaid, this (date) addressed to (prosecutor's name and address)

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