

STATE OF NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

STATE OF NORTH CAROLINA
v.

DWI PRETRIAL MOTIONS
N.C.G.S. 20-38.6

_____,
Defendant

NOW COMES the Defendant, pursuant to N.C.G.S. 20-38.6, by and through counsel, Marcus E. Hill, and moves this Honorable Court to dismiss the above-captioned matter or suppress certain evidence at Trial on the following grounds:

() 1. **REASONABLE SUSPICION**

The Defendant moves the Court to suppress all evidence against him/her beyond the automobile stop or any investigative detention in this matter or any investigative detection in this matter and therefore moves for a dismissal of the charges on the grounds that his/her Fourth Amendment rights against unreasonable searches and seizures were violated because the office lacked reasonable and articulable suspicion to stop him. The Defendant requests a hearing on this matter.

() 2. **PROBABLE CAUSE**

The Defendant moves the Court to suppress all evidence against him/her beyond the arrest in this matter and therefore moves for a dismissal of the charges against him/her. The basis of this motion is the lack of probable cause to arrest. The Defendant requests a hearing on this matter.

() 3. **KNOLL**

The Defendant moves the Court for a dismissal of the charges against him/her on

the grounds that his/her rights articulated in State v. Knoll were violated in this case. Defendant requests a hearing on this matter.

() 4. **FERGUSON**

The Defendant moves the Court for a dismissal of the charges against him/her on the grounds that his/her rights articulated in State v. Ferguson were violated in this case.

Defendant requests a hearing on this matter.

() 5. **MYERS**

The Defendant moves the Court for a dismissal of the charges against him/her on the grounds that his/her rights articulated in State v. Myers were violated in this case. Defendant requests a hearing on this matter.

() 6. **DEFENDANT'S STATEMENTS**

The Defendant moves the Court to suppress any and all statements made by the Defendant on the grounds that the rights secured to him/her under the North Carolina and United States Constitutions against self-incrimination would be violated if any of Defendant's statements were admitted. Defendant requests a hearing on this matter.

() 7. The Defendant moves the Court to suppress the introduction of any test of the Defendant's breath, blood, or urine or any chemical test whatsoever on any combination of the following grounds:

- A) Hearsay
- B) Lack of any necessary foundation
- C) The test was improperly administered
- D) The Defendant's rights to confront and cross examine the witness against him/her

E) The Defendant's Fourth Amendment rights against unreasonable searches and seizures.

F) Any other reason that might cause the introduction of such evidence to be suppressed. The Defendant requests a hearing on this matter.

() 8. The Defendant moves the Court to suppress the evidence of any items obtained from a search of the Defendant's person, vehicle, home or any other place in which the Defendant could argue he/she has an expectation of privacy. The Grounds for this motion fall under the Defendant's Fourth Amendment rights against unreasonable searches and seizures. The Defendant requests a hearing on this matter.

() 9. The Defendant reserves the right to move for suppression of evidence or dismissal of the charge(s) at the trial of this case on any grounds that have not been addressed in a pre-trial hearing, even in the event that the Defendant has not specifically requested a hearing on that matter. To deny the Defendant the right to move and be heard on such motions at trial simply because he/she failed to specifically request a hearing on such where there is no right to discovery is patently unfair and unconstitutional in that it denies the Defendant the rights secured to him/her under the 6th Amendment to the United States Constitution as well as his/her due process rights. To the extent that 20-38.6 contemplates such a result, the Defendant alleges that 20-38.6 in particular 20-38.6(d) is unconstitutional.

Respectfully submitted, this the _____ day of _____, 20_____.

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