

STATE OF NORTH CAROLINA
_____ COUNTY

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

STATE OF NORTH CAROLINA

vs.

**MOTION TO SUPPRESS
(ANONYMOUS TIP)**

_____,
Defendant.

NOW COMES the Defendant, by and through his attorney, Marcus E. Hill, and moves for suppression of various evidence gathered after the stop and or arrest of the defendant for driving while impaired. The defendant argues as follows:

1. That the officer did not have reasonable and articulable suspicion to stop the defendant under Florida v. J.L. and under McCarn the officer had not knowledge of the informant or the informants veracity, reputation, or knowledge of the defendant's.
2. That the stop of the defendant was not supported by reasonable suspicion and all evidence gathered after that stop should be suppressed.
3. That the anonymous tipster provided the dispatcher (who is not a sworn officer) with more information but that information was not provided to the officer who stopped the defendant and thus the officer who stopped the defendant did not have a reasonable and articulable suspicion that the defendant was or was about to commit a crime.
4. That the anonymous tipster did not have the ability or inclination to draw reasonable conclusions as to the defendant's violation of the law and did not have the skills or temperament to determine if the defendant should be stopped for a violation under the North Carolina traffic laws.
5. That the information conveyed to the officer by the dispatcher was hearsay and should not be admitted to the jury or the court in any determination.
6. That the behavior witnessed by the police officer was not sufficient to provide that officer with a reasonable and articulable suspicion to stop the defendant either with or without the information gathered properly or improperly from the anonymous tip.

WHEREFORE, THE DEFENDANT PRAYS THAT THE COURT:

1. Suppress evidence gathered by the State.
2. Dismiss the charges against the defendant.
3. For such other and further relief as is just and proper.

This the _____ day of _____, 20_____.

Marcus E. Hill
Attorney for Defendant
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