STATE OF INDIANA))SS: COUNTY OF CARROLL)) STATE OF INDIANA) v.) RICHARD ALLEN)

IN THE CARROLL CIRCUIT COURT CAUSE NO. 08C01-2210-MR-000001

MOTION TO SUPPRESS FRUITS OF SEARCH OF 1967 NORTH WHITEMAN DRIVE, DELPHI, INDIANA

Comes now the Accused, by counsel and through counsel, and pursuant to the Fourth and Fourteenth Amendments to the United States Constitution and Article 1, Section 11 of the Constitution of the State of Indiana moves to suppress all evidence obtained by the defective search warrant was issued without probable cause. In support of said motion, the Accused states:

- 1. The affidavit submitted in support of the search warrant failed to establish that the items to be seized were in the residence, or could be expected to be in the residence, at the time of the search.
- 2. The affidavit submitted in support of the search warrant failed to provide particular information that particular items related to the particular crime would be found in the Accused's home, but rather provided generic information concerning generic items that could be found in the Accused's home, or any other home, potentially, in Indiana.
- 3. The affidavit submitted in support of the search warrant failed to connect the generic items for which it was seeking to the actual items that were possibly used in the crime for which he is now charged.
- 4. The search warrant was unreasonable under both the Indiana and federal Constitution.

WHEREFORE, Accused respectfully prays the Court to schedule this motion for a hearing on June 15th, 2023 at 8:30 a.m. and thereafter grant suppression.

Respectfully submitted.

<u>/s/ Andrew Baldwin</u> Andrew Baldwin, Atty. No.17851-41 Counsel for Defendant BALDWIN PERRY & WILEY, P.C. 150 N. Main St. Franklin, Indiana 46131 317-736-0053

CERTIFICATE OF SERVICE

This is to certify a copy of the foregoing pleading has been provided to all counsel of record for the opposing party, via IEFS this same day of filing.

<u>/s/ Andrew Baldwin</u> BALDWIN PERRY & WILEY, P.C.