

IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

STATE OF GEORGIA	*	CASE NO.: R11080349
	*	DUI Less Safe Alcohol
V.	*	
	*	
GEORGE WILLIAM GLASTEIN,	*	
Defendant.	*	

MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DEFENDANT’S STATEMENTS AND ACTS GATHERED IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS TO THE U. S. CONSTITUTION AND O.C.G.A. § 24-9-20(a)

Defendant moves the Court to suppress evidence of all things he said and did because they were said and done in violation of the Fifth and Fourteenth Amendments to the United States Constitution, and in violation of O.C.G.A. § 24-9-20(a) as follows:

1. Law enforcement asked your Defendant to do things called “Field Sobriety Tests” (“FSTs”), but which are better called “Roadside Agility Tryouts” (“RATs”).
2. I think the State will seek to introduce the results of these RATs as evidence against your Defendant.
3. When your Defendant did the RATs, he was in custody, and law enforcement had not informed him of the four warnings which have come to be known colloquially as “Miranda rights.” These four warnings are: (1) you have the right to remain silent, (2) anything you say can be used against you in a court of law, (3) you have the right to the presence of an attorney, (4) if you cannot afford an attorney, one will be appointed for you prior to any questioning if you so desire.
4. Your Defendant also made statements to law enforcement while he was in custody and without the benefit of being informed of the Miranda rights. Such statements were made in response to police interrogation, or, in the alternative, such statements were made in

response to words or actions on the part of law enforcement, which law enforcement should have known were reasonably likely to elicit an incriminating response from your Defendant.

YOUR DEFENDANT moves this Court to keep out the observations of law enforcement officers with respect to any and all RATs performed by him because it was taken in violation of O.C.G.A. § 24-9-20(a). Also, your Defendant moves the Court to exclude from evidence any and all statements made by him, which were taken in violation of his rights as secured by the Fifth and Fourteenth Amendments to the United States Constitution.

Respectfully submitted this 25th day of October, 2011.

Jason Cerbone
Georgia Bar # 171588
DUI Defense Lawyer for Defendant

CERBONE DUI DEFENSE
302 East Oglethorpe Avenue
Savannah, Georgia 31401-3803
PH 912 . 236 . 0595
FX 912 . 335 . 5900
jason@savannahduilawyer.com
www.savannahduilawyer.com