

IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

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CASE NO.: R11080349

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DUI Less Safe Alcohol

V.

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**GEORGE WILLIAM GLASTEIN,
Defendant.**

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**MOTION IN LIMINE TO KEEP OUT DUI EVIDENCE TAKEN UNLAWFULLY
BY POLICE**

Your Defendant moves the Court to suppress from use as evidence any observations of the Defendant by any police officer, and any other witnesses after the initial detention of the Defendant on March 21, 2011, for and upon the following reasons and grounds:

- A. At the time of Defendant's initial detention, sufficient facts did not exist to support an articulable suspicion by the officer(s) that Defendant had committed any traffic violations, that he was under the influence of alcohol or drugs, or that any other criminal activity was underfoot.
- B. This detention, including Defendant's arrest, was an unlawful warrantless seizure, not supported by probable cause or articulable suspicion, violating Defendant's rights under the Fourth Amendment to the Constitution of the United States, and Article I, Section I, Paragraph XIII of the Constitution of the State of Georgia of 1982.
- C. The initial detention also violated Article I, Section I, Paragraph XIII of the Constitution of the State of Georgia of 1982.

THEREFORE, Defendant moves the Court to exclude the evidence illegally obtained as set forth above, and to direct the prosecutor and the state's witnesses to not use, mention or otherwise refer to such evidence at the trial or other proceeding in this case.

Respectfully submitted this 25th day of October, 2011.

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