

**IN THE UNITED STATES DISTRICT COURT FOR THE
_____ DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Case Nos. _____

**[DEFENDANT'S NAME],
Defendant.**

**MEMORANDUM IN SUPPORT OF
MOTION TO SUPPRESS EVIDENCE**

The defendant, _____, by counsel, _____, supports her motion to suppress evidence with the following memorandum. In a nutshell, the defendant argues that:

- A. The affidavit in support of the search warrant lacks probable cause, because _____.
- B. The officers exceeded the scope of the search warrant, because _____.

The Facts:

1. The defendant’s home in Anyville, West Virginia, was searched by Forest County sheriff deputies on June 5, 1863, pursuant to a search warrant (Exhibit A) dated and issued the same day by a Forest County Magistrate. Deputies found and seized evidence listed in Exhibit C (Property Receipt), from which this prosecution arises.

2. The affidavit of Deputy Underpaid in support of the search warrant is Exhibit B. [If the affidavit is less than one page, quote it completely, saying “it reads in full:,” and your quote must be exactly as written, word for word. If the affidavit is longer than one page, don’t quote it since it is attached to your motion as Exhibit B].

3. The warrant issued authorizes deputies to: [quote it].

4. With warrant in hand, Handy County Deputies traveled to the defendant’s home on June 5, 1863, where . . .

ISSUE A: VALIDITY OF THE SEARCH WARRANT

STANDARD OF REVIEW

5. At a suppression hearing, the burden of proof is on [defendant/government] to prove [insert burden of persuasion, likely either by a preponderance of the evidence, by clear and convincing evidence, or by proof beyond a reasonable doubt.

LAW

6. The Fourth Amendment [and here is another good reason to have a copy of the *Fourth Circuit Criminal Handbook*] . . .

7. In the Fourth Circuit . . .

ARGUMENT AND CONCLUSION

8. In this case, . . .

ISSUE B: THE SCOPE OF THE WARRANT

STANDARD OF REVIEW

9. At a suppression hearing, the burden of proof is on [defendant/government] to prove [insert burden of persuasion, likely either by a preponderance of the evidence, by clear and convincing evidence, or by proof beyond a reasonable doubt.

LAW

10. Don't repeat paragraph 6, but add to it here with law relevant to issue B.

11. In the Fourth Circuit . . .

ARGUMENT AND CONCLUSION

12. In this case, . . .

WHEREFORE, the defendant requests that the evidence listed in the Exhibit C (Property Receipt) be suppressed.

Respectfully submitted:

[DEFENDANT'S NAME]

By: /s/ Your Name
Your Name Again
Your Address
Attorney Bar Number: _____
Telephone: (304) _____
E-mail: _____

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed using the Clerk's CM/ECF filing system, on [date], which will send notice to the government.

Respectfully submitted:

[DEFENDANT'S NAME]

By: /s/ Your Name
Your Name Again
Your Address
Attorney Bar Number: _____
Telephone: (304) _____
E-mail: _____