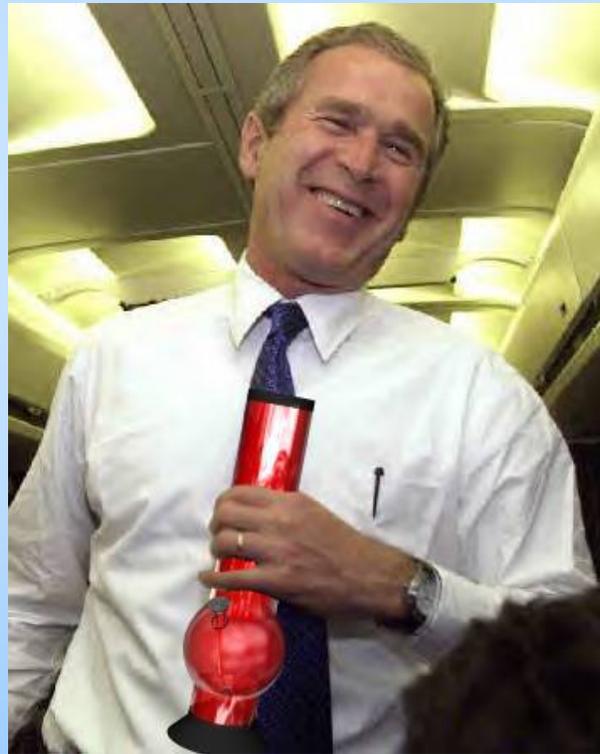


**Misdemeanor A-Z:
How to Draft and Litigate
Suppression Motions!**

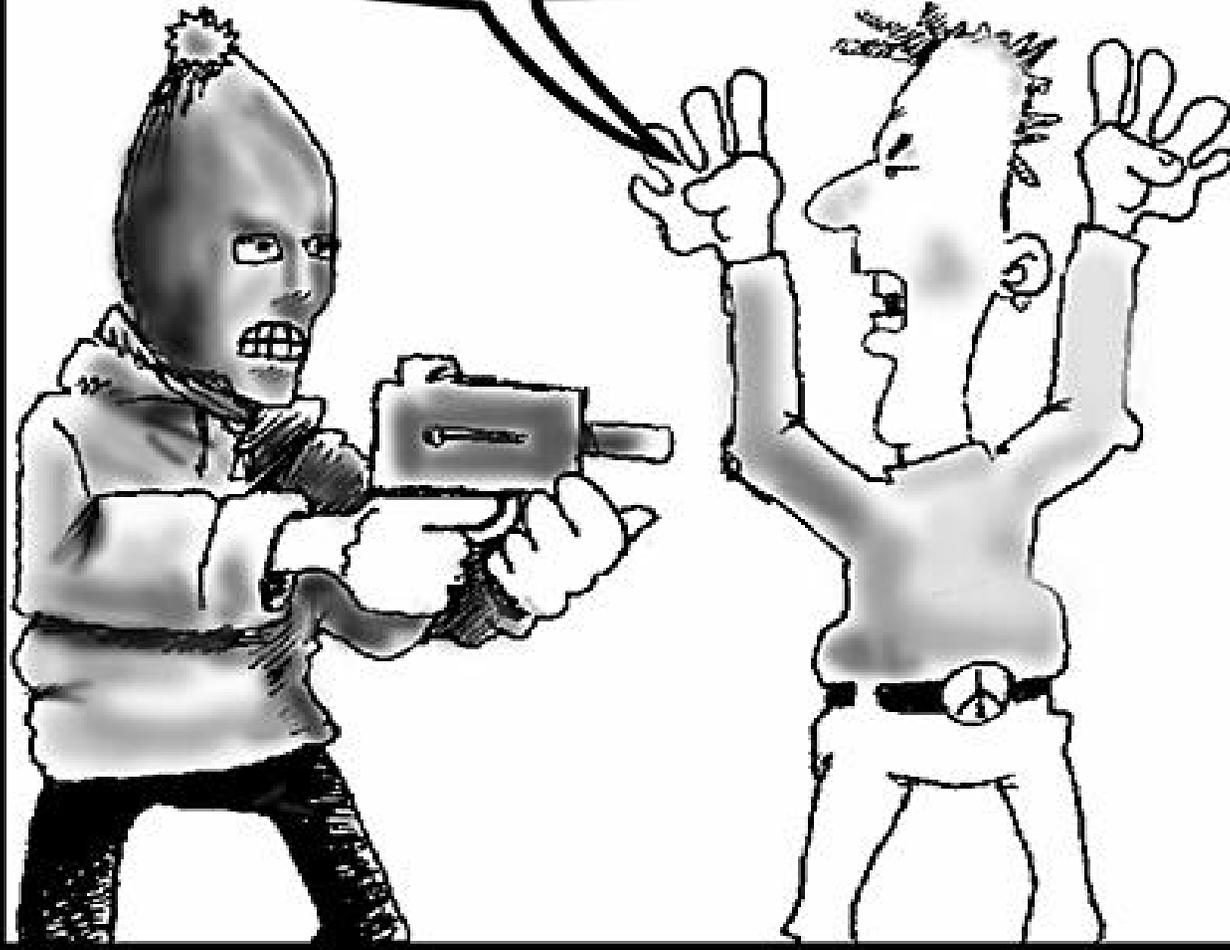
Pre-Trial Motions

- **Why are they Important?**

Suppress Drugs



HEY! Don't you know
those things are
ILLEGAL?



RUSH-ONLINE ©DAVID FINLAYSON 2000

Suppress Stolen Property



**WHILE FENWICK
STOOD IN THE
POLICE LINE UP,
HE VOWED
NEVER TO USE
THAT DATING
SERVICE EVER
AGAIN.**



POLICE LINE-UP

This is useless.



5ft
4ft
3ft

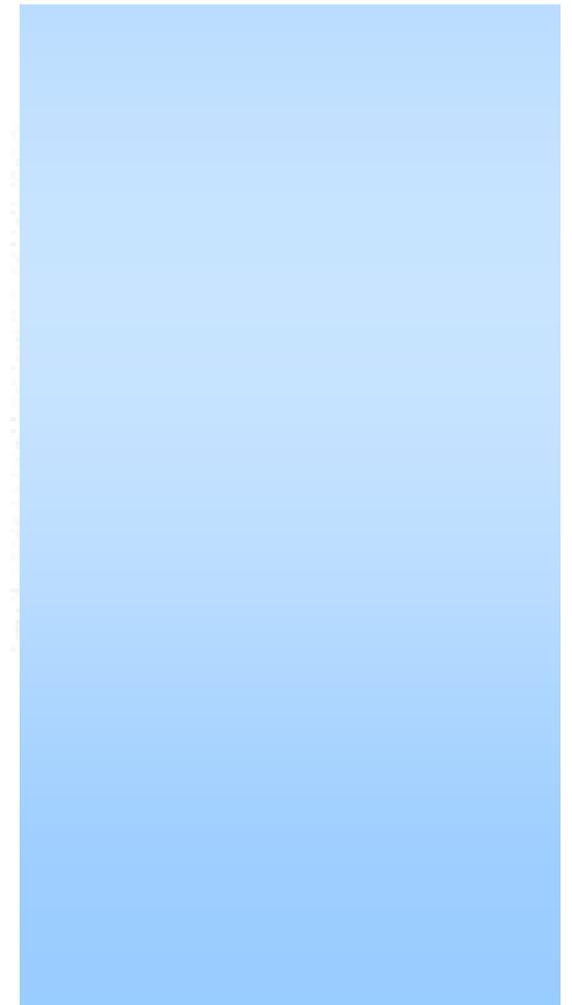


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**“Fool!- First get
his Confession,
then you cut out
his tongue!”**



**“WE’RE HOPING HE MIGHT
CONFESS WHILE BLOGGING.”**



Pretrial Motions are Important

- **Tactical Advantage**
 - **Opportunity to Cross Examine Witnesses**
 - **Additional Discovery**
 - **Negotiations**

**DO I HAVE A
MOTION ISSUE?**

POLICE REPORTS

- **Written Report**
- **Witness' Statements**
- **Video**
- **Audio**

CLIENT

- **Client's Version of the Incident**
 - **Client will help Identify Issues**
 - **Client will help Investigation**
 - **Client will help Identify Witnesses**

INVESTIGATION

- **Interview Witnesses**
- **Visit the Scene**
 - **Where was Client**
 - **Could Police/Witness see what they allegedly saw**

PREPARING FOR THE MOTION

- **Standing- Does client have it?**
- **Identifying Legal Issues**
- **Review Law**
- **Apply Facts to the Law**

STANDING

- **Client's House**
- **Client's Car**
- **Client's Person**
- **Expectation of Privacy in place/object searched?**

IDENTIFYING LEGAL ISSUES

- **Do I have an Issue?**
 - **Illegal Police Action?**
 - **Evidence to Suppress?**
 - **Evidence Inculpatory vs. Exculpatory?**

REVIEW THE LAW

- **Research the Law**
 - **Read cases similar/ different**
 - **PD Site: <http://www.wisspd.org/>**
 - **Review other attorney motions**
 - **Shepardize law in older motions**

LAW SUPPORTS FACTS?

- **YES, Use the cases and opinion to bolster motion and support facts.**

LAW SUPPORTS FACTS?

- NO, Some Cases: File M
anyways?

–Other

**WE WOULDN'T HAVE CRAWFORD,
GANT, JENSEN IF PREVIOUS LAW
WAS NOT CHALLENGED!**

arts?

Writing the Motion

- **Facts**

- **Too much information?**

- **Convince Judge with Written Motion?**

- **Tell Client's Story and Why His/Her Rights were Trampled!**

- **Know your Judge/Prosecutor**

Writing the Motion

- **Issues**

- Educate the Court on Law**

- Show the Court why the
Prosecution/Cop are Wrong!**

Writing the Motion

- Law
 - Supporting
 - WI C
 - Contrasting
 - Why Contrary Case Law is Different!
- Apply Facts in Case

Motion Granted!

Litigating the Motion

- **Witnesses needed?**
 - **Subpoena citizens/police officers**
- **Exhibits Needed**
 - **Photos of Area**
- **What do you want from Witness?**
- **Review CAD Printout!**

Litigating the Motion

- **More time to Brief**
 - **Court confused about issues**
 - **Additional Issues during Hearing**
 - **Apply testimony to Case Law**

- **Bridget J. Krause**
- **Public Defenders Office- Milwaukee
Trial**
- **krauseb@opd.wi.gov**
- **(414) 227-4722**