

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
Defendant.) Case No.

MOTION TO SUPPRESS EVIDENCE AND MOTION TO QUASH ARREST

Comes now the Defendant above, by and through the attorney, Glen R. Graham, and moves the Court to suppress all statements in this matter, quash the arrest and to suppress the evidence in the aforesaid case on the grounds that the search and the arrest was illegal and all evidence arising out of the arrest should be suppressed. That the same are in violation of the United States Constitution under the 5th and 4th Amendments and in violation of the Oklahoma Constitution under Art. 2, Sec 21, Art. 2, Sec. 30 of the Oklahoma Constitution and in violation of due process of law, and further under case authority for the same.

A defendant is “deprived of due process of law if his conviction is founded, in whole or in part, upon an involuntary confession, without regard for the truth or falsity of the confession, and even though there is ample evidence aside from the confession to support the conviction.” *Jackson v. Denno*, 378 U.S. 368, 376 (1964) (citation omitted).

A confession is involuntary if the “government's conduct causes the defendant’s will to be overborne and his capacity for self-determination critically impaired.” *Lucero v. Kerby*, 133 F.3d 1299, at 1311 (10th Cir. 1999). Such a

determination is made by examining the totality of the circumstances, including “the age, intelligence, and education of the suspect; the length of the detention and questioning; the use or threat of physical punishment; whether *Miranda* safeguards were administered; the accused’s physical and mental characteristics; and the location of the interrogation.” *Id.*

Wherefore, Defendant prays that the court grant the motion and quash the arrest and suppress the evidence and dismiss this case.

Respectfully submitted,

Glen R. Graham OBA 12110
Attorney for Defendant
1612 S. Cincinnati Ave
Tulsa, Oklahoma 74119
Phone: (918) 583-4621

VERIFICATION

STATE OF OKLAHOMA)
COUNTY OF) ss.

The undersigned upon oath duly sworn do hereby state that I have read the above and foregoing motion to suppress evidence and motion to quash arrest and the matters stated therein are true and correct to the best of my information.

GLEN R. GRAHAM

Subscribed and sworn to before the undersigned notary public on the ____ day of _____, 200__.

My commission expires:

Notary Public

Certificate of Service

This is to certify that the undersigned hand delivered a true and correct copy of the above and foregoing motion to the Tulsa County District Attorney, 9th Floor, 500 S. Denver, Tulsa, OK, on the same day it was filed with the Tulsa County Criminal Court Clerk.

By: _____
Glen R. Graham