

NO. CR2025-00

STATE OF TEXAS) IN THE DISTRICT COURT
VS.) 207TH DISTRICT COURT
JOE SMITH) COMAL COUNTY, TEXAS

MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves to suppress all evidence obtained as a result of his seizure and arrest, and the search of his person and vehicle, and for good cause shows the following:

I.

On or about January 7, 2025, officers from the Texas Department of Public Safety seized defendant at 123 Placeholder Ave, New Braunfels, Texas.

II.

There was no reasonable suspicion to seize the defendant. The search of the vehicle and the defendant's person was conducted without warrant, reasonable suspicion, probable cause, or valid consent. Nor was there probable cause to arrest the defendant. Accordingly, the stop of the vehicle, the seizure and arrest of the defendant, and the search of defendant's person and vehicle, violated the Fourth and Fourteenth Amendments to the United States Constitution, Article I § 9 of the Texas Constitution, Article 38.23 of the Texas Code of Criminal Procedure, and Chapter 14 of the Texas Code of Criminal Procedure.

III.

All evidence obtained as a result of these illegal seizures, arrests, and searches, including, but not limited to any observations made by the police officers, any physical evidence seized from the defendant or the vehicle, any photographs, videotapes, or audiotapes obtained, and any statements, written or oral, allegedly made by the defendant, must be suppressed pursuant to the Fourth and Fourteenth Amendments to the United States Constitution, Article I § 9 of the Texas Constitution, Article 38.23 of the Texas Code of Criminal Procedure, and Chapter 14 of the Texas Code of Criminal Procedure.

The defendant respectfully moves the Court to set the matter for a pretrial hearing pursuant to article 28.01 of the Texas Code of Criminal Procedure, and, after hearing evidence, that the Court suppress all evidence that was illegally obtained.

Respectfully submitted:

MARK STEVENS
106 S. St. Mary's Street
One Almaso Center, Suite 430
San Antonio, TX 78205-3192
(210) 226-1433
State Bar No. 19184200
mark@markstevenslaw.com

Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of defendant's Motion To Suppress Evidence has been delivered to the Comal County District Attorney's Office on March 13, 2025.

MARK STEVENS

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ORDER

On this the _____ day of _____, 2025, came on to be considered
defendant's Motion To Suppress, and said Motion is hereby

(GRANTED) (DENIED).

PRESIDING JUDGE