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5 Attorney for Client Name,  
6

7 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
8 IN AND FOR THE COUNTY OF KERN  
9

10 People of the State of California, ) CASE NO. [Case Number]  
11 Plaintiffs, )  
12 - vs - ) [CLIENT NAME] MOTION TO SUPPRESS  
EVIDENCE  
) (Penal Code §1538.5)  
13 Client Name, ) DATE: Hearing Date  
14 Defendant ) TIME: 10:00 a.m.  
15 ) DEPT: CC  
16 ) Readiness: Readiness Date  
Trial: Trial Date  
)  
)

17 **TO THE COURT AND THE DISTRICT ATTORNEY: PLEASE TAKE NOTICE** that at  
18 the date and time indicated above, or as soon thereafter as the matter can be heard in the above  
19 entitled court, the defendant will move that the Court suppress all evidence seized in the above  
20 entitled case including, but not limited to all officer observations, witness identifications, and all  
21 physical and intangible evidence seized or obtained as a result of search and seizure violations  
22 that occurred during all searches in this case, including the search of Defendant's vehicle and  
23 personal effects.  
24

1 The motion will be based on this notice of motion, the attached declaration, the  
2 memorandum of points and authorities served and filed herewith, the records on file in this action  
3 and on such oral and documentary evidence as may be presented at the hearing.

4 Date: January 1, 2020

5  
6 By \_\_\_\_\_  
Great Attorney,  
Attorney for Client Name  
7

8  
9 **DECLARATION OF COUNSEL**

10 I, Great Attorney, declare:

11 I am informed and believe that the search complained of was without a warrant, or that  
12 any warrant was invalid, or that the fruits of any warrant were previously suppressed, or that  
13 there are other defects in the search necessitating suppression in this matter.

14 Case specific allegations are contained in the attached Statement of the Case, and I am  
15 informed and believe that the factual assertions therein are true and correct.

16 Dated: January 1, 2020

17  
18 By \_\_\_\_\_  
Great Attorney,  
Attorney for Client Name  
19  
20  
21  
22  
23  
24



1 ...if [the prosecution] fails to justify the seizure, [the defendant] wins his  
2 suppression motion whether or not [the defendant] asserts subsequent specific  
3 contentions.

4 *Wilder v. Superior Court* (1979) 92 Cal.App.3d 90

5 In *People v. Lopez* (2019) 8 Cal.5th 353, the Supreme Court recently established new  
6 precedent in California, stating “we now hold the Fourth Amendment does not contain an  
7 exception to the warrant requirement for searches to locate a driver’s identification following a  
8 traffic stop.”