

CAUSE NO. CR [REDACTED] G

STATE OF TEXAS

v.  
[REDACTED]

\* IN THE DISTRICT COURT  
\*  
\* 370th DISTRICT COURT  
\*  
\* HIDALGO COUNTY, TEXAS

**MOTION TO SUPPRESS EVIDENCE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, [REDACTED] Defendant herein, and files this motion to suppress evidence and as grounds therefore would show the court the following:

1. Hidalgo PD conducted a traffic stop of the vehicle in which Defendant was the front seat passenger.
2. Hidalgo PD Officer [REDACTED] arrested the driver due to a Pharr warrant.
3. Hidalgo PD Officer [REDACTED] requested a drug canine named [REDACTED].
4. Officer [REDACTED] then released Defendant. Officer [REDACTED] escorted Defendant to the vehicle to recover Defendant's wallet. Defendant left.
5. Hidalgo PD Officer conducted an evidentiary search of the impounded vehicle.
6. Hidalgo PD Officer discovered a container and a computer briefcase in the backseat. He searched them. Expressed his surprise at not having smelled the 'high-grade' marijuana before he had complete control of the vehicle.
7. Defendant returned on foot to request the recovery of his bluetooth-enabled speaker which was left in the vehicle.
8. Hidalgo PD arrested Defendant and charged him with the contents of the container and brief case in the backseat of vehicle.
9. [REDACTED] arrives to confirm the results of the unwarranted, non-consensual evidentiary search.

10. Defendant's Fourth Amendment and Fourteenth Amendment rights were violated. His corresponding Texas constitutional rights were also violated. The items found and alleged as evidence are thus inadmissible at trial.


WHEREFORE PREMISES CONSIDERED, DEFENDANT respectfully prays that the court grant this motion.

Respectfully submitted,

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By: 

Lennard K. Whittaker  
SBT 24008274

Attorney for 

**Certificate of Service**

I, Lennard K. Whittaker, affirm that a true and correct copy of the foregoing instrument has been delivered to:

Ms. [REDACTED]  
Assistant District Attorney  
100 E. Cano  
Edinburg, TX 78539  
[REDACTED]@da.co.hidalgo.tx.us

  
Lennard K. Whittaker

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**ORDER ON DEFENDANT'S MOTION TO SUPPRESS EVIDENCE**

Came on for timely hearing in open court the above motion and IT IS ORDERED BY THE COURT that said Motion be and the same is hereby in all things GRANTED/DENIED, over accused's exception. If granted, evidence consequent to the pat-down search of Defendant is suppressed.

Signed this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Judge Presiding

cc:

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