E-FILED; Saint Mary's District Court
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Will Be Heard/Considered on Trial Date

In District Court of Maryland for St. Mary's County

09/09/2024 11:05:15 AM

JLT initials **The State of Maryland**	
v.	**Case No.: LA08215 *et al.***
Maurice Jackson Defendant	

MOTION TO SUPPRESS

The Defendant, by and through undersigned counsel, respectfully moves this Court to suppress all evidence obtained as a result of an unlawful search and seizure conducted by law enforcement officers on [date of incident]. Specifically, the Defendant seeks to suppress:

The results of the field sobriety test administered to the Defendant;

All video recordings taken during and after the field sobriety test;

All testimony and observations related to the Defendant's conduct during and after the field sobriety test.

Grounds for Suppression

Lack of Reasonable Articulable Suspicion

The Fourth Amendment to the United States Constitution, and Article 26 of the Maryland Declaration of Rights, protect individuals from unreasonable searches and seizures. A field sobriety test constitutes a search under the Fourth Amendment and requires reasonable articulable suspicion of intoxication before it can be administered. In Blasi v. State, 355 Md. 356, 735 A.2d 491 (1999), the Court of Appeals held that a police officer must have more than a mere

hunch or subjective belief to justify a field sobriety test. In that case, the officer had observed bloodshot eyes, slurred speech, the odor of alcohol, and an admission of drinking, creating reasonable articulable suspicion.

In contrast, the present case is distinguishable from Blasi. The officers lacked any specific, articulable facts to support a reasonable suspicion that the Defendant was intoxicated. There was no odor of alcohol, no slurred speech, no bloodshot eyes, no admission of drinking, or any other indicia of impairment. The field sobriety test was conducted without the requisite reasonable articulable suspicion, rendering it an unconstitutional search.

Unlawful Extension of the Traffic Stop

Furthermore, the Defendant asserts that the traffic stop was unlawfully extended beyond the time reasonably necessary to complete the purpose of the stop. In Wilson v. State, 409 Md. 415, 975 A.2d 852 (2009), the Court of Appeals held that a traffic stop may not be extended beyond the time required to process the traffic violation unless the officer develops reasonable articulable suspicion of another offense. The stop was extended beyond the amount of time it would take to write a ticket for speeding in violation of Defendant's rights under the rule stated in Wilson v. State.

In this case, the stop was prolonged beyond the time necessary to address the initial traffic infraction. The officers did not develop any reasonable suspicion of intoxication or any other offense during the initial encounter. Therefore, the extended detention and subsequent field sobriety test violated the Defendant's Fourth Amendment rights.

Involuntary Nature of the Test

The Defendant further asserts that the field sobriety test was involuntary under the totality of the circumstances. The presence of multiple officers, the handcuffing, the failure to advise the Defendant of his rights, and the lack of any indication that the Defendant was free to refuse the test created a coercive atmosphere. The Defendant's participation in the test was not a product of his free will but rather a result of the intimidating environment created by the officers.

Fruit of the Poisonous Tree

The "fruit of the poisonous tree" doctrine mandates that evidence derived from an illegal search or seizure is inadmissible. Since the initial field sobriety test was unconstitutional, and the stop was unlawfully extended, all subsequent evidence obtained as a result of the test, including the video recordings and officer testimony, must be suppressed as fruit of the poisonous tree.

Conclusion

The Defendant respectfully requests that this Court grant the Motion to Suppress and exclude all evidence obtained as a result of the unlawful field sobriety test and the unlawful extension of the traffic stop.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of September 2024, a copy of the foregoing copy of the *Motion to Suppress* was delivered via MDEC eFile and Serve to the Office of the State's Attorney for St. Mary's County.

_____/s/ Christopher Moschkin_____

Christopher G. Moschkin

CPF #: 1812120031