

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
FILE NO. \_\_\_\_\_

STATE OF NORTH CAROLINA

vs.

**MOTION TO SUPPRESS  
(ANONYMOUS TIP)**

\_\_\_\_\_,  
Defendant.

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**NOW COMES** the Defendant, by and through his attorney, Marcus E. Hill, and moves for suppression of various evidence gathered after the stop and or arrest of the defendant for driving while impaired. The defendant argues as follows:

1. That the officer did not have reasonable and articulable suspicion to stop the defendant under Florida v. J.L and under McCarn the officer had not knowledge of the informant or the informants veracity, reputation, or knowledge of the defendant's.
2. That the stop of the defendant was not supported by reasonable suspicion and all evidence gathered after that stop should be suppressed.
3. That the anonymous tipster provided the dispatcher (who is not a sworn officer) with more information but that information was not provided to the officer who stopped the defendant and thus the officer who stopped the defendant did not have a reasonable and articulable suspicion that the defendant was or was about to commit a crime.
4. That the anonymous tipster did not have the ability or inclination to draw reasonable conclusions as to the defendant's violation of the law and did not have the skills or temperament to determine if the defendant should be stopped for a violation under the North Carolina traffic laws.
5. That the information conveyed to the officer by the dispatcher was hearsay and should not be admitted to the jury or the court in any determination.
6. That the behavior witnessed by the police officer was not sufficient to provide that officer with a reasonable and articulable suspicion to stop the defendant either with or without

the information gathered properly or improperly from the anonymous tip.

7. The defendant moves that the Court suppress any certificate affidavit, forensic laboratory report or anything resembling the foregoing in any way under the ruling of the United States Supreme Court in Melendez-Diaz, unless the analyst, the person who prepared the report, and person who wrote the report are available to testify at trial.
8. The defendant moves that the Court suppress any evidence unless the State presents each person involved in the chain of custody, and that the witnesses testify to that chain of custody and as to the handling of the sample.
9. The defendant moves that the Court suppress any analysis or the report thereof unless the court rules that the handling of said sample and the chain of custody is proven to the State's standards and is without gaps and the sample was tested by a method and with devices approved by the National Laboratory Standards.

**WHEREFORE, THE DEFENDANT PRAYS THAT THE COURT:**

1. Suppress evidence gathered by the State.
2. Dismiss the charges against the defendant.
3. For such other and further relief as is just and proper.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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