# Motion to Suppress Evidence

The motion to suppress evidence is anchored on the supreme law of the land in the United States. In common law, it refers to the written or official communication to a judge to request him or her to give an order to exclude specified evidence from the trial process. The legal representatives of a suspect, who have doubts about the credibility of given evidence, can request the judge to remove it from the trial process. Legal representatives who are competent understand the procedure of suppressing evidence that is inadmissible or has been obtained in a manner that is inappropriate or unlawful. Filing the motion to suppress evidence is the appropriate procedure of facilitating the removal of illegitimate evidence. The decision of the judge is final regarding the evidence admissibility. In criminal cases, the evidence must be relevant and competent based on the provisions of the law.

The exclusionary rule hinders the attorneys and the judges from using evidence that has been obtained illegally. The rule is mostly applicable when the evidence violates the Fourth Amendment rights against unlawful search and seizure (Ceballos, 2016). Narcotic samples could not be used as evidence if the police searched the residence of the suspect without a valid search warrant. The exclusionary rule can also be used in case of violation of the Fifth Amendment or the Sixth Amendment to the American constitution (Weeden, 2014). There are exceptions to the exclusionary rule. The inevitable discovery of evidence through proper means can cause the evidence to be admitted. If the law enforcement officer operated in good faith and within the law, then the evidence collection errors can be ignored. If an independent source has the capability or desires to provide the evidence, then it is admissible (Scheindlin, 2014).

A case from the State of Georgia provides a good example of the exclusionary rule. The Case of the Sleeping Drunk, Peoples v. State, 216 S.E. 2d 604 (1975) effectively illustrates the operations of the exclusionary rule. The police apprehended a drunken man who was sleeping on a restaurant stool at night. The charge sheet read “public drunk.” During the search process, the police retrieved two cocaine drugs. Cocaine is a Schedule II drug. The man was cooperative, and he informed the police that he does not know how the drug got into the pocket. However, the suspect was given an additional charge of possessing a Schedule II drug (Carl Vinson Institute of Government, 2018). During the trial process, the defense attorney filed the motion to suppress the cocaine evidence due to the illegal search by the police. The defense attorney also communicated that the arrest process was illegal because the accused did not engage in public drunkenness in the presence of the law enforcement officers. In the state of Georgia, public drunkenness suspects should be profane and loud in the presence of other people. The suspect in the case was not disorderly in public and, therefore, the arrest is illegal. If the arrest is illegal, then the drug charge should also be declared illegal. The trial judge did not accept the motion to suppress. He instead wrote a guilty verdict for both public drunkenness and drug possession. The Georgia Court of Appeals reversed the decision of the lower court because the arrest and the search processes were illegal (Carl Vinson Institute of Government, 2018). The suspect escaped felony prosecution due to the exclusionary rule.

In conclusion, the motion to suppress evidence is an important exclusionary rule that aims at protecting the rights of suspects in the criminal justice system. It is the responsibility of the law enforcement officers to ensure proper and legal apprehension of suspects to maintain law and order in the society effectively.

## References

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