

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

E. BOSTON DISTRICT COURT
DOCKET # :

Commonwealth

v.

Motion to Suppress Statements

The defendant moves, pursuant to Mass.R.Crim.P. 13, that all statements made by him to the police be suppressed from evidence and any evidence obtained thereby, see *Wong Sun v. United States*, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963)..

As reasons therefore, the police obtained the statements from the defendant in violation of *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966), the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and Article 12 of the Massachusetts Declaration of Rights.

At the time of giving the statement, the defendant did not freely, willing and voluntarily relinquish any of his constitutional rights. That he did not waive his Constitutional rights not can a waiver be inferred from the course of conduct indicated by his having made a statement subsequent to being told of his Miranda rights.

By His Attorney,

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