

**IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS,

VS

FREDERICK JOHNSON,
Defendant

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No. 24 CF 1234

MOTION TO QUASH ARREST AND SUPPRESS EVIDENCE

Now comes the defendant, FREDERICK SMITH, by his attorney, JENNY HELPER, and moves this Honorable Court to quash arrest and suppress from introduction into evidence the direct and indirect products of said arrest.

1. On February 14, 2024, defendant was arrested by Gurnee Police Department, Officer Mills, Badge #411, at or near 0214 Sweetheart Lane, Gurnee, located in Lake County, Illinois.

2. The arrest was a seizure as contemplated by the Fourth Amendment to the United States Constitution.

3. The Fourth Amendment of the United States Constitution guarantees the right of persons to be secure from unreasonable search and seizure of their persons, houses, papers and effects.

4. The Exclusionary Rule prohibits the introduction into evidence of the direct and indirect products of unreasonable searches and seizures. *Mapp v. Ohio*, 367 U.S. 643 (1961); *Wong Sun v. U.S.*, 371 U.S. 471 (1963).

5. The initial stop and detention of defendant constituted a seizure under the Fourth Amendment, requiring, at minimum, reasonable, articulable suspicion that defendant had committed or was about to commit a crime. *Terry v. Ohio*, 392 U.S. 1 (1968).

6. The conduct of defendant prior to his arrest was such as would not reasonably be interpreted by the arresting officer as constituting either reasonable, articulable suspicion or probable cause that defendant had committed or was about to commit a crime, in that, at the time of the detention, search and seizure of defendant, defendant was present in an alley

near his residence, a fact he immediately verified by producing valid identification. Defendant complied with the officer's verbal commands, answered questions clearly, and provided a lawful explanation for his presence: a walk to manage insomnia. Defendant made no movements that would reasonably indicate a threat to officer safety. Notwithstanding the defendant's compliance and the absence of any bulge or other indicators of a weapon, Officer Mills physically seized and subsequently pushed and held defendant against a wall. Even if the initial investigative stop were deemed lawful, the subsequent frisk was an unauthorized search, unsupported by specific, articulable facts suggesting defendant was armed and dangerous. *Terry v. Ohio*, 392 U.S. 1 (1968).

7. Subsequent to defendant's arrest and search, he was photographed, fingerprinted and otherwise processed, questioned and exhibited by the police.

8. During the arrest and detention, the police and prosecution became aware of the existence of physical evidence, witnesses and other evidence all the direct and indirect fruits of the arrest and detention, which connect defendant with a crime.

9. During the arrest and detention, verbal and written statements, as well as physical gestures were elicited from defendant, the detention having provided the police with the forum for interrogation.

10. As a result of the arrest, the prosecution has acquired knowledge that it intends to employ in the prosecution of this cause in violation of the 4th and 14th Amendments of the United States Constitution.

WHEREFORE, DEFENDANT FREDERICK JOHNSON respectfully moves this Honorable Court to quash his arrest, because of the absence of authority or probable cause to effect it, and to suppress from introduction into evidence the following:

A. Physical evidence discovered directly and indirectly as a result of the arrest and detention;

B. Statements, utterances, reports of gestures and responses by defendant during the detention following the arrest;

C. Witnesses who viewed defendant during the detention following the arrest, as well as witnesses discovered as a result of the arrest, provided that defendant has the right to call said witnesses to testify for the purposes of protecting his Constitutional Rights;

D. Photographs, fingerprints, and other information, the product of the processing of defendant following his arrest, and the fruits thereof;

E. All other knowledge and the fruits thereof, witnesses, statements, whether written, oral or gestural and physical evidence that is the direct and indirect product of the arrest.

Respectfully submitted,

Jenny Helper, I.D. # 000000

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