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8 Of Attorneys for Defendant
9 RANDALL DE WITT SIMONS

10
11 IN THE CIRCUIT COURT OF THE STATE OF OREGON
12 LANE COUNTY

| | | | |
|----|-------------------------|---|-------------------------------|
| 11 | STATE OF OREGON, |) | Case No. 19CR43543 |
| 12 | |) | |
| 13 | Plaintiff, |) | MOTION TO CONTROVERT |
| 14 | |) | AND SUPPRESS |
| 15 | vs. |) | |
| 16 | |) | Oral Argument and Evidentiary |
| 17 | RANDALL DE WITT SIMONS, |) | Hearing Requested |
| 18 | |) | |
| 19 | |) | Time: Approximately 4 Hours |
| 20 | |) | |
| 21 | |) | |
| 22 | |) | |
| 23 | |) | |
| 24 | |) | |
| 25 | |) | |
| 26 | |) | |

19 Now comes defendant RANDALL SIMONS, by and through counsel ROSALIND MANSON LEE,
20 LLC, and Rosalind M. Lee, asking the court for an order controverting the warrant in this matter, and
21 suppressing all evidence seized pursuant to the search warrant in this case and the fruits of the search in
22 this case.

23 This motion is made on the grounds that the affidavit in support of the warrant contains illegally
24 obtained evidence, and without that evidence the warrant does not establish probable cause. This
25 motion is made on the further grounds that the illegally obtained evidence should be suppressed.
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1 This motion is based on this pleading, the memorandum of points and authorities filed in support
2 of this motion, the declaration of counsel filed with this pleading and incorporated by reference herein,
3 the file and record in this case, and any testimony and argument presented in a hearing on this matter.
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5 DATED: February 12, 2020

6 Respectfully Submitted,

7 ROSALIND MANSON LEE, LLC

8 By: /s/Rosalind M. Lee
9 Rosalind M. Lee
Of Attorneys for Defendant Simons

10 Authorities

11 U.S. Const. Amend IV
12 Or. Const. Art. 1, sec 9
13 ORS 133.724
14 18 USC 2510
15 *State v. McKee*, 89 Or App 94(1987)
16 *State v. Tucker*, 330 Or 85 (2000)
17 *State v. Lien*, 364 Or 750 (2000)
18 *United States v. Jones*, 565 US 400 (2012)
19 *Riley v. California*, 573 US 373 (2014)
20 *Carpenter v. United States*, ___ US ___, 138 S Ct 2206 (2018)
21 *Kyllo v. United States*, 533 US 27 (2001)
22 *United States v. Karo*, 468 US 706 (1984)
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