

[CAPTION]

**MOTION FOR FULL PRESERVATION OF FEDERAL AND STATE GROUNDS FOR TRIAL
OBJECTIONS**

The Defendant, by counsel, respectfully requests that this Court issue an Order directing that all trial objections made by counsel be deemed to have preserved federal and state constitutional grounds for said objections by incorporating the authorities set forth below into all objections made at trial. As grounds therefore, the defendant states as follows:

1. To make a proper constitutional objection, the state and federal courts have required precision and specificity by counsel. Even, for example, if trial counsel recognizes and lodges a hearsay objection, the courts have held that trial objections that fail to fully recite the litany of federal and state constitutional grounds in issue are inadequate to preserve state and federal constitutional error.
2. In the heat of trial, there will inevitably be times where defense counsel is not able to fully preserve all constitutional error. Whether it is the trial judge pressing the proceedings forward, or admonishing counsel not to make speaking objections before the jury and not granting counsel's request to approach the bench for the purpose of making a record, or simply counsel's being interrupted by his or her secretary, investigator, or client, there are occasions where no citation to obviously relevant state and or federal constitutional arguments is made. It is the defendant's rights that are forfeited. The defendant's right to a trial that comports with the state and federal constitutional mandates should not be jeopardized by time constraints, interruption or inadvertence.
3. Counsel files this pleading in order to put both the prosecution and the Court on

notice that counsel intends to preserve all available federal and state constitutional bases for trial objections. Counsel's failure, either due to time constraints or inadvertence, to cite relevant state and federal constitutional grounds for objections is not a strategy choice.

4. Specifically, counsel hereby states that defense objections
 - a. To illegal searches and/or seizures are made under the authority of the 4th and 14th Amendments to the United States Constitution and Article 1, Section 11 of the Indiana Constitution;
 - b. To violations of the client's right not to incriminate himself are made under the authority of the 5th and 14th Amendments to the United States Constitution and Article 1, Section 14 of the Indiana Constitution;
 - c. To violations of his right to be free double jeopardy are made under the authority of the 5th and 14th Amendments to the United States Constitution and Article 1, Section 14 of the Indiana Constitution;
 - d. To violations of his right to be free from a trial in which inadmissible similar acts evidence is admitted; his right to a trial in which he has been afforded the tools necessary for an adequate defense; his right to be afforded due process of law under the authority of the 5th and 14th Amendments to the United States Constitution and due course of law under Article 1, Section 12 of the Indiana Constitution;
 - e. To violations of the client's right to a speedy trial are made under the authority of the 6th and 14th Amendments to the United States Constitution and Article 1, Section 12 of the Indiana Constitution;

- f. To violations of the client's rights to trial by jury, to a public trial, to be informed of the nature of the accusation against him, to a trial free from inadmissible hearsay, to confront and cross examine the witnesses against him, to cross examine witnesses as to bias and interest, to compulsory process, to the effective assistance of counsel and to present a defense are made under the authority of the 6th and 14th Amendments to the United States Constitution and Article 1, Section 13 of the Indiana Constitution;
- g. To violations of the client's right to be free from ex post facto laws pursuant to Article 1, Section 10 of the United States Constitution and Article 1, Section 14 of the Indiana Constitution;
- h. To violations of the client's right to free speech under the 1st Amendment to the United States Constitution and Article 1, Section 9 of the Indiana Constitution;
- i. To the equal protection of the law pursuant to the 5th and 14th Amendments to the United States Constitution and Article 1, Section 23 of the Indiana Constitution.

5. The remedy herein proposed will save this Court's time during this trial, will minimize the time the jury must be either excused or idled during needlessly extended record-making sidebars on objections, will reduce the length of defense counsel's interruption of opposing counsel when defense counsel must object; and will enhance the likelihood that the defendant receive a fair trial and not be procedurally barred from asserting his rights to state and federal constitutional entitlements should appellate, post-conviction or federal habeas proceedings prove necessary.

WHEREFORE, counsel prays for the relief hereinabove requested.

(Signature)