

MOTION TO CERTIFY ORDER
FOR INTERLOCUTORY APPEAL

Comes now the defendant, by counsel, and respectfully requests that the Trial Court certify its Order of May 28, 2013, denying the defendant's Motion to Suppress Evidence, for interlocutory appeal pursuant to App. R. 14(b) and, in support thereof, says:

1. On June 30, 2011, the State initiated this cause by charging the defendant with Dealing in Cocaine, a Class A felony.

2. On June 4, 2012, the defendant filed herein his Motion to Suppress Evidence.

3. On December 13, 2012, the Court held an evidentiary hearing and the matter was fully briefed by the parties by January 8, 2013.

4. On May 28, 2013, the Court denied the defendant's Motion to Suppress, adopting the State's proposed findings and conclusions in full.

5. The defendant requests that the Court's Order of May 28, 2013 denying his Motion to Suppress be certified for interlocutory appeal pursuant to App. R. 14(b).

6. The concise issues to be addressed in the interlocutory appeal include:

(a). Whether the Trial Court erred in concluding that [name] was not detained in violation of his rights under the Fourth Amendment to the U.S. Constitution.

(b). Whether the Trial Court erred in concluding that the warrantless search of [name]'s person did not violate his right to privacy in violation of the Fourth Amendment to the U.S. Constitution.

(c). Whether the Trial Court erred in finding and concluding that the warrantless seizure of [name]'s person and the ensuing warrantless search were

reasonable under the totality of the circumstances and, therefore, were not in violation of Art. 1, Sec. 11 of the Indiana Constitution.

7. An interlocutory appeal on this issue should be granted, as the issue involves a substantial question of constitutional law, the early determination of which will promote a more orderly disposition of the case; and as early resolution of the issue will conserve judicial resources by allowing both parties to make a fully informed decision about the merits of the case before proceeding with a jury trial.

WHEREFORE, the defendant respectfully requests that the Court certify its Order of May 28, 2013 for interlocutory appeal, granting him such further relief as may be just and proper in the premises.

Respectfully Submitted,
