

IN THE SUPERIOR COURT OF CHATHAM COUNTY

STATE OF GEORGIA

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INDICTMENT NO: SPCR22-03364-J6

LEILANI SIMON,
Defendant.

MOTION TO SUPPRESS STATEMENTS OF DEFENDANT MADE TO POLICE
(OCTOBER 12, 2022); REQUEST FOR JACKSON-DENNO HEARING
COUNT 17

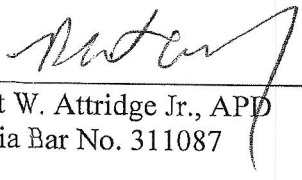
COMES NOW LEILANI SIMON, Defendant, by and through undersigned counsel, and respectfully moves this Honorable Court prior to trial to suppress any and all statements made by her to multiple law enforcement officers in violation of the Constitution and laws of the United States and State of Georgia and applicable case law, including but not limited to the Fourth, Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States; Articles I, II, XIII, XIV, and XVI of the Constitution of the State of Georgia (1983); Jackson v. Denno, 378 U.S. 368; et seq.; O.C.G.A. § 24-8-824, et seq.; Brown v. State of Mississippi, 297 U.S. 278 (1936); Escobedo v. State of Illinois, 378 U.S. 478 (1964); and Miranda v. Arizona, 384 U.S. 436 (1966), and progeny; and in support states as follows:

1. Defendant is charged with felony offenses. The State, by and through the District Attorney, will attempt to introduce into evidence at trial oral/written statements made by the Defendant to the arresting officers while in custody or while detained.
2. Before any statement can be used against an accused in a criminal case, the burden is on the State to prove that the statement has been freely and voluntarily given. Jackson v. Denno, 378 U.S. 368. Statements which were obtained in violation of Jackson v. Denno are subject to suppression.

3. That the statements obtained by Bradford Snider and Savannah Solomon of the Federal Bureau of Investigations on October 12, 2022, was a result of an unlawful detention of the Defendant and should be suppressed.
4. That any statement made by the Defendant were involuntary and induced by the slightest hope of benefit and/or remote fear of injury, contrary to O.C.G.A. § 24-8-824.

WHEREFORE, defendant respectfully requests a Jackson v. Denno hearing prior to trial to determine the voluntariness of the statements in the totality of circumstances and to determine the validity of any waiver of counsel prior to Defendant's interrogation. Defendant further requests the suppression of any such statements.

Respectfully submitted this 8 day of September, 2023.


Robert W. Attridge Jr., APD
Georgia Bar No. 311087

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CERTIFICATE OF SERVICE

This is to certify that I have this date served all parties and/or their counsel of record in the foregoing matter with a copy of this document E-FILE to:

Tim Dean, ADA
Office of the Chatham County District Attorney

Respectfully submitted this 2 day of September, 2023.



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