

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

Rebecca Keaton
Clerk of Superior Court Cobb County

STATE OF GEORGIA,

v.

JUSTIN ROSS HARRIS,

Defendant.

Indictment 14-9-3124

[Judge Staley]

DEFENDANT'S MOTION NO. 4

PRELIMINARY CONSOLIDATED MOTION TO SUPPRESS

COMES NOW, Defendant, Justin Ross Harris, by and through counsel, and hereby moves this Court to suppress any and all evidence resulting from unlawful search and seizure, by showing and stating as follows:

1.

On or about June 18, 2014, Defendant was arrested for the offenses of cruelty to children in the first degree and felony murder.

2.

Upon information and belief, physical evidence, documents, records, digital recordings and data, electronic devices, and were seized from Defendant's person, personal property, vehicle, workplace, and residence on or after June 18, 2014.

3.

Upon information and belief, law enforcement officers unlawfully entered Defendant's vehicle, residence, workplace, cellular telephones, electronic devices, personal property, and personal financial accounts without a valid search warrant, probable cause, consent of Defendant or any exigent circumstances, or any exception to the requirement for a valid search warrant as provided by the 4th and 14th Amendments to the United States Constitution or the Georgia Constitution.

4.

Upon information and belief, law enforcement officers applied for a series of search warrants on June 18, 2014, namely to search:

- Defendant's residence [search warrant 14-SW-0596]

- A laptop, computer tower, Google chrome cast internet searcher, electronic devises [14-SW-0597]
- A 2011 Hyundai Tucson [14-SW-0598]
- An AT&T iphone 5 [14-SW-0599]

5.

Upon information and belief, law enforcement officers applied for a series of search warrants on June 19, 2014, namely to search:

- A Dell Dimension 9200 computer tower [14-SW-0605]
- A Google Chrome cast [14-SW-0606]
- A MacBook Pro Laptop [14-SW-0607]
- A Lenovo T530 Think Pad [14-SW-0608]
- An Apple MacBook Pro [14-SW-0609]
- An Apple Ipad [14-SW-0610]
- An iphone [14-SW-0611]

6.

Upon information and belief, law enforcement officers applied for a series of search warrants on June 24, 2014, namely to search:

- A Dell Dimension 9200 Computer Tower [14-SW-0633]
- A Google Chromecast [14-SW-0634]
- A MacBook Pro laptop [14-SW-0635]
- A Levano T530 ThinkPad [14-SW-0636]
- An Apple MacBook Pro [14-SW-0637]
- An Apple Ipad [14-SW-0638]
- An iphone [14-SW-0639]
- Defendant's residence [14-SW-0640]
- Home Depot Human Resources – Defendant's personnel records [14-SW-0641]

7.

Upon information and belief, law enforcement officers applied for a series of search warrants on June 27, 2014, namely to search:

- A Scandisk Cruzer Glide 32 GB thumb drive [14-SW-0653]
- My Passport External Hard Drive [14-SW-0654]
- A Scandisk 2GB SD Card [14-SW-0655]
- A DVD-R [14-SW-0656]
- Defendant's residence [14-SW-0657]
- Kaiser Permanente Medical Records - Cooper Harris [14-SW-0658]
- Kaiser Permanente Medical Records - Justin Harris [14-SW-0659]
- A white AT&T iphone 5 in a black and silver case [14-SW-0660]

8.

Any and all evidence seized as a result of the above search warrants must be suppressed because there was no probable cause for issuance of the warrants. OCGA § 17-5-30 (a) (2). Once a search warrant is challenged for lack of probable cause, the State must prove that the informant who provided the information was reliable. *Sutton v. State*, 319 Ga. App. 597 (2013); *Dearing v. State*, 233 Ga. App. 630, 632 (1998).

9.

The searches performed as a result of the challenged warrants exceeded scope of the warrants.

10.

All evidence seized as a result of an unlawful warrantless searches, or an invalid search warrant must be suppressed as fruit of the poisonous tree. All property obtained from the unlawful searches and seizures must be suppressed. OCGA § 17-5-30.

11.

Defendant has not yet received full and complete discovery material from the State of Georgia; therefore, Defendant requests a reasonable amount of time following receipt of discovery material to supplement the instant motion with additional facts and argument, if necessary.

CONCLUSION

WHEREFORE, Defendant prays that a hearing be scheduled to conduct a full inquiry into the facts contained in this motion, that this Court GRANT Defendant's motion, and that the evidence resulting from an unlawful search and seizure be suppressed.

Respectfully submitted, this 27th day of October, 2014.



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