

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH
(Filed Electronically)**

**CRIMINAL ACTION NO. 5:06CR-19-R
UNITED STATES OF AMERICA,**

PLAINTIFF,

vs.

STEVEN DALE GREEN,

DEFENDANT.

MOTION TO SUPPRESS STATEMENTS

Comes the Defendant, Steven Dale Green, by counsel, pursuant to the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution and respectfully moves this Court to enter an order suppressing any and all statements the defendant allegedly made to law enforcement. In support of said motion, the defense states as follows:

The defendant was arrested on June 30, 2006, in Nebo, North Carolina. The United States has stated that when the defendant was arrested, he informed law enforcement that he did not wish to speak with them without the presence of an attorney. After his arrest, the defendant was transported to a detention facility in Asheville, North Carolina, by FBI agents. The United States alleges that during this transport, the defendant made statements and “discussed topics” with the agents related to this case.

On July 3, 2006, the defendant was again transported by FBI agents, this time from the Asheville detention center to the Federal Courthouse in Charlotte, North Carolina. The

United States alleges that on this date the defendant again made statements and “discussed topics” related to the case with the agents.

The United States has not alleged that law enforcement ever advised the defendant of his *Miranda* rights. Nevertheless, the defendant’s invocation of his right to counsel at the time of arrest prevented law enforcement from questioning him or engaging in the functional equivalent of questioning him without the aid of an attorney. As such, the defense challenges any statements the defendant allegedly made to law enforcement. The defense claims that such alleged statements were obtained in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966), and Fifth and Sixth Amendments of the United States Constitution.

WHEREFORE, the defendant respectfully requests a hearing on this motion and moves the Court to suppress any and all statements the defendant allegedly made to law enforcement.

Respectfully submitted,

/s/ Patrick J. Bouldin
Assistant Federal Defender
629 S. Fourth Street
200 Theatre Building
Louisville, Kentucky 40202
(502)584-0525

Counsel for Defendant .

Certificate of Service

I hereby certify that on October 7, 2008, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following: Marisa J. Ford, Esq., Assistant United States Attorney.

/s/ Patrick J. Bouldin