

STATE OF MICHIGAN
IN THE THIRD JUDICIAL CIRCUIT COURT
OF THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,

VS.

CIRCUIT CASE #: 02-68538

MONTAQUE HALE and JAMES OTIS HARDMAN,

DEFENDANTS.

Antonio D. Tuddles (P64158)
Attorney for Defendant Montaque Hale
615 Griswold, Ste 320
Detroit, MI 48226
(313) 964-4080

MOTION FOR SUPPRESSION OF DEFENDANT'S STATEMENT

NOW COMES, Defendant Montique Hale by and through his Attorney Antonio D. Tuddles and for his Motion For Suppression of his statement states as follows:

1. That defendant was taken into custody on or about 9/27/02.
2. Detective Erica Lee of the Detroit Police department questioned that defendant for more than three (3) consecutive hours.
3. That during this interrogation by Detective Lee she continued to ask questions designed to illicit incriminating statements.
4. That during this interrogation Detective Lee actually wrote out approximately five (5) statements until she coached Mr. Hale into saying what she thought would accomplish her goal.
5. That Detective Lee bawled up and threw away four (4) statements because they did not give her what she was searching of; incriminating statements.
6. That only after defendant agreed to what Detective Lee wanted him to say did Detective Lee seek an arrest warrant for Mr. Hale.
7. That Mr. Hale should have been read his Miranda warnings when officers rushed into his residence in an attempt to arrest him for information from their interview with Delrico Henly.
8. That at the time officers approached Mr. Hale's home, Mr. Hale was a suspect.

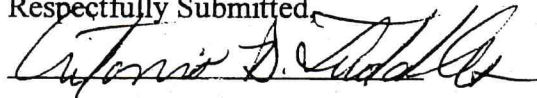
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9. That Mr. Hale was not informed that he had a right to remain silent, as protected by the 5th Amendment United States Constitution and incorporated to the States via the 14th Amendment of the Constitution.
10. That Detective Lee, a veteran, used police tactics that amounted to an insult to the public policy reasons underlying the 5th and 14th Amendment to the United States Constitution.
11. That Detective Lee violated defendant's 6th amendment right to have counsel present in that the interrogation began at the accusatorial stage when the officers initially approached defendant's residence for the purpose of interrogating Mr. Hale.

WHEREFORE, defendant prays that, for these reasons stated, defendant's statement be suppressed or schedule a Walker hearing to take testimony regarding the voluntariness of the same.

Respectfully Submitted,



Antonio D. Tuddles (P64158)
Attorney for Defendant Montaque Hale
615 Griswold, Ste 320
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Dated: February 6, 2003

JOHN DOE (BURLINGTON, VERMONT)

Name/DOC#	John Doe H23456
Address	Any prison, any state
Date of Birth	1/1/73
Race	Black
Date of Crime	2/19/94
Age at Time of Crime	21
Date Sentenced	3/4/95
Sentence	Life without parole
Victim	Joe Victim
Race of Victim	Black
Relation. To Defend.	Friend
Facts Alleged by State	Murder by gunshot
County of Trial	Suffolk
Factual Summary of Allegations	On 2-19-94, Jack Jones and Jay Johnson along with Jane Jones claim they saw John Doe walk by and shoot and kill Joe Victim as he was driving a car on Main Street in Burlington, Vt. They say the perpetrator was wearing an olive green jacket and a green hooded sweatshirt with a tan hat and jeans.
Trial Judge	David M. Judge
Prosecutor	Robert N. Prosecutor
Defense Attorney	Larry Law, 100 Main St., Burlington, Vt. Phone: 802-555-5555
Plea	Not Guilty
Trial By	Jury
Race of Jurors	2 Black, 1 Asian, 9 white
Convicted of	1st Degree murder; possession of a firearm
Confession?	No
Accomplice Testimony	N/A
Eyewitness Testimony Three	Jack Jones, Jane Jones, Jay Johnson
Forensic Testimony	Ballistics - no links to defendant
Jailhouse Snitch	No
Defendant Testimony	No
Exculpatory Evidence Offered	John Doe stated that he was at home at the time of the murder with his mother Ma Doe, his grandmother, Granny Doe, his brother Danny Doe, and a family friend Jeff Joe. - No gun found - described clothes not found - no fingerprints or other DNA evidence. No physical evidence linking defendant to the crime. Three alibi witness never called (Jeff Joe, Mary Moe, Pete Poe) Jay Johnson(witness) said the shooter was 5'8 - 5"10 Other witnesses said shooter wore a green coat, beige hat, gray hood -another suspect, Jim Perp, was stopped wearing that attire. Attorney Law fell asleep during the trial. Uncle of victim was a police officer and coerced witnesses. Mr. Doe has requested the uncle's record, which includes drug use and suspensions, because of the probability that he was an unreliable witness.
Additional Punishment Evidence by State	
Mitigating Evidence by Defense	None
Mental illness/mental retardation	No

Criminal History	<p>03/07/94: Murder (2), Possession of firearm (2)</p> <p>07/24/94: A&B dangerous weapon</p> <p>03/07/94: A&B dangerous weapon (2)</p> <p>10/18/93: Assault</p> <p>08/29/93: Operating after 114B</p> <p>08/03/93: Poss. to distribute Class D, Conspiracy to violate Cont. Sub. Act</p> <p>07/06/93: Knowingly rec. stolen prop., larceny of a MV, Destruction of property</p> <p>06/22/92: Poss. to distribute Class B, Control substance school</p> <p>06/04/92: Trespassing, Poss. Burglarious tools. Attempt to commit crime</p> <p>04/27/92: A&B dangerous weapon</p> <p>03/19/92: Distribute/dispense Class B (2)</p>
State Appellate	
Attorney(s)	Linda Lawyer and Andy Attorney
Defendant's Appellate Attorney	Larry Law, 100 Main St., Burlington, Vt. 802 555-5555
Date Appellate Brief Filed	May 1, 1997
Grounds Raised	<ol style="list-style-type: none"> 1. Violation of constitutional rights (judge told jury they could consider the fact that a potential witness for the defense, Jeff Joe, was not called. 2. Judge did not give manslaughter instruction. 3. Judge allowed witnesses to recount conversations they had with others outside of court. 4. Prosecutor commented on failure to call witness who was available. 5. Trial judge gave missing witness instructions at the request of prosecutor. 6. In giving missing witness instruction, trial judge eroded the presumption of innocence. 7. Judge erred in not giving charge of voluntary manslaughter where evidence showed it was warranted. 8. Prosecutor violated due process by injecting sympathy, hearsay, and inadmissible evidence during examination of witness and constantly solicited hearsay evidence.
Date of Opinion	3/5/97
Opinion citation	Vt. V Doe etc.
Cert. To St. Court?	Not filed
Writ Attorney	Larry Law, 100 Main St., Burlington, Vt. 802 555-5555 (volunteered)
Grounds Alleged	The missing witness instruction eroded the presumption of innocence, violating federal due process.
Writ Judge	Jane Justice
Date of Decision	3/8/00
Decision	Denied
New Evidence	None
Current Status	Submitted case to Committee for Public Counsel Services on grounds of ineffective counsel.
