

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA :
 : NO: 16-CR-130-JJB-EWD
 Versus :
 :
 :
 :
 JORDAN HAMLETT :

**MOTION TO SUPPRESS EVIDENCE
(with Incorporated Memorandum)**

Defendant, Jordan Hamlett, by and through his undersigned counsel, files this Motion to Suppress, and would show this Honorable Court as follows.

1.

Defendant stands charged by a one count indictment charging a violation of 42 U.S.C. § 408(a)(7)(B), false representation of a social security number. The charge arises from Defendant’s alleged attempts to obtain a copy of tax returns belonging to President Donald J. Trump (who at the time was “President Elect”).

2.

On or about October 27, 2016, Defendant was subjected to an interrogation at an Embassy Suites hotel in Baton Rouge by Special Agents of the U.S. Treasury Inspector General for Tax Administration (TIGTA) and the Federal Bureau of Investigation (FBI). The interrogation by agents of TIGTA and the FBI, conducted in the absence of counsel, resulted in certain statements that will be used against Defendant at trial. Defendant anticipates that the evidence will show that Defendant's statements were made while he was not free to leave, and

that they were involuntary. The requirements that statements be voluntary is drawn both from the Fifth Amendment right against self-incrimination and the Due Process Clause. A statement is involuntary if it is "extracted by any sort of threats or violence [or] obtained by any direct or implied promises, however slight, or by the exertion of any improper influence." *Hutto v. Ross*, 429 U.S. 28, 30, 97 S.Ct. 202, 203, 50 L.Ed.2d 194 (1976). The test is whether, considering the totality of the circumstances, the Government obtained the statement by physical or psychological coercion or improper inducement so that the suspect's will was overborne. *Haynes v. Washington*, 373 U.S. 503, 513–514, 83 S.Ct. 1336, 1342–1343, 10 L.Ed.2d 513 (1963); see also *Schneckloth v. Bustamonte*, 412 U.S. 218, 226, 93 S.Ct. 2041, 2047, 36 L.Ed.2d 854 (1973); 18 U.S.C. § 3501. The Government must prove by a preponderance of the evidence that the accused made statements voluntarily. *Lego v. Twomey*, 404 U.S. 477, 484, 92 S.Ct. 619, 624, 30 L.Ed.2d 618 (1972).

3.

It is believed that Defendant did not validly execute a waiver of his rights, nor otherwise waived his rights, prior to interrogation. Defendant anticipates the Government will be unable to show compliance with the warning and waiver requirements of *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966), as further explicated in *Edwards v. Arizona*, 451 U.S. 477, 101 S.Ct. 1880, 68 L.Ed.2d 378 (1981), and *Smith v. Illinois*, 469 U.S. 91, 97–98, 105 S.Ct. 490, 493–494, 83 L.Ed.2d 488 (1984). Any waiver executed by the Defendant was involuntary and without the benefit of counsel.

4.

Any evidence obtained as a result of illegally obtained statements, including subsequent

statements, should be suppressed as a fruit of the initial illegality. *Wong Sun v. United States*, 371 U.S. 471, 488, 83 S.Ct. 407, 417, 9 L.Ed.2d 441 (1963).

5.

This motion is based on all the papers and records on file in this matter, the incorporated memorandum of law submitted with this motion, and on whatever additional evidence, testimony, and argument is presented at the hearing of this motion. Defendant requests a pre-trial hearing on this motion, as any ruling on the motion will require factual findings as to the circumstances of the interrogation of Defendant.

WHEREFORE, defendant, by his counsel, hereby moves for a contradictory pre-trial evidentiary hearing with the government regarding this motion.

RESPECTFULLY SUBMITTED:

s/ Michael A. Fiser
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CERTIFICATE OF SERVICE

I hereby certify that, on February 9, 2017, a copy of the foregoing Motion to Suppress was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to AUSA Ryan Rezaei by operation of the Court's electronic filing system.

s/ Michael A. Fiser

MICHAEL A. FISER

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ORDER

Having considered the request of defendant, Jordan Hamlett, for a hearing on his Motion to Suppress,

IT IS HEREBY ORDERED that a contradictory hearing of this motion be set for the ___ day of _____, 20___, at ___ o'clock __ M.

Baton Rouge, Louisiana, this ___ day of _____, 2017.

JUDGE, UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA