

5.

The officers continued presence despite the clear demands to leave made by Defendant, caused Defendant to call 911 to ask for the officers' removal.

6.

Still, the officers remained.

7.

The Defendant, followed by officers, went into her bedroom where she allegedly picked up an unloaded gun and was shot three times by multiple officers.

8.

Defendant was charged with, *inter alia*, aggravated assault against the officers based on the events that followed the officers' illegal presence in her private residence.

9.

There exists no legal authority for the officers continued presence in Defendant's home following her command to leave, and their continued presence was violative of the Fourth Amendment to the U.S. Constitution and the analogous state constitutional provision.

10.

There was clearly no emergency aid needed or exigent circumstances occurring, and Defendant patently did not consent to the officers' presence. *See, e.g., Warden v. Hayden*, 387 U.S. 294, 298, (1967) (the exigency of the situation must make the continued police intrusion "imperative").

11.

Thus, while it *may* be possible to commit a crime against governmental officers illegally present in one's private residence, it is clear that the evidence cannot be deemed


admissible to support said alleged crime at trial where there would be no crime but for the illegal presence. Otherwise the sanctity of the home, which is central to our freedoms, would evaporate.

12.

Accordingly, the Defendant's Fourth Amendment rights and analogous state constitutional rights having been violated by the illegal search and seizure, any and all evidence either flowing directly or indirectly from the illegal police presence should be suppressed pursuant to the exclusionary rule, and any derivative, non-attenuated evidence should also be suppressed as fruit of the poisonous tree. *See Wong Sun v. United States*, 371 U.S. 471 (1963).¹

WHEREFORE, Defendant prays that this Court grant her Motion as a matter of law and suppress all improperly obtained evidence against her in this case; or in the alternative, schedule an evidentiary hearing so the factual record can be developed before a ruling by this Court on Defendant's Motion.

Respectfully submitted, this 3rd day of September, 2015.


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¹ While any statement given by Defendant as a result of her illegal arrest and the illegal search should be suppressed under the exclusionary rule as directly flowing from the officers' illegal presence, *see Brown v. Illinois*, 42 U.S. 590 (1975), if not excluded as product of illegal arrest and search, Defendant requests a *Jackson v. Denno* hearing to challenge the statement's voluntariness.

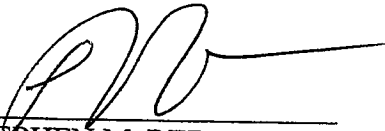
**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

The State of Georgia,	:	
	:	Case No. 15SC134016
	:	
v.	:	
	:	
Amy Bramuchi,	:	Judge Dempsey
<i>Defendant.</i>	:	
_____	:	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of *Defendant's First Particularized Motion to Suppress Evidence and Statements* and proposed *Rule Nisi* upon Lauren McAuley, opposing counsel, by hand delivery.

This 4th day of September, 2015.



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