

**MEMORANDUM:
REQUIREMENTS FOR A MOTION TO SUPPRESS EVIDENCE**

I. In the State of Georgia, a Motion to Suppress must meet *all* of the following requirements:

- Motion must be in writing and timely filed -O.C.G.A. 17-5-30(b)
- Within ten (10) days after arraignment -O.C.G.A. 17-7-110 AND
- Must state the facts showing why the search was illegal -Cadle v. State, 131 Ga. App. 175 (1974)

II. For warrantless searches, the Motion shall allege the following:

- Date of the search
 - General location of the search (precise location unnecessary)
 - Identity of the person searched
 - Number of officers making the search (specific identities and agencies of officers not required)
 - Search was completed without a warrant AND
 - That no consent for search was given
- Mill v. State, 222 Ga. App. 839 (1996)

III. Further, the following principles apply to Motions to Suppress:

- A defendant may amend his Motion to Suppress as a matter of right, pursuant to Cadle v. State, 131 Ga. App. 175 (1974)
- Under State v. Goodman, 220 Ga. App. 169 (1) (1996), defendant's statement that he was lawfully operating his motor vehicle when pulled over, and detailing the name and agency of the police officer who made the search was sufficient.