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5 This document is <http://www.lawyerdude.netfirms.com/7599.pdf>
6 <http://www.lawyerdude.netfirms.com/7599.html> , and
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7 The entire listing of Bates documents is <http://www.lawyerdude.netfirms.com/bates.html>

8 **Superior Court of California, Placer County**

9 Department 9. 11532 "B" Avenue, Auburn California 95603. (530) 886-1200
10 http://www.placercourts.org/d_crim.htm

11 Prosecutor's office dba under false color of law as
"The People of California"
12 v
13 Morgan Bates,
defendant,
14 falsely sued under bogus all caps name.

Case #62-056159

Document #7599 Version 1.000

**Motion to Continue to Thursday 18
May, or, in the alternative to
Dismiss based on Prosecution's
failure to Respond to my
Suppress Motion.**

Application for Order Shortening Time.
Waiver of Time.
Motion to Vacate Jury Trial date.
Declaration of Defendant Morgan Bates.
Declaration of D. Palaschak re Notification.
Memorandum of Authorities in Support of
Suppression of all the evidence.
Proof of Service.

Venue:

Date: Thursday 13 May, 2006

Place: Department 9

Time: 1:30 pm

23 **Notice of Motion to Suppress Evidence. Waiver of Time. Motion to Vacate Trial date.**

24 To Prosecutor Todd Kuhnen: At the venue designated in the caption, or at such other venue as the
25 court may prescribe, I will ask the court to Dismiss this case or to Continue it until **Thursday 18 May at 1:30**
in department 9. This motion is based on your failure to respond to my Suppression Motion scheduled for
26 this date. I will be filing other concurrent defense motions.

27 **I hereby waive my right to a speedy trial** to the extent needed to accommodate this motion and

1 I hereby offer the prosecution a reciprocal stipulation of time should they require it in the future.

2 Signed: _____ Morgan Bates. Wednesday, April 12, 2006

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12 Declaration of Douglas Palaschak pertaining to Notification Regarding Stand Down Page 3 of 6

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13 Proof of Service in person and by mail. Page 5 of 6

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17 **Cases cited herein:**

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1 **Regarding the Failure to Respond to My Suppression Motion**

2 The issues in this case are primarily legal - and of substantial significance. The issue of random
3 roadblocks is a speed bump on the road of freedom. I was suspected of having imbibed one drop and yet I
4 was jerked from my car. Once the camel has his nose under the tent . . . I wrote a motion. I expect to hear
5 the position of the prosecutor so that I can get a ruling which will make my record for my appeal before trial
pursuant to the pretrial appeal provisions of 1538.5.

6 The prosecutor failed to respond.

7 I therefore ask for dismissal today, or, in the alternative rescheduling as set forth on the first page.

8 **Statement of the Case**

9 I encountered a police roadblock on Friday evening 2 September, 2005. They were checking for
10 drunk drivers. I was not drinking. I had no alcohol in my body. Despite my having readily passed the alcohol
11 test, the police illegally interrogated me. The police demanded that I prove that I was licensed to drive. In
12 addition they harassed my Negro passenger. She and I perceived an antagonistic racial animus. Police
thereafter impounded my car. They arrested my passenger and me. The entire stop was a violation of my
4th amendment rights after the point when I promptly proved to be 100% unmistakably sober.

13 **Declaration of Defendant Morgan Bates.**

14 I, Morgan Bates, hereby declare the following under penalty of perjury:

15 I was traveling in my car, on the 2nd of September, a Friday night. I pulled up to a DUI drunk driving
16 checkpoint. The officer signaled to me to stop. I was devoid of any alcohol in my system. That was obvious.
17 Instead of permitting me to be on my way, the officer detained me. He demanded that I prove that I was
licensed to drive and that I was insured. I called my dad on my cell phone. Thereafter the officer pulled me
out of the car while I was on the phone with my dad.

18 Thereafter the officer demanded the keys from my girlfriend. She refused to relinquish the keys to
19 my car. They pulled her from the car and forcibly took the keys from her. They took us both to jail and
impounded my car.

20 They kept me in jail until I could bail out.

21 Signed _____ Morgan Bates. Wednesday, February 8, 2006

22 **Declaration of Douglas Palaschak pertaining to Notification Regarding Stand Down**

23 I, Douglas Palaschak, declare the following under penalty of perjury:

24 At around 1:30 pm today, 12 April, I emailed the prosecutor at the address listed on his website,
bfenocch@placer.ca.gov I informed him that we cannot proceed tomorrow because we have received no
25 response to our motion.

26 Thereafter at 1:35 pm I telephoned the prosecutor's office. I left my name and telephone number with
27 the receptionist. Prosecutor Todd Kuhnen was not in the office. I left a message on his voice mail telling him

1 that we received no response to our Suppression Motion and that we are therefore unable to go forward with
2 it tomorrow. I asked him to please ask any testifying officers to please stand down so that they don't waste
3 a trip to court tomorrow. The issues in this case are legal - not factual - and therefore articulation of the legal
4 cases is important. We have put forth our side. We are entitled to know the prosecution's position in a timely
5 manner. I informed Kuhnen that we would be filing a motion within an hour or so.

6 _____ Douglas Palaschak. April 12, 2006. Wed. 1:45 pm
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1 **Memorandum of Authorities in Support of Motion to Dismiss**

2 The rules of criminal procedure provide for motion, rebuttal, and surrebuttal. If the prosecution wishes
3 to ignore my motion then so be it, but I would like the prosecution to eliminate any ambiguities by so stating.
4 In the alternative they may file an answer to my motion. Also, I would like to know who will be testifying at the
5 Suppression Motion. Regardless, the prosecution has by its negligence precluded my ability to know what
6 to expect today. I cannot go forward and I ask reset the suppression motion to 18 May. I have duly informed
7 the prosecution in time for them to preclude the wasted trip to court by any witnesses.

8 **Proof of Service in person and by mail.**

9 I, Sterling Bates, hereby declare the following under penalty of perjury:

10 On Wednesday, April 12, 2006 at the hour of _____ pm I served this document #7599 upon
11 the prosecutor in this case by hand delivering a copy to the receptionist at the office of the district attorney.
12 Thereafter I filed this motion at the criminal filing window.

13 Signed _____ Sterling Bates. Wednesday, April 12, 2006

14 I, Douglas Palaschak, certify that I mailed this motion to the prosecutor on this day to the prosecution at
15 11562 B Avenue Auburn, CA 95603. However, my mail carrier has already gone for the day and won't
16 pick up until tomorrow around noon.

17 Signed _____ Douglas Palaschak. Wednesday, April 12, 2006

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Superior Court of California
Placer County

People

Case #62-056159

v

Morgan Bates

Proposed Order after Hearing.

Order of Dismissal.

This Court having heard the evidence concerning this case and the failure to respond to the motion hereby dismisses the case .

Signed _____ Date:

Judge, Superior Court of California