

CLERK DISTRICT COURT  
COMES NOW the Defendant, Augustine Cavitte, by and through her attorney, C. Bethany Stensrud, moves the Court to suppress and exclude from use against her any statements made by her on or about April 30, 2018, to Omaha police officers for the following reasons:

1. That the statements of the Defendant were the fruits of a custodial interrogation;
2. That the custodial interrogation occurred as a direct result of an unlawful detention of the Defendant;
3. That the custodial interrogation occurred as a direct result of an unlawful arrest of the Defendant;
4. That the statements are the fruits of an unlawful detention and arrest, the arrest having been made without a warrant or without probable cause to believe that the Defendant was in the commission or had committed a crime;
5. That such statements of the Defendant were not freely and voluntarily given;
6. That such statements of the Defendant were not knowingly, understandingly, and intelligently made;
7. That such statements of the Defendant were given without her having been informed of her rights contrary to law;
8. That such statements of the Defendant were made without a proper-knowing, understanding, and intelligent waiver of her rights against compulsory self-incrimination or her right to counsel;
9. That such statements of the Defendant were a result of words or actions on the part of the Omaha Police Department that the police should have known were reasonably likely to elicit an incriminatory response from the Defendant;

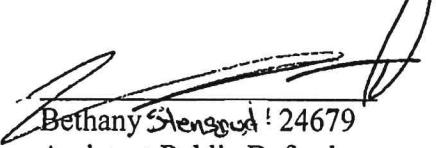
# Appendix C

10. That such statements of the Defendant were not voluntary in that they were the product of threats, coercion, deception, and/or inducements made by members of the Omaha Police Department;
11. That such statements of the Defendant were obtained contrary to the established law of the Fourth, Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States and in violation of the Defendant's rights guaranteed by the Constitutions of the United States and the State of Nebraska.

WHEREFORE, the Defendant prays that the Court suppress and exclude from use against him any and all evidence obtained by the State for the reason that such evidence was obtained in violation of the rights of the Defendant as guaranteed by the Fourth, Fifth, Sixth, and Fourteenth Amendments of the Constitution of the United States and Article I, Sections 7, 11, and 12 of the Constitution of the State of Nebraska.

Augustine Cavitte, Defendant

By:



Belthany Stengard 24679

Assistant Public Defender  
Attorney for Defendant

#### NOTICE OF HEARING

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that a hearing in the above-mentioned matter has been set before the District Court at 9:30 p.m. the 9<sup>th</sup> day of November, 2018, in Courtroom No. 414, on the Fifth Floor of the Douglas County Courthouse before the Honorable Judge Thomas A Otepka.

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the above and foregoing was served on Jay Klimes, 100 Hall of Justice, Omaha, Nebraska, by hand delivery, this 13<sup>th</sup> day of September, 2018.

