

**IN THE JUVENILE COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

IN THE INTEREST OF:

A.G., A MINOR

CASE NUMBER: \_\_\_\_\_

JUDGE: \_\_\_\_\_

**MOTION TO SUPPRESS STATEMENTS AND  
REQUEST FOR JACKSON-DENNO HEARING**

**COMES NOW**, A G, by and through undersigned counsel, and respectfully moves this Honorable Court prior to adjudication to suppress and exclude from evidence in the trial in the instant case any and all statements made by him to law enforcement officers in violation of the Constitution and laws of the United States and State of Georgia and applicable case law, including but not limited to the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States, Articles I, Section I, Paragraphs XIV and XVI of the Constitution of the State of Georgia (1983), *Jackson v. Denno* 378 U.S. 368 (1964), *Escobedo v. Illinois*, 378 U.S. 478 (1964), *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011), *Miranda v. Arizona*, 384 U.S. 436 (1966), and progeny; and in support states as follows:

1. A G is charged with one count of armed robbery in violation of O.C.G.A. § 18-8-41. The State, by and through the Assistant District Attorney, may attempt to introduce into evidence at adjudication oral, written or audio-recorded statements made by A G.
2. On [date], A G was stopped on the street by DeKalb County Police Officers, transported to the police station, and interrogated by officers and / or detectives. An audio recording of this interrogation was created.

3. Any statements made during this interrogation were made in the absence of counsel, outside the presence of A G's parent, and without giving A G an opportunity to speak with his parent.
4. At the time of his arrest, A G was a 16-year-old student at [ ] H.S. He was still in the 9<sup>th</sup> grade, and had an Individualized Education Program with a disability classification of Specific Learning Disability. He received special education services throughout his schooling. A G is significantly delayed in all areas of academic functioning. According to an IEP created in February 2013, "A G functions on a beginning 4<sup>th</sup> grade level in reading comprehension and fluency." Additionally, he "continues to struggle with retaining vocabulary words related to concepts being taught in all subject matter."
5. Before any statements can be used against an accused, the burden is on the State to prove that the statements have been freely and voluntarily given. *Jackson v. Denno*, 378 U.S. 368 (1964); *Riley v. State*, 237 Ga. 124 (1976).
6. A G's statements were not freely and voluntarily given. He was questioned prior to the administration of his *Miranda* warnings, and any warnings provided were done so in written form only.
7. Moreover, the burden is on the State to prove that a knowing, intelligent and voluntarily waiver of *Miranda* was made. *See In the Interest of R.J.C.*, 435 S.E.2d 759, 760 (Ga. App. 1993).
8. A G could not and did not knowingly, intelligently, and voluntarily waive his *Miranda* rights. Due to his intellectual disability coupled with his minor age, he lacks sufficient cognitive ability to understand the rights and the consequences of waiving them. *See Riley v. State*, 226 S.E.2d 922, 926 (Ga. 1976) ("[T]he question of a voluntary and knowing

waiver depends on the totality of the circumstances and the state has a heavy burden in showing that the juvenile did understand and waive his rights.”); *In the Interest of D.T.C.*, 226 Ga. App. 364 (1997).

9. Statements in violation of *Jackson v. Denno*, and *Miranda v. Arizona*, are subject to suppression. See *In the Interest of T.A.G.*, 663 S.E.2d 392 (Ga. App. 2008).

**WHEREFORE**, A G prays that this Honorable Court issue an Order for a pretrial hearing by the court to determine the voluntariness of all statements made as well as whether any waiver of *Miranda* warnings was made knowingly, intelligently and voluntarily. A G further requests the suppression of all statements made to law enforcement officers.

Respectfully submitted,

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Dated: \_\_\_\_\_, 2014  
DeKalb County, Georgia