

1 Name: Russell Rope (Pro Se)
2 Address: #1607 POB 1198, Sacramento, CA 95812
3 Phone: 818-500-5592
4 Defendant in Pro Per,
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6 **THE SUPERIOR COURT OF CALIFORNIA**
7 **COUNTY OF LOS ANGELES**
8

9 PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO. BA437791
10 Plaintiff,) NOTICE OF MOTION AND MOTION
11 vs.) TO SUPPRESS EVIDENCE (CPC §
12 RUSSELL ROPE,) 1538.5)
13 Defendant)
14) Next Hearing: January 15, 2016
15) Department: 33
16) Time: Between 8:30 AM & 4:00 PM
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18 1) This is a notice that on January 15, 2016 between 8:30AM and 4:00 PM in the courtroom of
19 Department 33 at Clara Foltz Criminal Justice Center of Los Angeles, Russell Rope will motion
20 for an order to suppress evidence including photographs, audio/video recording, the existence
21 of an arrest warrant, and unwarranted observations and/or information, all which were obtained
22 through illegal searches and seizures in violation of the Fourth Amendment of the United States
23 Constitution and must be suppressed in accordance with California Penal Code Section 1538.5.
24

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 **STATEMENT OF FACTS**
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28 2) The honest suspect/defendant did not commit a crime and is the real victim of fabricated
29 accusations, entrapment, officer misconduct, and unlawful arrest in addition to already being
30 the victim of fraud and conspiracy as reported and neglected many times prior to this incident.

1 of 5

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1 3) A witness had cleared the suspect/defendant who is a member of the Secretary's of State's
2 Safe at Home program for victims of crimes, there is no evidence that this crime was
3 committed, nor was there probable reason to believe a crime had been committed by the
4 suspect/defendant.

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6 4) LAPD illegally entered and searched the suspects closed private parking garage where they
7 seized identifying information taken from license plate and used for and written on the original
8 unlawfully issued arrest warrant.

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10 5) LAPD forced entry into the defendant's room after surrender to arrest not search warrant and
11 then conducted an illegal search and seizure.

12
13 6) Detective Rodriguez lied in statements to suspect/defendant about interview not being
14 recorded and then attempted to coerce suspect into giving up nonexistent information that the
15 detective would use against the suspect/defendant.

16
17 7) Detective Rodriguez attempted to coerce the suspect/defendant into signing incomplete
18 intake paperwork so detective could fill in false answers after suspect/defendant was locked up.

19
20 8) Detective(s) would not allow suspect/defendant to share exonerating evidence, which was
21 within reach during the time of the arrest. Detectives said they would get video from the
22 neighbor's security camera, exonerating witness statements they lied about not being in the
23 report and that they would come back to jail for suspect/defendant, but instead they
24 intentionally neglected investigation.

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26 9) There is no evidence supporting allegations that a crime was committed. There is no
27 evidence linking the defendant to the alleged crime. The prosecution is trying to load their case
28 with a bunch of fluff. The only legal evidence from the prosecution is the LADOT cell phone
29 video and the recorded interview of the lying LADOT officer, both of which completely
30 support the defense.

1 **ARGUMENT**

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3 10) The defendant should have been secure in his home and not violated by a warrantless search
4 without probable cause.

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6 11) 4th Amendment: “The right of the people to be secure in their persons, houses, papers, and
7 effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall
8 issue, but upon probable cause, supported by oath or affirmation, and particularly describing the
9 place to be searched, and the persons or things to be seized.”

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11 12) The prosecution’s evidence must be suppressed according to both state and federal law.

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13 13) CPC § 1538.5: “(a)(1) A defendant may move for the return of property or to suppress as
14 evidence any tangible or intangible thing obtained as a result of a search or seizure on either of
15 the following grounds: (v) There was any other violation of federal or state constitutional
16 standards.”

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18 **CONCLUSION**

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20 14) Specific evidence to be suppressed: Photographs from defendant’s bedroom, audio/video
21 recording of defendant interview with LAPD, the existence of an arrest warrant, and any
22 unwarranted observations.

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24 15) In conclusion, not only does the malicious prosecution’s evidence not even prove a crime
25 was committed, but none of it links the defendant to a crime, and most of that evidence was
26 illegally acquired fluff that must be suppressed. Furthermore, the only legal evidence presented
27 by the prosecution supports the defense in the photo/video showing the defendant pointing at the
28 “No Parking” and “Video Surveillance” signs as exhibited in the defense’s evidence and
29 mentioned during the original interview. Additionally, the alleged victim is clearly and provably
30 lying in their suspected to be rehearsed interview with LAPD. The real crime committed on the

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date of May 30, 2015 was the fraud committed by the LADOT inclusive to LAPD response and conspirators not limited to the prosecution. In conclusion, this case has thus far proven itself to be grotesque violation of civil rights and the prosecution's evidence must be suppressed according to the law.

16) Evidence of the defendant's innocence and worse than entrapment is attached hereto as Exhibits A through R and by this reference made a part hereof.

17) Please both suppress the prosecution's evidence and immediately dismiss.

*Copyrighted then respectfully submitted this 4th day of January 2016

1 **PROOF OF SERVICE**

2
3 **CASE NAME:** The People vs. Russell Rope **CASE NO.:** BA437791

4 **COURT:** Superior Court of Los Angeles aka Clara Foltz Criminal Justice Center of LA

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6 I, the undersigned, certify that I am employed in the City and County of Los Angeles,
7 California; that I am over the age of eighteen years and not a party to the within action. On
8 August 4, 2015 I served: NOTICE OF MOTION AND MOTION TO DISMISS CASE (CA
9 PENAL CODE 995) on the parties stated below, through the deputy district attorney of record,
10 by sending true copies thereof by the following means of service:

11
12 **By Hand Delivery** - I handed a copy of this notice to Destiny Ramsey, DDA in the
13 courtroom and in the presence of the judge.

14
15 Addressee(s): **Destiny Ramsey**, Deputy District Attorney, Los Angeles County District
16 Attorney's Office, Central Preliminary Hearing Unity, 210 W. Temple St. 17th Floor, Los
17 Angeles, CA 90012

18
19 I declare under penalty of perjury pursuant to the laws of the State of California and the United
20 States that the foregoing is true and correct. Executed on August 4, 2015, at Los Angeles, CA.
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