

IN THE CIRCUIT COURT IN AND
FOR ORANGE COUNTY, FLORIDA.

CASE NO. 48-2007-CF-1796-O

STATE OF FLORIDA,

Plaintiff,

-vs-

LISA MARIE NOWAK,

Defendant.

FILED IN OPEN COURT
THIS 29 DAY OF June, 2007
Lydia Gardner, Clerk
BY [Signature] D.C.

MOTION TO SUPPRESS EVIDENCE FROM UNLAWFUL SEARCH

COMES NOW the Defendant, LISA MARIE NOWAK, by and through the undersigned, pursuant to Fla.R.Crim.P. 3.190(h), and moves this Honorable Court to enter its Order suppressing evidence seized pursuant to an unlawful search. In furtherance thereof, Defendant would show the Court as follows:

1. The property sought to be suppressed was illegally seized without a search warrant on February 5, 2007. The property sought to be suppressed is all the contents seized from Defendant's vehicle.

2. Defendant was arrested on February 5, 2007 and charged with the offense of attempted first degree murder, attempted vehicle burglary with battery, attempted kidnapping, destruction of evidence and battery. The location of Defendant's arrest and the scene of the alleged offense was 5501 Cargo Rd., Orlando, FL.

3. After LISA NOWAK had been in custody for the offenses listed above for

more than nine (9) hours including more than five (5) hours of questioning, Det. William Becton of the Orlando Police Department traveled with Ms. NOWAK to 7160 N. Frontage Rd., Orlando, FL, the LaQuinta Inn where Defendant's vehicle had been parked. He entered the vehicle without warrant, searched it and seized what he has described in his reports as:

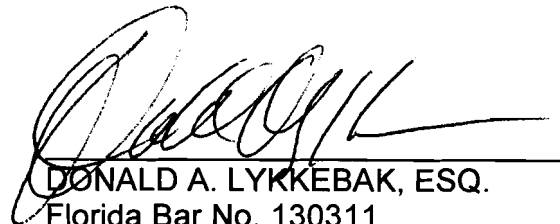
maps, as well as maps with handwritten notes noted by the Detective to reflect driving directions from the Johnson Space Center in Houston, Texas to the Orlando Airport, maps of the Orlando International Airport itself, maps of the interior of the airport, airport parking garages, satellite parking areas, a list of the satellite parking bus schedule, a hand-drawn map purportedly of the alleged victim's Brevard County neighborhood, Ms. Shipman's flight information, computer passwords belonging to Oefelein, emails sent from Shipman to Oefelein, handwritten letter to Oefelein's mother allegedly written by Nowak, receipt from Starbuck's located inside airport terminal dated 0207 hours 02-05-07, \$585.00 U.S. currency, hotel receipt from Days Inn located in Defuniak Springs reflecting check-in time on 2/3/07, stationery with markings of the USS Nimitz containing Shipman's flight information and cell phone number, box of large garbage bags and seven (7) latex gloves.

4. By reason of the fact that Det. Becton possessed no warrant and had no lawful consent from Defendant to search her vehicle, the search without warrant was a violation of LISA NOWAK's Fourth Amendment protections guaranteed by the U.S.

Constitution and her rights guaranteed by Article 1, Section 12, Constitution of the State of Florida.

WHEREFORE, Defendant moves this Court to enter its Order suppressing all items seized, testimony reference the search and all fruits from same.

I HEREBY CERTIFY that a copy hereof has been furnished by hand/mail delivery to PAM DAVIS, ESQ., Assistant State Attorney, 415 N. Orange Ave., Orlando, FL, 32801; on June 29, 2007.



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