

**IN THE SUPERIOR COURT OF ATHENS-CLARKE COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,

v.
DOMINIC VARNUM,

Defendant.

Civil Action No. SU22CR0842

FILED IN OFFICE
CLERK OF SUPERIOR COURT
ATHENS-CLARKE COUNTY, GEORGIA
SU22CR0842-LL
1/23/2023 4:50PM



ORDER ON DEFENDANT'S MOTION TO SUPPRESS EVERLY LOGAN, Clerk

The above-listed case came before this Court pursuant to Defendant's Motion to Suppress on January 23, 2023. The State was represented by Mr. Eric Whitmore from the Western Judicial Circuit District Attorney's Office. Defendant was represented by Ms. Imani Carter.

This Court heard testimony from Athens Clarke County Police Officer Pedro Cortez and reviewed his body camera video. After hearing all the testimony presented, reviewing the body camera video, and after reviewing the appropriate law, this Court finds as follows:

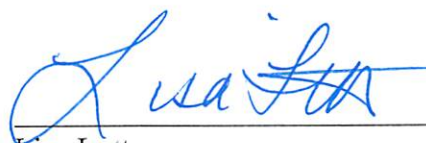
Officer Pedro Cortez testified that he was not present at the time of the stop of Defendant's vehicle, but responded to Officer Teets' request for backup after she stopped Defendant. The State failed to produce Officer Teets, the appropriate witness who might be able to testify as to who or how Defendant's vehicle was stopped. Defendant challenged the issue of articulable suspicion, and the State failed to produce any evidence to answer that challenge. Officer Cortez was the only officer who appeared and testified in the aforementioned hearing. The Court cannot find that Officer Teets had reasonable articulable suspicion for how or why Defendant's vehicle was stopped due to the fact that the State failed to produce Officer Teets.

As a matter of law, this Court grants Defendant's Motion for the State's failure to properly address the arguments raised by the Defense. Defendant's Motion to Suppress is hereby granted.

Further, the State did not present the referenced ordinance as required by law. Additionally, while Defendant was in handcuffs, he was not read Miranda and was asked about his marijuana usage. This was a violation of Defendant's rights.

Based on the testimony, video evidence, and appropriate law, this Court finds that the State did not present any evidence of reasonable articulable suspicion to make a traffic stop Defendant on the above-listed charges. Defendant's motion is granted.

IT IS SO ORDERED, this 23rd day of January, 2023.

A handwritten signature in blue ink, appearing to read "Lisa Lot", written over a horizontal line.

Lisa Lot
Judge, Superior Court
Western Judicial Circuit