

This is how my lawyer should
Attack motion #4 there more issues
that can make the motion alot better
But my counsel Refuse to work with
me. This is (1) of many on the issue.

State of Texas In District
v. CAUSE NO. 79,711 / COURT 27th
Marvin Louis Guy Judicial Dis.
Bell Co. TX.

Pre-Trial Motion Amendment #4 Sufficiency of Affidavit

Challenge the constitutionality invalidity
of the affidavit used to obtain warrant
to search defendant apartment and
Automobile.

I
Come now Marvin Louis Guy,
the defendant in the above entitled
cause NO. 72,927 / 79,711 Re-indictment
cause NO. Respectfully move the court
to under the "4 corner Rule" of
the "9 pages" affidavit pursuant to the
Fourth and Fourteenth Amendment
of the United States Constitution
Art. 1 section 9 of the Texas Con-
stitution; Chapter 18 of The Texas
Code of Criminal Procedure 18.01(b)
18.01(c).

II
Sufficiency of Affidavit
Did not meet constitutional "master"

Expressing the view that probable cause for the issuance of the search warrant did not exist where the independent investigation revealed a discrepancy between the informants predictions and the actual sequence of event.

As a matter of constitutional law, an affidavit reciting that the affiant received reliable information from a credible person, and that affiant believed, that narcotics were being kept at described premises for illegal sales and use, is not sufficient to establish probable cause for a judge to issue a search warrant. Since the affidavit states mere conclusions of an unidentified informant and contains no affirmative allegations that the affiant or the informant spoke with personal knowledge of the matters contained in the affidavit.

III
NO Facts

Other than the affiant
Career & History
AS Peace Officer

Affiant: John Moseley facts: in his affidavit of any crime between the C-I and defendant at 1104 Circle M Dr Apt. C

Here is what's in the 4 corners of the first Affidavit he opens a investigation: after investigating two other crime on Circle M in the 1100 blk A C-I came to him a states a Guy known as "G" sale COCAIN in the 1100 blk of Circle. At this point he open a investigation into the C-I word. He say at some point I was seen going to and from the Apartment, any passer by could of sew the same thing. This is easy by attain information and dont reach the level of criminal activity: Affiant states doing his investigation he witness'es people walking up to me to and around my Automobile again any passes by could of witness the same thing gone from the 4 corners of the Affidavit any Criminal Activity. It was only his belief that in public what he witness was Criminal Activity.

If he believed what his belief was he had ever wright to make an arrest and/or a walk and talks and request to search my person in a less protected area, then the home.

I Am impressed with the Affiant's: "training and expreance" and his career as a peace officer but gone from that "training and expreance" is any conclusion of the two premises that the defendant: lived, 2602 Larissa Dr. none 1104 Circle M Dr. Any Criminal Acts.

In Affiant's career I'm sure he understands that he cant request a search warrant to bust into a home to make a routine felonie drug arrest if there is not a nexus between the criminal activity at public places he state's in the 4 conners of the Affidavit an the place searched

III
The Fourth Amendment Requirement

Issue 3

If the issuing court relied solely on the affiant's affidavit to establish as to issue a search warrant only information that is found in the 4 corner of the affidavit may be considered in determining whether a fact exist T.C.C.P 18.01(c)

#4

There was no justification in the 4 corner of the affidavit giving as to why the affiant wanted to abort on: the ~~known~~ the knock & announce rule. This is put in place as safety for all concerned. It has to be put in the affidavit, even where a magistrate examines the affiant or affiant's under oath, or even conducts a ex-parte judicial hearing on whether to issue the warrant and concludes there from that sufficient grounds exist for the warrant to issue; it is still necessary to place in the affidavit for the search warrant such facts: otherwise, the affidavit will not be in compliance with the State Constitution And Article 18.01(b)

Also, "In making such determination, it is still necessary to place in the affidavit for the search warrant such facts: of no consequence that the affiant might have had additional information which could have been given to the issuing magistrate. The courts have put it this way: Unless there is incorporated in a written sworn complaint affidavit - sufficient facts showing that fact exists and authorizing the warrant to issue, there has not been compliance with the Constitution and Laws either the United State or of this State. If upon investigation made by another magistrate, facts are developed in a ~~sup~~ suppression hearing, such facts could and should have been incorporated in the affidavit. The word 'affidavit' has been defined to mean a statement in writing of a fact or facts signed by the party making it in some hearing and sworn to before some officer authorized to administer oaths, with out a written record of that determination. An adequate judicial review can not be had. 18.01(b)

This amounts to a fishing expedition its unclear as to the date in March this investigation ~~start~~ started if the ~~it~~ information was stale or ever happen. The affiant never concluded no facts he only had a ~~best~~ belief - this belief would only live the judge to guess and to determine for himself; when no facts are presented the issuing Judge wholly abandoned his judicial role and fail to perform his neutral and detached function serving merely as a rubber stamp for the police. The Affidavit supporting the warrant was so lacking indicia as to render official belief in its existence entirely unreasonable.

And fore Reasons stated: pray the court finds the Affidavit Constitutional: ~~in~~ invalid.

Marvin Guy

The Fourth Amendment protects the individuals privacy in a variety of setting. In none is that zone of privacy more clearly defined than bounded by unambiguous physical dimensions of an individuals home, a zone that finds its roots in clear and specific constitutional terms.

In the Texas Constitution Art. 1 section 9 and the 4 Amendment of the United States Constitution, at the very core stands the right of a man to retreat into his own home, and there be free from unreasonable governmental intrusion. In terms that apply equally to seizures of property, and to the seizures of people. The Fourth Amendment has drawn a firm line at the entrance of the home. The Code of Criminal Procedure offers a greater protection under Ch. 18

It's important to note this case involve no drugs - IN Sept. 2017 this court took newly evidence in this case, counsel didnt make argument I make now that its not in the Affidavit. AVER

Affidavit Invalid

NO COMES Defendant
Requesting a Franks hearing
challenging Adequacy of Affiant
Affidavit.

① Defendant will show deliberate
Falsehood and/or deliberate Falsehood
and reckless disregard for the truth, by
Affiant.

② There's no specific portion, Affiant
don't ~~conclude~~ make any conclu-
sion: IN the Affidavit of a crime
and/or criminal activity at the
place

③ There for its constitutional
INVALID Affiant make all claims
with no facts, of public public Acts
of criminal activity in public
with out A nexus to the place

Marvin GLO

The Amendment is to

be more specific about issues my counsel
Refuse to do After years of me Requesting
he to do so, Motion # 4 of counsels motions
do touch on issues, But not in a way
if i get convicted - And the try to bring
up the issue would be "waived". The

six Amendment give me a right to be
And/or make a defense. ABA Rule 1.02
And ABA Rule 1.03 isnt working in this
case. At this point I Request a ex-
parte hearing to Request new counsel
OR self Rep. I state now my defense
is trying to mislead me, to deny me a fair
trial. 3/12/2020 Date

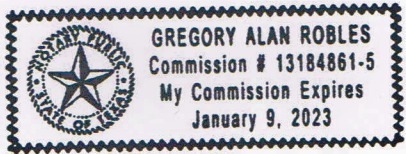
State of Texas
County-Bell

Acknowledgment

Signed this 17 day of March,
2020 MARVIN L GUY
(Your Signature)

This instrument was acknowledged before me on the 17 day of March,
2020 by Marvin Louis Guy
(Name of Principal)

(Seal)



[Signature]
(Signature of Notarial Officer)

Gregory Alan Robles
(Signature of Notarial Officer)
Notary Public in and for the State of Texas