

State of Texas

Vs.

Marvin Louis Guy

In District

Court 27th Dis

Judicial Bell

County, Tx

Cause No. 72927

Cause No 79711

Pre-Trial motion

To Dismiss

Outrageous Gait
Conduct

Comes now Marvin Louis Guy defendant in the above entitled and numbered causes. Under the Texas Constitution art. 1 Bill of Rights 33. Equal Rights and/or 3a Equality under the law Art. 1 Bill of Rights 19. The conduct of the Killeen Police Dept discriminatory acts that not only undermine police legitimacy contributing to a pattern of unreasonable force. I would like to note the FACT that people of color are disproportionately subject to police misconduct. This has become more visible with current events.

The acts of my arrest meet the level of outrageous conduct concerning the gait, the use of their firearms.

In *Palko vs. Connecticut*, *Rochin vs. Cal.* U.S.U. Russel as stated in the *Jasper Texas* case One case stands out being the exception. Arising in the search and seizure context. *Rochin vs. Cal.* used the language of due process to rule on a Fourth Amendment issue. *Rochin* was home in bed using narcotics. 3 California deputy sheriffs relying on a "tip" broke into his home. *Rochin* attempted to digest some capsules of which the police tried to force said capsules from his mouth based on this evidence, he was convicted at a later date. Moving forward, the Supreme Court held that said search was invalid according to the Fourth amendment. This is conduct that shakes the very foundation of our judicial system. thus for the outrageous Govt conduct to apply, the Govt must have engaged in behavior which despite the defendants predisposition to commit the crime was so outrageous that the due process principles would absolutely bar the Govt from invoking judicial process to obtain a conviction. what makes this defense so attractive and legally sound/significant is that it focuses solely on the nature of the act of law enforcement (being Govt Conduct) As the defendant I must take into consideration the actions of the Govt

The character of the target is meaningless as embodied in the Fifth (5th) and Fourteenth (14th) Amendment. Due process is not confined to any one portion of the "constitution". Due process considerations underlie in all criminal related provisions of The Bill of Rights. Due process embodies both the defendant's procedural and substantive rights. If the substantive right of a defendant are removed or altered in a corrupt or evil manner the protection of the process will merely serve to ratify a corrupt result. *Lourto vs. Giuliani* 447 F.3d 159 2nd Cir. 2006 04-6430. Every person has a right to be free from bodily contact & anyone who violates that right should be held liable both civilly and criminally. The acts of the Govt in this case were maliciously and brutally done to cause harm.