

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA :: CRIMINAL ACTION

 v. ::

JULIO GONZALEZ :: NUMBER 07-158

MOTION TO SUPPRESS EVIDENCE

TO THE THE HONORABLE GREGORY M. SLEET, CHIEF JUDGE OF THE SAID COURT:

Defendant JULIO GONZALEZ, by his attorney Mark S. Greenberg, Esquire, respectfully represents:

1. Defendant has been charged with one count of Counterfeiting Federal Identification Documents to Obtain Employment, in violation of 18 U.S.C. § 1546 (Count I); two counts of Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A (Counts II & IV); one count of Unlawful Possession and Use of a Social Security Card, in violation of 42 U.S.C. § 408(a)(7)(C) (Count III); and Unlawful Possession with Intent to Transfer Five or More Identification Documents, in violation of 18 U.S.C. § 1028(a)(3) (Count 5).
2. On or about November 15, 2007, the home of defendant located at 307 East Market Street, Georgetown, DE was searched by law enforcement officers.
3. Documents and other evidence the government intends to introduce at trial were seized as a result of this search.
4. This search was illegal because it was conducted without a warrant.
5. There were no exigent circumstances justifying a warrantless search of the defendant's residence.

6. The defendant did not consent to the search of his residence.

WHEREFORE, defendant respectfully requests this Court to enter an Order granting the defendant's Motion to Suppress all evidence seized as a result of the warrantless search of his home on November 15, 2007.

/s/

MARK S. GREENBERG, ESQUIRE
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ORDER

AND NOW, this Day of 2008, it is ORDERED AND DECREED that
defendant’s Motion to Suppress Evidence is GRANTED.

BY THE COURT:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct of the foregoing was served upon AUSA Keith Rosen, 1007 Orange Street, Wilmington, Delaware on the date below via electronic filing.

/s/

MARK S. GREENBERG, ESQUIRE
Attorney for Defendant

DATED: August 28, 2008