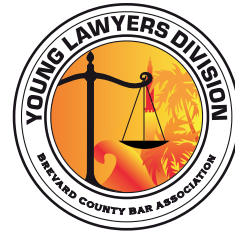


TWO SIDES OF JUSTICE

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Criminal practice can feel like an adversarial dance, choreographed by competing values, governed by procedural rules, and driven by our duty to the public by protecting it or defending against its excesses. The courtroom is where these values collide, often in the form of a motion. One of the most revealing windows into this collision is the motion to suppress, where the stakes are high, the law is technical, and the facts are everything.

As a defense attorney, my first job is to see what others might not: the grain of constitutional overreach in what appears to be routine policing. I start by stripping away the narrative baked into the arrest report. I ask: Was the stop justified? Was the detention prolonged? Was the consent unequivocal? I build from the ground up—not for delay or theatrics, but to confront the quiet erosion of rights that often hides behind vague officer language or unchecked presumptions.

As a prosecutor, when I get a motion to suppress, my job is to ensure that all legally obtained and admissible evidence is admissible. The first thing I look at is the basis of defense counsel's motion. I try to figure out what exactly they are challenging, and from there I try to understand the why. I compare the defense's version of events with the officer's and try to determine where the consistencies and inconsistencies lie.

If a motion to suppress is granted, it can damage the prosecution's case and exclude evidence that is necessary for the State to meet the high burden of beyond a reasonable doubt. A prosecutor's job is to seek justice and pursue vigorous and fair prosecution of criminal cases. There are times where, as a prosecutor, you have to determine where to draw the line. If there is a clear constitutional violation with no exception, the decision to concede is clear. However, when the State in good faith believes that evidence was obtained lawfully, it is our job to enforce the law and demonstrate the evidence was obtained with proper legal justification.

A Hypothetical

A vehicle is stopped at 2:00 a.m. for weaving within its lane. The officer writes in his report that he suspected impairment. After a brief exchange, he orders the driver out of the car and begins a DUI investigation. There is no clear traffic infraction and no odor of alcohol.

Defense files a motion to suppress, arguing that the stop lacked reasonable suspicion and the expansion into a DUI investigation was unsupported. The State defends the stop by pointing to the time of night, the driving pattern, the driver's demeanor, and other subtle signs not captured on camera. The State argues that the officer's training justifies his suspicion and that the encounter was consensual until it wasn't.

Neither defense nor the State is lying. Neither is wrong. Each is painting with the brushes they have, using the palette of facts and law available. However, there's a line between gamesmanship and zealous advocacy.

Advocacy vs. Gamesmanship

Good lawyers know the difference. Gamesmanship is exploiting a rule's form to undermine its spirit. It's burying a witness in discovery or filing motions you hope won't be read. Zealous advocacy, by contrast, is rigorous but principled. It's knowing the evidentiary record cold, anticipating the other side's argument, and never bluffing facts you can't back up. It's winning because you're right, not simply because the other side was unprepared.

Prosecutors and defenders alike must resist the temptation to "win" at the cost of justice. I don't argue suppression motions I know are meritless. Hayley doesn't defend stops she knows are unlawful. When done well, both roles keep each other honest and preserve the legitimacy of the system.

Tips for New Lawyers Handling Suppression Motions

- 1. Know the record better than anyone.** If you haven't watched the video, reviewed the CAD logs, and re-read the narrative five times, you're not ready.
- 2. Don't parrot case law.** Understand it. Be able to distinguish your facts in real time. A judge can tell the difference between canned language and thoughtful analysis.
- 3. Don't skip the pre-hearing call.** Call opposing counsel. You may find areas of agreement or at least narrow the issues. It saves the court time and builds goodwill.
- 4. Accept that sometimes you'll lose.** And sometimes you'll win when you shouldn't. Stay humble. We are all guardians of due process in our own way.

Justice isn't a fixed point. It's a process that is sometimes halting, sometimes elegant. It's shaped by two sides in tension. The motion to suppress is where that tension sharpens, and where the best of our profession has the chance to emerge.