

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

Case No. 19-CR-151

FRANCISCO MARTINEZ,  
Defendant.

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**AFFIDAVIT OF DEFENDANT  
IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS EVIDENCE  
AS TO THE FOND DU LAC COUNTY TRAFFIC STOP**

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State of Wisconsin) ) ss.  
Brown County )

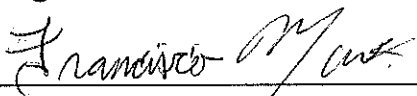
I, Francisco Martinez, being first duly sworn and under oath, do state and affirm the following:

1. I make this affidavit on personal knowledge and on information and belief.
2. I have standing to challenge the stop of the automobile I was driving on Highway 26 on May 24, 2019 and the stop of my person by law enforcement because my freedom of movement was intentionally restrained by law enforcement. I was detained and questioned by police officers and my license was taken so I did not feel I was free to leave. I felt unreasonably detained for much longer than necessary to give me a

traffic citation. I was detained for hours after the stop on the highway. I have a legitimate expectation of privacy in terms of my person and personal effects. I believe the stop had nothing to do with an "illegal license plate bracket and failure of slower vehicle to keep right." I do not believe that I was violating any traffic laws when I was stopped by law enforcement officers. I believe law enforcement officers stopped me without reasonable suspicion that I was violating traffic laws. The automobile I drove was registered to my wife, but I had permission to operate it. I therefore had a reasonable expectation of privacy in the automobile and its contents.

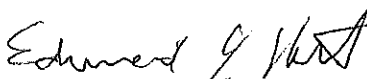
3. I watched the drug dog carefully. I did not see the drug dog alert near the automobile or identify the presence of drugs near the automobile. I do not believe the drug dog did alert or identify the presence of drugs at or near the automobile I was driving.

Signed:

  
Francisco Martinez

Subscribed and sworn to before me

this 15<sup>th</sup> day of March, 2020.

  
Notary Public, State of Wisconsin.

My commission expires: is permanent 