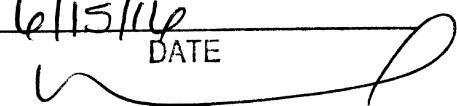


6/15/16
DATE
BY: 

1 **MOT**
2 **STEPHEN P. STUBBS, ESQ.**
3 Nevada Bar Number 10449
4 626 S. Third Street
5 Las Vegas, Nevada 89101
6 Tele: 702/759-3224
7 Fax: 702/293-3289
8 *Attorney for Defendant*
9 **JOHN BRIDGFORD HUNT**


6 **MUNICIPAL COURT**
7 **BOULDER CITY TOWNSHIP**
8 **CLARK COUNTY, NEVADA**

10 CITY OF BOULDER CITY,)
11 Plaintiff,) CASE: 16-CR-108
12 vs.)
13 JOHN BRIDGFORD HUNT,)
14 Defendant.)

15 _____
16 **MOTION TO DISMISS**

17 COMES NOW, Defendant, JOHN BRIDGFORD HUNT, , by and through her attorney of
18 record, STEPHEN P. STUBBS, ESQUIRE, does hereby requests that this Court dismiss the above
19 entitled case in its entirety, or in the alternative, order the suppression of all evidence collected by the
20 Boulder City Police Department. Video evidence proves beyond any doubt that BCPD Officer John
21 Glenn lied his report. The probable cause for Defendant's arrest, and reasonable suspicion to detain
22 Defendant, was a complete fabrication.

23 DATED this 15th Day of June, 2016.

24
25 
26 **STEPHEN P. STUBBS, ESQ.**
27 Nevada Bar Number 10449
28 626 S. Third Street
Las Vegas, Nevada 89101
Tele: 702/759-3224
Fax: 702/293-3289
Attorney for Defendant
JOHN BRIDGFORD HUNT

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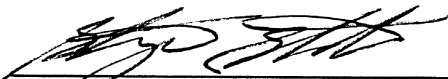
NOTICE OF MOTION

TO: CITY OF BOULDER CITY, Plaintiff;

TO: CITY ATTORNEY, attorney for the Plaintiff.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion for hearing before the Court at the Courtroom of the above-entitled Court on the 21ST day of June, 2016. @ 3:30 p.m.

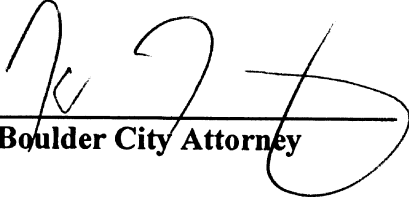
DATED this June 15, 2016



STEPHEN P. STUBBS, ESQ.
Nevada Bar Number 10449
626 S. Third Street
Las Vegas, Nevada 89101
Tele: 702/759-3224
Fax: 702/293-3289
Attorney for Defendant
JOHN BRIDGFORD HUNT

RECEIPT OF A COPY

RECEIPT OF COPY of the foregoing Motion is hereby acknowledged this 15 day of June, 2016.

For: 

Boulder City Attorney

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POINTS AND AUTHORITIES

STATEMENT OF CASE

Defendant was arrested on June 8, 2016 for RIGHT OF WAY IN A CROSSWALK, under NRS 484B.283 and RESISTING ARREST, under NRS 199.280, when he was being arrested for RIGHT OF WAY IN A CROSSWALK. This Motion is filed prior to the arraignment.

I. STATEMENT OF FACTS

On June 8, 2016, the BCPD, Mesquite PD, and Nevada Highway Patrol were conducting a joint forces pedestrian crosswalk enforcement detail in Boulder City. This was a revenue producing detail, and Defendant (in his vehicle) received a citation for allegedly not obeying the crosswalk laws at 7:22am. Defendant did not believe that the revenue producing sting was fair, as the decoy officer would wait until the vehicles were traveling at around 35 mph, and then step out onto the crosswalk without giving the cars sufficient time to react. Defendant concluded that, if someone would walk across the crosswalk more frequently, traffic would slow, and drivers would have a fair chance to stop and not receive a ticket in what he believed to be an unfair revenue producing event.

On June 8, 2016, just before 8:00am, Defendant decided to exercise his 1st Amendment right to protest by legally crossing the street in the crosswalk in an attempt to slow down traffic and give drivers a fair chance to obey the crosswalk laws and not be victimized by what he viewed to be an unfair law enforcement revenue producing sting. Defendant was crossing the street in a marked crosswalk on Nevada Way between the McDonalds and Pizza Hut in Boulder City Nevada. Surveillance video from a neighboring business (the Trading Post), Attached on CD as "Exhibit 1" shows that Defendant entered the crosswalk with ample time for the approaching cars to yield to the Defendant without and of the cars hitting the Defendant. He crossed the street a total of 3 times, and his actions were 100% legal.

Officer John Glenn took issue with Defendant's protest, unlawfully arrested Defendant for RIGHT OF WAY IN A CROSSWALK under NRS 484B.283, grabbed Defendant, threw Defendant

1 to the ground, and claimed that Defendant was resisting arrest. Defendant was arrested for both RIGHT
2 OF WAY IN A CROSSWALK under NRS 484B.283 and RESISTING ARREST under NRS
3 484B.283. To establish probable cause for the arrest, and subsequent resisting arrest charge, Officer
4 Glenn lied, under penalty of perjury, on his Declaration of Probable Cause and Detention. Officer John
5 Glenn swore to the following facts, perjuring himself:

6
7 **“As the decoy was waiting to cross from the McDonalds side of the highway, I observed**
8 **a subject step out into the crosswalk from the McDonalds side without looking to see if**
9 **there was traffic coming. The vehicle in the #2 lane was able to stop however the vehicle**
10 **in the #1 lane had to slam on its brakes and skid to a stop before hitting the subject.”**
11 **Officer Glenn’s Declaration of Probable Cause and Detention, Lines 5-10, Attached as**
12 **Exhibit 2.**

11 **II. ARGUMENT**

12 **LEGAL STANDARD FOR SEARCH AND SEIZURE.**

13 The Fourth Amendment to the United States Constitution states:

14 **The right of the people to be secure in their persons, houses, papers,**
15 **and effects, against unreasonable searches and seizures, shall not be**
16 **violated, and no Warrants shall issue, but upon probable cause,**
17 **supported by Oath or affirmation, and particularly describing the**
18 **place to be searched, and the persons or things to be seized.**

19 Article 1 Section 18 of the Nevada Constitution states:

20 **The right of the people to be secure in their persons, houses, papers and**
21 **effects against unreasonable seizures and searches shall not be violated;**
22 **and no warrant shall issue but on probable cause, supported by Oath**
23 **or Affirmation, particularly describing the place or places to be**
24 **searched, and the person or persons, and thing or things to be seized.**

25 Additionally, both the Ninth Circuit Court of Appeals and the Nevada Supreme Court have held that
26 an officer must demonstrate reasonable suspicion that a crime was or is being committed to justify a
27 traffic stop. *United States v. Lopez-Soto*, 205 F.3d 1101, 1104-5 (2000); *Nevada v. Rincon*, 112 Nev.
28 1170, 1173 (2006); *see also Whren v. United States*, 517 U.S. 806, 810 (1996).

29 Nevada gives its citizens additional clarification and protection for detention and arrest under

1 NRS 171.123(1) and NRS 171.1231, respectively, where Nevada sets out the circumstances under
2 which an officer is allowed to detain and arrest a subject. NRS 171.123(1) states as follows: “Any
3 peace officer may detain any person whom the officer encounters under circumstances which
4 reasonably indicate that the person has committed, is committing, or is about to commit a crime”. NRS
5 171.1231 further states, “At any time after the inset of the detention pursuant to NRS 171.123, the
6 person so detained shall be arrested if probable cause for an arrest appears. If, after inquiry into the
7 circumstances which prompted the detention, no probable cause for the arrest appears, such person
8 shall be released.

9 The United States Supreme Court has gone as far as to say that an officer cannot be said to
10 have reasonable suspicion based upon an “inchoate or unparticularized suspicion or ‘hunch.’” *Terry*
11 *v. Ohio*, 392 U.S. 1, 27 (1968). Rather, in order to form reasonable suspicion, an officer must be able
12 to “point to specific and articulable facts which, take together with rational inferences from those facts,
13 reasonably warrant that intrusion.” *Id.* at 22. The Supreme Court when on to further state that, “The
14 scheme of the Fourth Amendment becomes meaningful only when it is assured that at some point the
15 conduct of those charged with enforcing the laws can be subjected to the more detached, neutral
16 scrutiny of a judge who must evaluate the reasonableness of a particular search or seizure in light of
17 the particular circumstances.” *Id.* When Government intrusion is challenged, as it is here, it is the
18 burden of the Government to demonstrate by a preponderance of the evidence that the facts and
19 circumstances justified the intrusion. *Lego v. Twomey*, 404 U.S. 477 (1972).

20

21 **JOHN HUNT DID NOT VIOLATE NRS 484B.283.**

22 The relevant portion of NRS 484B.283 states as follows:

23

24 **(1)(b) ”A pedestrian shall not suddenly leave a curb or other place of safety and walk or
run into the path of a vehicle which is so close that it is impossible for the driver to yield.”**

25 Notwithstanding the fiction that Officer John Glenn wrote in his report to attempt to establish
26 reasonable cause to arrest, the video clearly shows that JOHN HUNT crossed the street at a marked

27

28

EXHIBIT 1



Boulder City Police Department

Declaration of Probable Cause and Detention[]and Misdemeanor Complaint

The undersigned peace officer, Glenn J A , of the Boulder City Police Department hereby declares, under penalty of perjury, that the below-named defendant

JOHN B. HUNT - 886 DEL REY DR BOULDER CITY, NV. 89005

DOB: 04/25/88

SOC: 144-86-3805

Date of Arrest: 06/08/16

Time: 08:03:00

Place: US93@PIZZA HUT

Case: 16BC0735

<u>Offense</u>	<u>Date/Time</u>	<u>Statute Code</u>	<u>CC</u>	<u>Bail Amt</u>
1.FAIL YIELD/EXERCISE DUE CARE TO PEDESTRI	06/08/16 08:13:00	53810 484B.283	M	245.00
2.RESIST PUB OFF	06/08/16 08:13:00	52990 199.280.3	M	1140.00
Total Bond Amounts for Arrest				1385.00

has been arrested on probable cause and is subject to detention for the the above listed offense(s). That upon information and belief this officer learned the following facts and circumstances which support the probable cause arrest and detention:

On 6/8/16 at about 0759 hours Officers from Boulder City PD, Mesquite PD, and the Nevada Highway Patrol were conducting a Morning Forces pedestrian crosswalk enforcement detail in Boulder City. I Sergeant John Glenn, P#214 was stopped in the Elks parking lot facing the crosswalk between McDonalds and Pizza Hut observing our crosswalk decoy crossing the highway. As the decoy was waiting to cross from the McDonalds side of the highway, I observed a subject step out into the crosswalk from the McDonalds side without looking to see if there was traffic coming. The vehicle in the #2 lane was able to stop however the vehicle in the #1 lane had to slam on its brakes and skid to a stop just before hitting the subject. The subject just kept walking across the highway without looking in either direction. When he got to the Pizza Hut side of the highway he turned around and walked back across the highway, again without even looking to see if traffic was clear causing drivers to have to hit their brakes hard to stop for him. When the subject reached the McDonalds side of the highway the subject again made a turn and walked back across the highway failing to even look to see if the traffic was clear. By thistime traffic was starting to back up because he was only allowing a few vehicles to go before walking across again. As the subject was making his third trip across the highway I activated my emergency lights in my marked patrol vehicle which is equipped with an in-car-video system and entered the highway. I crossed all lanes of the highway and as I was approaching the Pizza Hut parking lot the pedestrian was about to make another trip across the highway. I advised the subject to step over to me twice to which he just stood there looking at me. I again advised him to step over to me as I was stopping in the parking lot. The subject still just stood there and did not say anything. I started to approach the subject and again requested that he step to the front on my patrol car and the subject said something like I am not going to comply or I do not have to comply. I asked the

subject what part he did not understand and I attempted to escort the subject away from the busy highway over to my patrol car by placing my right hand on his back and grabbing his left arm with my left hand.

The subject started resisting me by pulling away from me and pushing back towards the highway. I was able to escort the subject into the parking lot of the Pizza Hut where there were several Highway Patrol Troopers who witnessed the incident and responded to assist. The subject began to actively resist and just kept repeating please step away from me over and over again. Several of us forced the subject to the ground where he continued to resist for a short time. He was advised to stop resisting. We were able to get the subject on his stomach and place him in handcuffs and he stopped resisting. This incident was captured on at least one Nevada Highway Patrol vehicles in-car-camera system as well as audio on my in-car-camera system.

The subject asked if he was being detained and I advised him that he was being arrested. He asked what he was being arrested for and I advised him that he was being arrested for obstructing traffic and resisting arrest. I asked the subject if he had been drinking and he said no. I asked him if he had been taking any drugs and he said no. I asked him if he had ever been arrested and he said yes. I asked him what he had been arrested for and he refused to tell me.

I escorted the subject to my patrol vehicle and searched him for weapons; I loosened the subject's handcuffs and double locked them after they were checked. The subject was placed in my patrol car and that is when Officer Driscoll advised me that she had just stopped this subject for failing to stop for our decoy in the marked crosswalk and cited him. I transported the subject to the police station for processing without further incident.

You are hereby ordered to appear in : _____

Your court appearance date has been set for the _____ day of _____, _____ at _____.

Wherefore, Declarant requests that a finding be made by a magistrate that probable cause exists to hold said person or preliminary hearing (if charge is a felony or gross misdemeanor) or for trial (if charge is a misdemeanor).

[Handwritten Signature]

Declarant and ID#

ATTORNEY