IN THE CIRCUIT COURT OF [*county*] COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

v. [*case number*]

Hon. [*name*]

[*name-all caps*],

Defendant.

**MOTION TO SUPPRESS PRETRIAL IDENTIFICATION EVIDENCE**

On this date came Defendant, [*name*], by Counsel, [*name*], and moved the Honorable Court, pursuant to *State v. Casdorph*, 159 W.Va. 909, 230 S.E.2d 476 (1976) and *Neil v. Biggers*, 409 U.S. 188 (1972), and W. Va. Code §§ 62–1E–1 *et seq.*, to suppress any evidence of pretrial and trial identification of Defendant as the perpetrator of the offense charged in the indictment herein.

In support of said Motion, Defendant asserts that the following pretrial identification procedures undertaken in the present case were unduly suggestive and conducive to an irreparably mistaken identification: [*list specific pretrial identification procedures and facts and arguments supporting their suppression*].

Therefore, Defendant requests that the Court schedule a hearing on this Motion and, at the conclusion of said hearing, grant the relief requested in the Motion herein.

Dated this \_\_\_ day of [*month, year*].

[*defendant*],

By Counsel

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

[*counsel name*] [*bar number*]

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant