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 PHOTOGRAPHIC ARRAY**

On this date came Defendant, [*name*], by Counsel, [*name*], and moved this 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 derived from the use of a “photo array”, and in particular any evidence derived therefrom tending to inculpate the Defendant as the perpetrator of the offense charged in the indictment herein.

In support of said Motion, Defendant asserts the following: [ *list specific reasons sought for suppression of photo array* ].

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.

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

[*defendant*],

By Counsel

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

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

[*address*]

[*phone number*]

[*email address*]

Counsel for Defendant