

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

TRIAL COURT
DISTRICT COURT DEPARTMENT
NEWTON DIVISION
NO. 0912SW03

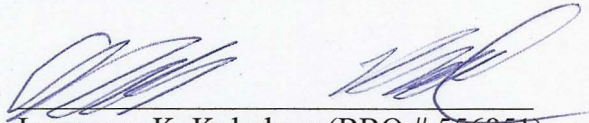
IN RE MATTER OF SEARCH WARRANT EXECUTED ON MARCH 30, 2009 AT
THE RESIDENCE OF MOVANT RICCARDO CALIXTE

**MOTION FOR EMERGENCY RELIEF TO
QUASH THE WARRANT AND FOR RETURN OF PROPERTY**

Riccardo Calixte hereby moves this Honorable Court for emergency relief quashing Search Warrant No. 0912SW03 issued and executed on March 30, 2009, prohibiting officers from ongoing searches and analysis conducted pursuant to the warrant or on materials seized thereby, and for return of his seized property as a result of the illegal search at his dormitory room in Gabelli Hall, Boston College and of his person at O'Neill Library. Mr. Calixte further moves to suppress any "fruits" of this search and seizure, including but not limited to any statements made by him and any observations by officers.

As grounds for this motion, movant states the search was conducted pursuant to an invalid warrant. The affidavit filed in support of the application for the warrant failed to establish probable cause; the application failed to adequately establish a nexus between the locations to be searched and the items to be seized; and the warrant was not timely executed. There was no independent justification for the search. The search therefore violated movant's rights under the Fourth and Fourteenth Amendments to the U.S. Constitution, Articles XII and XIV of the Massachusetts Declaration of Rights and G.L. c. 276 § 1. Mr. Calixte requests oral argument on this motion.

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Dated: April 10, 2009