

General Affidavit

I declare that the foregoing is true and correct.

Executed on May 3, 2011.

Pete Eyre

Motion to Suppress Evidence in Greenfield District Court, Commonwealth of Massachusetts.
Case Number: 10.41.CR.11.41- Peter Eyre

On July 1st, 2010 Sgt. Todd M. Dodge (#120) and Lt. William Gordon (#105) of the Greenfield, MA Police Department illegally searched without a warrant my 2000 Four Winds Hurricane with NH PC LOT hereafter referred to as MARV (the Mobile Authority Resistance Vehicle). Charges stemming from their actions that were then wrongly levied upon me that should be dismissed per the below, were a misdemeanor altering motor vehicle VIN (266-139-A-0) and a felony - possessing a firearm/ammunition without a FID card (269-10-H-2).

I had a reasonable expectation of privacy in MARV and its contents. I never gave consent for the search. I never even admitted to ownership of MARV. The search was patently pretextual and illegal, violating both the Fourth Amendment to the United States Constitution, the Massachusetts Constitution and my natural rights.

A search of the vehicle incident to arrest is not applicable since I was nowhere near the vehicle at the time of my arrest. I was arrested at the Franklin County Jail and MARV was legally parked along the curb on Conway Street, three blocks away. See *Arizona v. Gant*, 129 U.S. 1710 (2009) and 1-MARV-dash.

Greenfield Dispatch informed Dodge that "the registration comes back to a 2000 Ford RV" and is registered "out of New Hampshire." There was no reason to believe the vehicle was stolen despite rationale given for breaking into MARV by Dodge (Ref: 10-693-AR) and Gordon (Ref: 10-694-AR).

William or Dodge took a picture of MARV's dash and Dodge reported (Ref: 10-693-AR) that "there was no VIN plate mounted on the driver's side portion of the dashboard where most vehicles have them mounted and clearly displayed" - supposedly granting "them the "right" to enter MARV. Yet no VIN plate is required to be on MARV's dash. See the relevant Code of Federal Regulations re: Vin 565.13(e), (f), which specifies that a VIN plate on the dash is not mandated for MARV due to it's weight (Class 3, above the 4536 kg weight limit to which the statute applies).

Visual examination of MARV's dash would also make clear to any individual with common sense that no VIN plate existed that was later manipulated. See videos posted at YouTube.com/ TheCopBlock "ATTN Jeff Bengston: MARV Left Factory with NO Vin on Dash <http://www.youtube.com/watch?v=2hFeX0X3BXU> and "MARVs Dash - See, No "Manipulated" VIN Number!" http://www.youtube.com/watch?v=co3U8oY_pa4).

Nicole Short of Thor Motor Coaches, the manufacturer of MARV, provided an affidavit listing the location of MARV's VIN plates when leaving the factory, noting "I, Nicole Short, having been duly sworn, state that the following is true and accurate to the best of my knowledge: The Federal ID tags are located at front of coach on the radiator shroud at the steering column and inside the drive side front wheel well." To underscore - the vehicle dash was not included

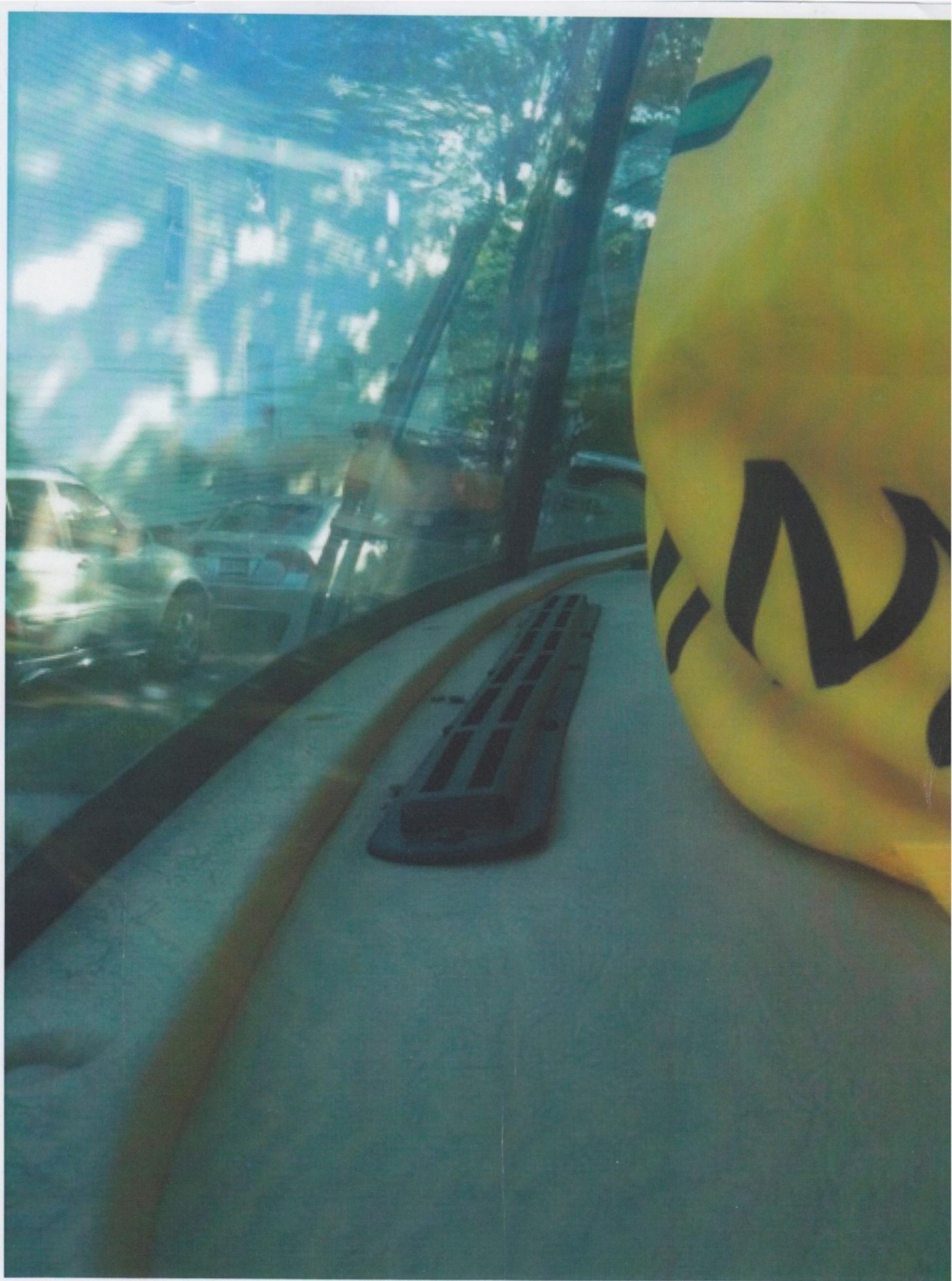
among the places Short identified. Greenfield District Attorney Jeff Bengston obtained a copy of the affidavit on Wednesday, April 27th, 2011 and it is attached to this motion (2-Thor-Motor-Affidavit).

Even taking the reports submitted by Dodge and William as truth, the only places they would have been "allowed" to search MARV (even with a warrant) per the man-made legislation the swore an oath to uphold, based on what they said about the VIN, would be the area within MARV where the VIN could reasonably be located. Clearly this does not apply to the opening of closed containers like the box "in the rear of the RV on the passenger side clothes cabinet" where Gordon's claimed to have found ammunition . See Commonwealth v Bishop Article 14.

Gordon reports he responded to Dodge's call re: MARV and that he "walked around the entire outside of the vehicle looking for a VIN plate to identified [sic] the vehicle and found none." Gordon later notes that he "looked in the engine compartment" and "was unable to find it there either." Why not? Why was it located later, only after the tow (and inventory search)?

There was no authority to impound MARV, which was lawfully parked along a curb, the location of which was unrelated to my arrest. MARV's location posed no public safety risk, there was no evidence that police had specific knowledge that MARV would vulnerable to theft or vandalism, and since it was on a public road (and thus subject to tragedy of the commons) there was no property owner who requested MARV be removed. See Commonwealth v. Goncalves and § 29:9 (3-Greenfield-Map)

A hearing for this motion has already been scheduled for May 17th, 2011, where, if justice is to prevail, the two charges - misdemeanor altering motor vehicle VIN (266-139-A-0) and a felony - possessing a firearm/ammunition without a FID card (269-10-H-2) - will be dismissed. I expect all those involved to be present, including Dodge and William.



AFFIDAVIT

STATE OF INDIANA

COUNTY OF ELKHART

I, Nicole Short, having been duly sworn, state that the following is true and accurate to the best of my knowledge:

The Federal ID tags are located at front of coach on the radiator shroud at the steering column and inside the drive side front wheel well.

Nicole Short
Nicole Short
Thor Motor Coach



Janet S. Hill
NOTARY PUBLIC STATE OF INDIANA
ST. JOSEPH COUNTY
MY COMMISSION EXPIRES
MAY 31, 2017

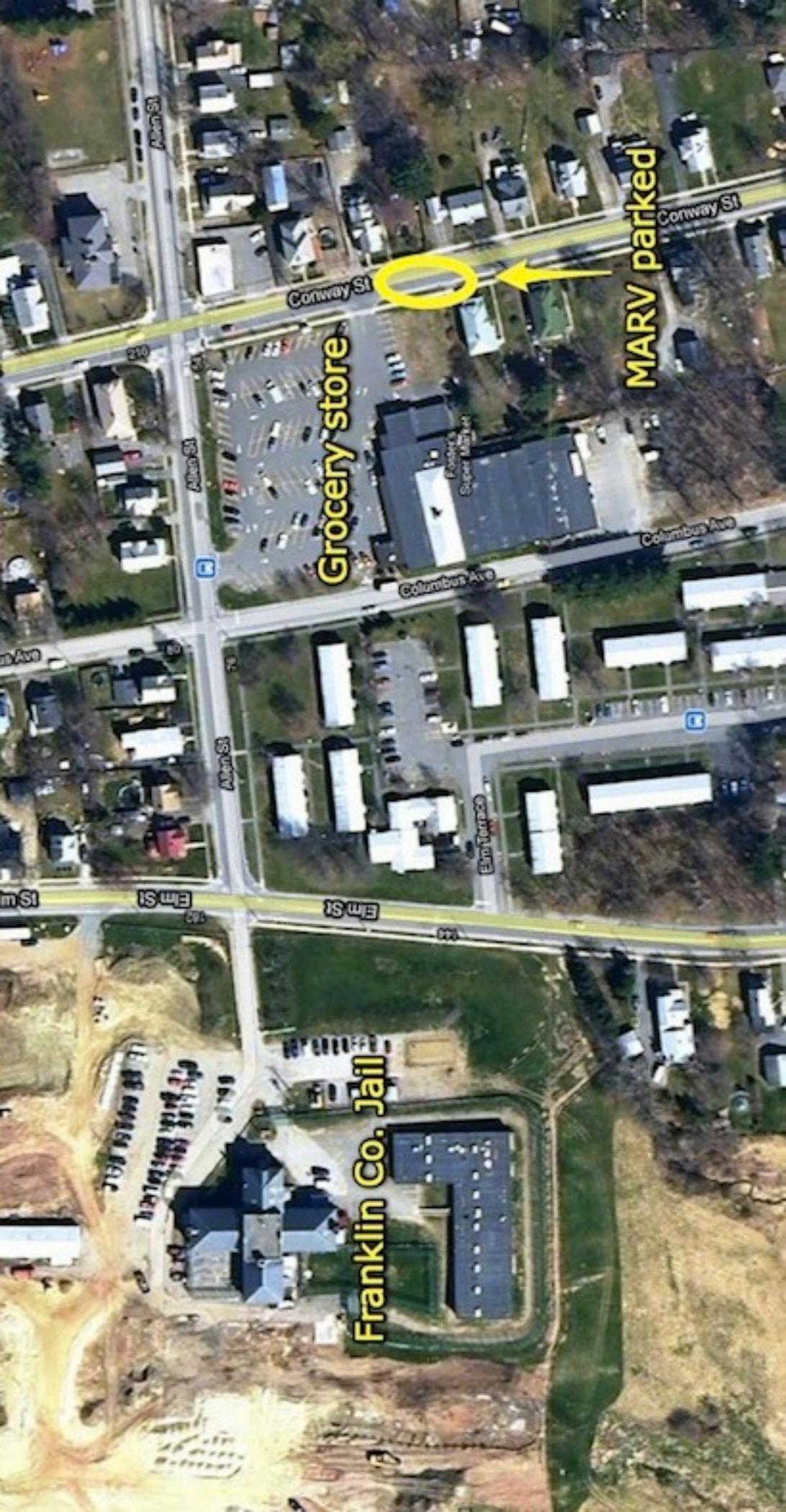
STATE OF INDIANA

COUNTY OF ELKHART

Subscribed and sworn before me, this 19th day of April, 2011.

Janet S. Hill
NOTARY PUBLIC

My Commission Expires: 5-31-17



Conway St

MARV parked

Grocery store

Franklin Co. Jail

Allen St

Conway St

Conway St

210

Allen St

Forsyth Super Market

Columbus Ave

Columbus Ave

Allen St

Allen St

Em Terrace

Em St

Em St

Em St

Em St

Franklin Co. Jail