

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA	}	
	}	
V.	}	Criminal Docket No. 3:10-cr-00250-1
	}	JUDGE TRAUGER
MATTHEW PAUL DEHART	}	

DEFENDANT’S MOTION TO DISMISS INDICTMENT

Defendant respectfully moves the Court to DISMISS the Indictment herein for the following reasons:

(1) Shortly after his arrest, Defendant was involuntarily drugged and tortured by law enforcement officers in an effort to extract information from him, some of which was obtained. The treatment that the Defendant was subjected to shocks the conscience of the Court and is in violation of the due process clause of the Fifth Amendment to the United States Constitution.

(2) Likewise, during the initial stages of his detention by law enforcement officers, information was obtained from the Defendant, while under the influence of involuntarily administered drugs, which constituted exculpatory information which has since been lost or destroyed by Government officials. Likewise, this conduct constitutes a violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

A memorandum of law is submitted in support of this motion.

Therefore, Defendant requests the above relief.

Respectfully submitted,

/s/ Mark C. Scruggs
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been e-mailed to Ms. Carrie Daughtrey, Assistant U.S. Attorney, 110 Ninth Avenue South, Suite A-961, Nashville, TN 37203, on this the 7th day of September, 2012.

/s/ Mark C. Scruggs _____
Mark C. Scruggs