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| **Motion to Suppress Administrative Inspection Warrant** | Ian Freeman63 Emerald St. #610 Keene, New Hampshire |

**January 31, 2013**

Court Name: Keene District

Case Name: City of Keene and Gary LaFreniere v. Ian Freeman f/k/a Ian Bernard

Case Number: **449-2013-CR-00206**

Now comes Ian Freeman (formerly known as Ian Bernard) of the Shire Society, called defendant by this court, by special appearance, not submitting to the court’s jurisdiction, who hereby moves the court to enter an order to do the following:

The court should suppress the Administrative Inspection Warrant, which was issued in error. The court should not have approved this warrant based on its own society’s rules, specifically RSA 153:14 II-A, which states:

*[the fire chief] may inspect all buildings, excluding single family dwellings and multi-unit dwellings containing 2 units*

The targeted home was 75 Leverett St., which is one side of a duplex. As the court will see below, this home is considered a single dwelling by the city of Keene, therefore it cannot be inspected as per the fire code.

Fire chief Gary LaFreniere and code enforcer Fred Parsells’ allegations that the home was being used as a “lodginghouse” or “tourist home” are unfounded. The legal status of the home has never been changed, and the men only claim to have probable cause in their application for the warrant. They provide photos and online posts that were captured in early 2012 as their evidence. However, if they wanted to prove their case, they’d need to prove the people who made those posts still lived in the home at the time they sought the warrant. The tenants responsible for those postings had moved out prior to the warrant application date of 6/13/2012. I have never been charged with operating or allowing to be operated either a “lodginghouse” or “tourist home”. The city’s own “NOTICE OF VIOLATION” issued 9/5/2012 states:

*Your property is located in the Low Density Zoning District, and as mentioned above, is classified as a single dwelling unit*

The “NOTICE OF VIOLATION” then demands I take corrective action, but there was nothing to correct, since the tenants responsible for the evidence provided to acquire the warrant had already moved out prior to the warrant application date.

No portion of the city’s notices claim that the property had been reclassified from “single dwelling unit”.

**Conclusion and request for relief:**

The issuance of the administrative inspection warrant was an error. The fire chief has no authority under his own rules to conduct an inspection of a single dwelling, and the court can not order him to have authority to act outside his statutory limits.

The administrative inspection warrant should be suppressed, and all evidence gathered also suppressed, by the fruit of the poisoned tree doctrine. This case should then be dismissed.

If the court should choose to not do as suggested, it should instead schedule a hearing on the validity of the administrative inspection warrant. I will be out of town 1/24-2/4.

In addition to the above, the court should grant such other and further relief as the court may deem reasonable and just under the circumstances.

Delivered this \_\_\_\_ day of **January 2013.**

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Certificate of service

This is to certify that a true and correct copy of the foregoing has been delivered this

\_\_\_ day of **January 2013** to the alleged plaintiff.

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