

IN THE CRIMINAL COURT FOR MONROE COUNTY TENNESSEE

STATE OF TENNESSEE,)

V.)

JOHN EDWARD DAWSON.)

Docket No. 10-005

FILED
TIME 10:53 AM/PM
NOV 21 2011 RC

MOTION TO DISMISS THE INDICTMENT

MARTHA M. COOK
CIRCUIT COURT CLERK

John Edward Dawson, through his counsel of record, respectfully moves this Court to dismiss the indictment in this case for violation of Mr. Dawson's rights under the Fifth Amendment, Sixth Amendment, and Fourteenth Amendment to the United States Constitution and the corresponding provisions of the Tennessee Constitution.

1. Mr. Dawson was incarcerated in the Monroe County Jail on unrelated charges for some time before he was indicted in this case.
2. Beginning in January, 2009 members of the Monroe County Sheriff's Department began working with Mr. Dawson's cellmate, Todd Sweet, in an attempt to surreptitiously gain information about this case from Mr. Dawson. Members of the Monroe County Sheriff's Department represented themselves as attorneys. Law enforcement initiated these deceptive tactics in an attempt to gain Mr. Dawson's trust, and consequently information about this case.
3. Acting as an agent of law enforcement, and while Mr. Dawson was in custody, Mr. Sweet questioned Mr. Dawson in a manner designed to solicit information about this case.
4. Mr. Dawson, through his counsel, has received information indicating that the office of the District Attorney General for the 10th Judicial District was aware of this conduct and participated in the scheme.

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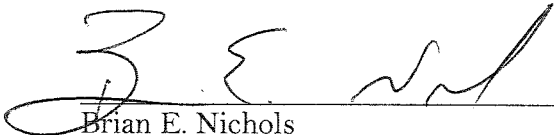
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4. Mr. Dawson, through his counsel, has received information indicating that the office of the District Attorney General for the 10th Judicial District was aware of this conduct and participated in the scheme.

5. Mr. Dawson was indicted in this case on January 7, 2010.
6. Said indictment was knowingly or intentionally secured by submitting perjured testimony to a Grand Jury.
7. In June of 2006, Detective Pat Henry secured a statement from Monte Cox alleging he had bought a gun from Defendant, John Edward Dawson, belonging to the deceased, Troy Green. Detective Henry was told by Cox that he did not buy a gun from John Edward Dawson, but instead, bought a gun from a man known as "Dirty Eddie." Detective Henry informed Cox that he could help Cox's cousin serving time in federal custody in exchange for creating a false statement that Cox bought a gun from the Defendant, John Edward Dawson.
8. Presenting such derived testimony is conduct arbitrary and capricious and violates due process.
9. Presenting such false information knowingly or intentionally to the Grand Jury, is the sort of flagrant misconduct required to justify dismissal of the Indictment under the due process clause or the Court's supervisory powers.

WHEREFORE, John Edward Dawson respectfully requests that:

1. The indictment in this case be dismissed
2. He be awarded any other relief that is appropriate.

Respectfully submitted the 18th day of November, 2011.



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