

IN THE CIRCUIT COURT OF COCKE COUNTY, TENNESSEE

STATE OF TENNESSEE

v.

JEREMY BLACK

Case No.: 15CC1-2025-CR-10975

Judge Carter Moore

Date: May 20, 2026

DEFENDANT JEREMY BLACK'S COMBINED MOTION TO SUPPRESS, MOTION FOR FRANKS HEARING, MOTION TO DISMISS OR IN THE ALTERNATIVE FOR SANCTIONS, MOTION FOR PRODUCTION AND PRESERVATION OF EVIDENCE, AND MOTION FOR IN CAMERA REVIEW

MOTION

1. Comes now the Defendant, Jeremy Black, pro se, and respectfully moves this Honorable Court for an order:
2. Suppressing all evidence derived from the July 6, 2024 arrest and warrant process;
3. Granting a hearing pursuant to Franks v. Delaware, 438 U.S. 154 (1978);
4. Dismissing the charges, or in the alternative imposing appropriate sanctions, exclusionary relief, adverse inferences, and other remedial measures;
5. Ordering immediate production and preservation of all body-worn camera footage, dispatch records, CAD logs, 911 recordings, jail records, booking records, internal communications, warrant logs, and related reports;
6. Conducting an in camera review of the missing or disputed evidence, including the August 4, 2024 bodycam footage and all records concerning the capias/warrant chronology; and
7. Granting such other and further relief as the Court deems just and proper.
8. This motion is based upon the record, the attached affidavit, the attached exhibits, the Tennessee and United States Constitutions, Tenn. R. Crim. P. 12, Tenn. R. Crim. P. 16, Tenn. R. Crim. P. 41, Tenn. Code Ann. § 40-6-208, Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), Napue v. Illinois, 360 U.S. 264

(1959), *Kyles v. Whitley*, 514 U.S. 419 (1995), *California v. Trombetta*, 467 U.S. 479 (1984), *Arizona v. Youngblood*, 488 U.S. 51 (1988), *State v. Ferguson*, 2 S.W.3d 912 (Tenn. 1999), and the Court’s inherent authority to control its docket and ensure due process.

MEMORANDUM OF LAW

I. INTRODUCTION

9. This case is built on a false and materially incomplete narrative.
10. The July 6, 2024 warrant process was infected by omissions, coaching, and contradictions between bodycam footage, witness statements, and the arrest affidavit.
11. The August 4, 2024 arrest was then executed on a *capias* that a federal filing states had already been canceled on July 23, 2024, while defense counsel’s email memorializes ADA Kear’s contrary representation that the *capias* was “good” until August 5, 2024.
12. That chronology dispute is not a clerical side issue. It goes directly to probable cause, officer knowledge, credibility, and whether the State has been proceeding on a false factual premise.
13. The missing August 4 bodycam footage is likewise material. It is the best evidence of what officers knew, what they did, whether they confirmed warrant validity, whether force was used improperly, and whether the State has withheld exculpatory or impeachment evidence.
14. Under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *Napue v. Illinois*, 360 U.S. 264 (1959), the State cannot suppress, lose, or misrepresent material evidence and then proceed as though no prejudice exists.

II. FACTUAL BACKGROUND

A. July 6, 2024 arrest

15. On July 6, 2024, law enforcement responded to 1096 Clearview Drive regarding a domestic incident.
16. The affidavit of complaint and incident report allege that Teshia Black said Defendant had “body slammed” her, pinned her down, and taken her phone while she was attempting to call 911.

17. The bodycam transcript , however, reflects a more complicated scene, including repeated leading questions, narrative steering, and an apparent instruction to omit Daniel from the written statement.
18. The record also includes Defendant’s own statement that the encounter was mischaracterized, that he was injured, and that Daniel did not support the accusation that Defendant pinned him down.

B. Material contradictions in the July 6 process

19. The July 6 materials show the following disputes:
20. Daniel’s statements did not fully align with Teshia’s account.
21. Deputy Josh Smith’s bodycam interactions reflect narrative shaping.
22. Smith’s later testimony in Sessions Court admitted that he did not recall hearing certain alleged statements from Teshia, did not review the bodycam at the time, and included only what he “needed” in the report.
23. The affidavit and resulting warrant omitted exculpatory or contradictory facts material to probable cause.

C. August 4, 2024 arrest on disputed capias chronology

24. On August 4, 2024, Defendant was arrested on a capias/bench warrant purportedly arising from a failure to appear.
25. The paperwork in the record reflects an initial appearance date of July 22, 2024, an issue date of July 24, 2024, and a later recall order entered on August 5, 2024.
26. Most importantly, the defense has two direct chronology sources that conflict.
27. A federal filing by Jeffrey Ward states the capias was canceled on July 23, 2024.
28. Brett Cole’s email states that ADA Kear represented the capias was “good” until August 5, 2024.
29. That conflict matters because it affects whether the arresting officers were relying on valid process, whether the prosecution has represented the warrant chronology accurately, and whether the State has been telling different versions of the same material fact to different audiences.

D. Missing August 4 bodycam footage

30. Defendant has repeatedly sought the August 4 bodycam footage.

31. It has not been produced.
32. If the State's position is that the arrest was lawful, the footage should exist and should be disclosed.
33. If the footage shows that officers knew of the recall, failed to verify the capias, or used excessive force after being told of Defendant's shoulder surgery and disability-related limitations, then it is plainly material.

E. ADA Kear's statement to defense counsel

34. Brett Cole's email memorializes that ADA Nik Kear told counsel the August 4 arrest was valid because the capias remained good until August 5, 2024.
35. That statement conflicts with the federal filing stating the capias had already been canceled on July 23, 2024.
36. That contradiction is relevant because it bears on the State's credibility, officer reliance, and whether the prosecution is proceeding on a false chronology that materially affects the legality of the arrest.

III. LEGAL STANDARD

37. Under Tenn. R. Crim. P. 12(b)(2)(C), motions to suppress must be raised before trial.
38. Under Tenn. R. Crim. P. 16, the State must disclose discoverable materials, including exculpatory evidence.
39. Under Tenn. R. Crim. P. 41 and Tenn. Code Ann. § 40-6-208, a warrant and its supporting materials must be legally sufficient and properly supported.
40. A defendant is entitled to a hearing under *Franks v. Delaware*, 438 U.S. 154 (1978) when he makes a substantial preliminary showing that a warrant affidavit contains false statements made knowingly and intentionally, or with reckless disregard for the truth, and that the false statements were necessary to the finding of probable cause.
41. The State's constitutional obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *Napue v. Illinois*, 360 U.S. 264 (1959) require disclosure and correction of material exculpatory and impeachment evidence.
42. Tennessee law also recognizes the State's duty to preserve and disclose material evidence, and sanctions may be imposed when evidence is lost, withheld, or destroyed in bad faith or under circumstances prejudicial to the defense.

See *California v. Trombetta*, 467 U.S. 479 (1984); *Arizona v. Youngblood*, 488 U.S. 51 (1988); *State v. Ferguson*, 2 S.W.3d 912 (Tenn. 1999).

IV. ARGUMENT

A. The July 6 warrant process is at least Franks-defective

- 43. The July 6 affidavit and resulting warrant process were based on a selective and incomplete version of the facts.
- 44. The bodycam transcript reflects inconsistencies, witness coaching, and omission of Daniel's statements and other exculpatory material.
- 45. A warrant cannot stand where the affiant knowingly omits material facts or recites a narrative that is materially misleading.
- 46. Defendant is not asking the Court to decide credibility in the abstract.
- 47. He is asking the Court to determine whether the probable cause process itself was constitutionally valid.
- 48. If the warrant was built on false or recklessly incomplete information, the fruit of that warrant must be suppressed.

B. The August 4 arrest chronology is disputed by the State's own materials

- 49. The State cannot have it both ways.
- 50. If the federal filing says the capias was canceled on July 23, 2024, but the ADA told defense counsel the capias was valid until August 5, 2024, then the State's chronology is materially disputed by its own representations.
- 51. That dispute is not harmless.
- 52. It goes to the lawfulness of the arrest, the officers' knowledge, and whether the prosecution has been proceeding under a false factual premise.
- 53. The Court should require the State to prove, with certified records and testimony, exactly when the capias was issued, entered, canceled, recalled, transmitted, and executed.

C. The missing August 4 bodycam is material and must be preserved and produced

- 54. The August 4 footage is not cumulative. It is central.
- 55. It would show whether officers verified the capias before arrest.

- 56. It would show whether officers knew of any recall or cancellation.
- 57. It would show whether officers used or threatened excessive force.
- 58. It would show whether officers refused reasonable accommodation for Defendant's disability and shoulder surgery.
- 59. It would show whether officers' conduct matched the reports now being relied upon by the State.
- 60. Under *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *Kyles v. Whitley*, 514 U.S. 419 (1995), the State must disclose favorable evidence and cannot suppress evidence that bears on the reliability of the prosecution's case.

D. The State's conduct warrants dismissal or, at minimum, sanctions and exclusion

- 61. If the Court finds the warrant process was materially false or recklessly incomplete, and if the August 4 arrest was executed on invalid process or with withheld material evidence, then the appropriate remedy is not merely to leave the issue for trial without correction.
- 62. The Court has authority to suppress tainted evidence, impose sanctions, and, where the integrity of the prosecution has been fundamentally compromised, dismiss the case.
- 63. At minimum, the Court should exclude any evidence derived from the defective warrant process and require the State to disclose all related records before any further proceedings.

E. The defense is entitled to an in camera review

- 64. Because the missing August 4 footage and warrant chronology are directly material, the Court should conduct an in camera review of:
 - 65. all bodycam footage from August 4, 2024;
 - 66. all dispatch and CAD records;
 - 67. all warrant/capias logs;
 - 68. all jail booking records;
 - 69. all communications between law enforcement and the District Attorney's Office about the capias;

70. all records concerning the alleged recall/cancellation of the capias; and

71. all records concerning ADA Kear's statement to defense counsel.

REQUESTED RELIEF

72. WHEREFORE, Defendant respectfully requests that the Court:

73. Suppress all evidence obtained from the July 6, 2024 warrant process and any derivative evidence;

74. Set this matter for a Franks v. Delaware, 438 U.S. 154 (1978) hearing;

75. Order the State to produce all missing or withheld bodycam footage, especially the August 4 footage;

76. Order the State to produce all dispatch, CAD, jail, and warrant records related to the August 4 arrest;

77. Conduct an in camera review of the disputed warrant chronology and related communications;

78. Dismiss the charges, or alternatively impose sanctions, exclusionary relief, and any appropriate adverse inference; and

79. Grant such other relief as justice requires.

80. I, Jeremy Black, being first duly sworn, state as follows:

81. I am the Defendant in this case and have personal knowledge of the facts stated in this affidavit except where otherwise indicated.

82. On July 6, 2024, I was arrested in connection with allegations that I dispute as false and materially incomplete.

83. The body-worn camera materials and related recordings from July 6, 2024 reflect inconsistencies, coaching, and omissions that are relevant to probable cause.

84. On August 4, 2024, I was arrested on a capias/bench warrant that I contend had already been canceled before the arrest occurred.

85. I have obtained an email from attorney Brett Cole memorializing that ADA Nikolas Kear stated the capias was "good" until August 5, 2024.

86. I have also obtained a federal filing stating that the capias was canceled on July 23, 2024. Those two statements conflict on a material fact.

87. I have repeatedly requested the August 4, 2024 body-worn camera footage, dispatch records, CAD logs, and related records, but the footage has not been produced.

88. I believe the missing footage and disputed warrant chronology are material to the legality of the arrest, to the truthfulness of the State's proof, and to my defense.

89. I request that the Court preserve and review the evidence described in the motion and grant the relief requested.

90. FURTHER AFFIANT SAYETH NOT.

Respectfully Submitted

Jeremy Black

Date May 20, 2026

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Combined Motion to Suppress, Motion for Franks Hearing, Motion to Dismiss or in the Alternative for Sanctions, Motion for Production and Preservation of Evidence, Motion for In Camera Review, Memorandum of Law, was served upon the Office of the District Attorney General for Cocke County, Tennessee, by _US Mail _ on this _20th_ day of _May_, 2026.

Jeremy Black Date May 20, 2026

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