

United States v. Moore – Using Race-Based Statistics to Get a Dismissal

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DISCUSSION OVERVIEW

I. How investigating a case for a Fourth Amendment suppression motion led to evidence of an Equal Protection Violation

- a. Traffic stop intertwined with two other stops that evening by same police task force
- b. Discovery request for videos of other traffic stops
- c. Subpoena to police department for all other tickets, reports, and communication logs from that police task force night of the stop

II. Making the best use of publicly available information and community resources

- a. Virginia Community Policing Act
- b. UVA Racial Dot Map (now use arcgis.com)
- c. Supplemental suppression motion based on Equal Protection Claim
 - i. **USE** materials on fd.org! for the law
 - ii. *Conley v. United States*, 5 F.4th 781, 789 (7th Cir. 2021)

III. Getting connected with statistician

- a. Larger defense community brainstorming session
- b. Gathering transcripts, articles, reports

IV. Dr. Coston's work with Richmond Transparency and Accountability Project ("RTAP")

- a. Lengthy FOIA request battles
- b. Knowing what data you need to ask for
- c. Getting the data (information we got from subpoena vs. what was available through Virginia Community Policing Act)

V. Dr. Coston's statistical work in this case

- a. Statistical methods
- b. Effective use of maps in report
- c. Findings

VI. Finding best expert for historical evidence

- a. Talked to **A LOT** of people
- b. Dr. Chiles' published articles
- c. Dr. Chiles' report

VII. How we litigated our way into a win

- a. ATTACHMENTS!
- b. Lots and lots of briefing and a client willing to hang in there

- c. Three days of evidentiary hearings
- d. Government expert who conceded he would **NEVER** find race played role in policing no matter the statistics

VIII. The aftermath: the fight continues

- a. Motion to reconsider denied
- b. Solicitor General has approved appeal

IX. How YOU can use this!