

**STATE OF NEW JERSEY,  
Plaintiff,**

**v.**

**SEAN M. HIGGINS,  
Defendant.**

**SUPERIOR COURT OF NEW JERSEY  
COUNTY OF SALEM  
LAW DIVISION – CRIMINAL PART**

**INDICTMENT No.: 24-12-400-I**

**MOTION TO DISMISS**

To: AP, Michael R. Mestern  
Salem County Prosecutor's Office  
(Via *Electronic Filing*)

PLEASE TAKE NOTICE that on a date and time to be determined by the Court, the undersigned attorneys for the above captioned Defendant, shall make an application before a Judge of the Superior Court of New Jersey, Salem County, for an Order to Dismiss the Indictment against Defendant, Sean Higgins, based on failure to present proper evidence of the Defendant's Blood Alcohol Concentration to the Grand Jury as set forth in the Toxicology Report supplied to the State. The undersigned requests oral argument. Brief to be supplied upon receipt of a Scheduling Order.

Respectfully Submitted,  
Co-Counsel for Defendant, Sean M. Higgins:

Dated: February 23, 2026

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