
State of Minnesota,

Court File No. 62-CR-01-1465

Plaintiff,

vs.

**DEFENDANT'S NOTICE
OF MOTIONS AND MOTIONS,
WITNESS LIST, NOTICE OF
DEFENSES, JURY DEMAND &
DEMAND FOR DISCLOSURES**

Tamika Suttles,

Defendant.

TO: State of Minnesota c/o Prosecutor of Record.

MOTION/DEMAND FOR RASMUSSEN HEARING:

Defendant reserves the right to bring any and all motions, including but not limited to constitutional challenges under the Fourth Amendment¹ to evidence gathered by the State, such as would be litigated in a *Rasmussen* hearing. There is no probable cause for this charge, and exculpatory evidence can be offered by the Defendant.

NOTICE OF DEFENSES:

Pursuant to Minn.R.Crim.P. 9.02, subd. 1(3)(a), the Defendant intends to or reserves the right to rely upon the following Defense(s) at Trial:

- Self Defense
- Mental Illness or Deficiency
- Duress
- Alibi; following is the specific place or places where the Defendant contends she was when the alleged offense occurred: not driving
- Double Jeopardy
- Statute of Limitations
- Collateral Estoppel
- Defense under Minnesota Statutes Section 609.035
- Intoxication
- Entrapment

¹ Reference to citations/phrases from the U.S. Constitution shall be read to include the Fourteenth Amendment, and the Minnesota Constitution.

____ Others (specify):

JURY DEMAND:

Defendant elects:

- Trial by Jury²
- Trial by the Court at the Omnibus Hearing.

WITNESSES:

All eye-witnesses to the incident (see police report)
All police who were involved in the incident, investigated or made decision to refer for charging
Defendant (but this listing does not require defense to call herto testify)
Crime lab personnel, whether or not sworn officers
Property and evidence personnel, whether or not sworn officers
Foundation and rebuttal witnesses.

MOTION FOR DISCLOSURE OF CRI

Defendant moves for disclosure of the identity of any and all CRI's or CI's, that are witnesses in the trial. The Defense contends that the State cannot avoid this motion by electing not to call a particular CRI or CI to the witness stand; if the witness has information about this case, disclosure is mandated, as the defense should also be allowed to call the witness(es).

DEMANDS FOR ADDITIONAL DISCLOSURES:

Pursuant to Rule 9 of the Minnesota Rules of Criminal Procedure, the above-named Defendant hereby makes the following generic demands for disclosure:

- (1) That the State disclose and permit the Defendant's attorney to inspect and reproduce books, papers, documents, photographs and tangible objects which the State

² And such other evidentiary hearings as may be appropriate to effectuate defendant's rights/motions.

intends to introduce in evidence at the trial or concerning which the State intends to offer evidence at the trial.

(2) That the State disclose and permit the Defendant's attorney to inspect and photograph buildings or places concerning which the State intends to offer evidence at the trial.

(3) That the State disclose and permit the Defendant's attorney to inspect and reproduce any results or reports of physical or mental examination, scientific tests, experiments and comparisons made in connection with this particular case within the possession or control of the State which the State intends to introduce in evidence at the trial when the results or reports relate to his testimony. This includes but is not limited to any chemical testing, access to physical evidence for testing, and any evidence or testimony from any State witness, including police that could be viewed as "expert" testimony.

(4) That the State supply the Defendant's attorney with names, addresses and telephone numbers of persons whom the State intends to call as witnesses at the trial. For police witnesses, list precinct or other location within the Department, as well as telephone number.

(5) That the State permit the Defendant's attorney to inspect and reproduce any relevant written or recorded statements (including but not limited to any recordings made of Defendant while Defendant was in custody or under investigation) of the persons whom the State intends to call as witnesses at the trial and which are within the possession and control of the State and permit the Defendant's attorney to inspect and reproduce any written summaries or attorney notes within Prosecutor's knowledge, of the substance of

any oral statements made by such witnesses to plaintiff's counsel or obtained by the State at the direction of its counsel.

(6) That the State shall disclose to the Defendant's attorney any material or information within the possession or control of the prosecuting attorney that tends to negate or reduce the guilt of the accused as to the offense charged, and/or any exculpatory evidence.

Rule 9.03 requires you to supplement responses to this Request. The State's obligation to provide exculpatory material under *Brady* falls immediately to the entire prosecution office, and includes all information known to police. State v. Hunt, 615 N.W.2d 294, 298 (Minn.2000); Kyles v. Whitley, 514 U.S. 419, 432 (1995); State v. Williams, 593 N.W.2d 227, 235 (Minn. 1999) ("a prosecutor has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police.") Defendant will move to dismiss if exculpatory evidence is not timely provided.

(7) That the State disclose to the Defendant's attorney any criminal history or other negative information about the Prosecution's witnesses in this case. This includes any and all complaints about the conduct of any police officers involved in or who responded to the incident. That the State disclose any evidence of criminal convictions that it intends to (or will attempt to) introduce in evidence or otherwise raise to the trier of fact at the trial.

(8) That the State supply the names, ranks, badge numbers and locations/assignments at the time of their involvement, for all employees of the Minneapolis Police Department that were involved in any way in this incident or case. This

includes but is not limited to investigators, lab personnel and Property & Evidence Room personnel who had any involvement in the case.

(9) All report/s, supplements, "locker" reports, and property inventory sheets - fronts and backs (of 2-sided documents), showing when evidence was submitted to the Property & Evidence Room, who signed evidence in and out, whenever printed (P&E sheets should show fronts and backs of original, not just computer version, and any *handwritten* locker and warehouse reports are also demanded).

(10) All police reports, incident reports, "name screen," main report, supplements, etc., that refer in any way to this case, including separately-numbered police reports that have something connection to the case.

(11) Copies of all still pictures, audio and/or video.

(12) Access to all physical evidence. Please arrange for defense counsel to visit the Property & Evidence Room to view and take pictures of the evidence.

ATTORNEYS FOR DEFENDANT SUTTLES

s/jillclark

Dated: May 10, 2010

by _____
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