

TRANSACTION REPORT

DEC/17/2010/FRI 07:49 PM

BROADCAST

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	DEC/17	07:38PM	6512668172	0:05:06	34	OK	SG3 5459
002		07:43PM	6512663010	0:05:16	34	OK	SG3 5459
TOTAL				0:10:22	68		

Jill Clark, P.A.
2005 Aquila Avenue North
Golden Valley, MN 55427

FAX COVER SHEET

TO: Ramsey County Criminal Filing
Rick Dusterhoft

FAX: 651/266-8172
651/266-3010

FROM: Jill Clark, P.A.

FAX: 763/417-9112
PHONE: 763/417-9102
EMAIL: jill@jillclarkpa.com

DATE: December 17, 2010

RE: State v. Suttles
State v. Drljic

PAGES (including this cover sheet): 34

MESSAGE:

Jill Clark, P.A.
2005 Aquila Avenue North
Golden Valley, MN 55427

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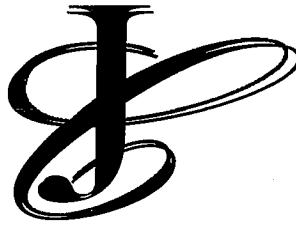
EMAIL: jill@jillclarkpa.com

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PAGES (including this cover sheet): 34

MESSAGE:



December 17, 2010

Ramsey County Criminal Filing
Ramsey County Courthouse
15 Kellogg Blvd. West
St. Paul, MN 55102

Re: File No. 62-CR-10-1464
File No. 62-CR-10-1465

Dear Administrator:

Enclosed for filing in the above-referenced actions please find the following:

- Defendant's Post-Verdict Motions and
- Affidavit of Tamika Suttles; and
- Affidavit of Jill Clark.

Sincerely,

Peggy M. Katch

JEC/PMK
Enclosure
C: Client, Counsel

JILL CLARK, P. A. ATTORNEY AT LAW

JILL CLARK, P. A. ATTORNEY AT LAW

2005 AQUILA AVENUE NO. • GOLDEN VALLEY, MINNESOTA 55427 • PHONE: 763-417-9102 • FAX: 763-417-9112 • EMAIL: JILL@JILLCLARKPA.COM
2005 AQUILA AVENUE NO. • GOLDEN VALLEY, MINNESOTA 55427 • PHONE: 763-417-9102 • FAX: 763-417-9112 • E-MAIL: JILL@JILLCLARKPA.COM

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Court No. 62 CR 09-1465 & 64

Plaintiff,

DEFENDANTS'
POST-VERDICT MOTIONS

vs.

Tamika Suttles, Daniel Drljic,

Defendant.

PLEASE TAKE NOTICE THAT Defendants Tamika Suttles and Daniel

Drljic hereby moves the Court as follows:

1. For a new trial (Minn.R.Crim. P. 26.04, Subd. 1(1)(2)(6) & (7));
2. To vacate the verdict (Minn.R.Crim. P. 26.04, Subd. 2);

Submitted herewith, in support of these post-verdict motions, Defendant files:

- Affidavit of Tamika Suttles;
- Affidavit of Jill Clark, Esq.;

Defendant reserves the right to supplement or modify this Motion and

Memorandum.

MOTIONS

1. Motion for a new trial.

The following bases provide bases for a new trial:

a. **Juror information provided to one side only.**

Defendants only learned during trial, that the Prosecution had been given a list of all potential jurors for the week of November 22, 2010. Indeed, the stamp on that document shows it was provided by the Prosecution to the Ramsey County Sheriff's Office. During trial, the Defense inquired of the jury office, and was told that each week the Court automatically sends a list of qualified jurors who will be called up for a particular week. (Clark Aff. ¶2).

The Defense did not have an opportunity to check backgrounds of potential jurors.

After jurors had been asked under oath about their criminal background, the Prosecutor came to the Court asking for separate *voir dïres*, and accusing jurors of testifying falsely during *voir dire* (this is not verbatim). This shows that the prosecution had the opportunity to use the information provided only to the State, in order to make arguments to have certain jurors dismissed for cause. This shows unfair advantage, lack of due process and fundamental fairness.

b. **Complaint purportedly amended day of trial improper.**

The Prosecutor came to trial *the very day it was to commence*, and purported to "amend" the complaint, by signing a complaint with her own signature (no police officer or other "complainant" signed). The two purported amended complaints are at Clark Aff. Exh. 1 & 2. The Defendants

objected that the Prosecutor could not be the “complainant” (and objected that they did not even have to time to prepare for the issue, research and argue), but the trial went forward on the purported amended complaints.

The Amended complaint is improper. It does not pass muster under Minn.R.Crim.P. 2.01, including that the Judge did not determine whether there is probable cause to believe that an offense has been committed and that the defendant committed it. Note that the judicial signature block in the complaint is blank. The purported amended complaints were improper, and the trial should not have proceeded on those complaints. The complaints violate Rule 2. Further, the complaints denied due process and fundamental fairness (including but not limited to the ability of the defense to prepare for trial).¹ Defendant noted on the record that they would have tested the burglary tools for fingerprints had they known that claim (second degree burglary) would be in the case. Defendants were substantially prejudiced.

c. Failure to disclose.

The State failed to disclose in a timely manner:

- The audio statement of Tamika Suttles (defense learned during trial that only a *portion* of her statement was produced to the defense);

¹ The purpose of restricting prosecution to charges included in the complaint is to provide the defendant with notice and opportunity to prepare her defense. State v. Gisege, 561 N.W.2d 152 (Minn. 1997).

- The address for Thomas Nolan after her moved out of the building at Raymond and University. When did the State learn that he moved, and *why* did the State not disclose that he moved, and his new address? Clearly the State had the new address: the State was able to subpoena him.
- The name and address of Thomas Nolan's then girlfriend. It became clear during trial that police encountered Nolan's girlfriend. (The Defense also assigns error for the ruling that the name of Nolan's girlfriend, a witness to events in his apartment on the night of the incident, was not "relevant.")
- The police supplement/report of Officer Menton
- That the State had met with Jermaine English after he had taken the Fifth, and before he had been granted immunity. Defendant also assigns error to grant immunity to English, when he had clearly waived his Fifth Amendment right not to speak to government, when he met with the State in his holding cell. Information about that meeting was not disclosed until *after* English blurted it out during trial. And no response was received to the defense request to disclose *all* information provided to English (or obtained from him).

Clark Aff. Exh. 3.

d. Dismissal of jurors during trial.

Once the jury was impaneled, the Court erroneously dismissed jurors due to “scheduling” issues. Upon researching this issue nationwide, both state and federal courts, Defendants could not locate any precedent authorizing such a dismissal. Further, Defendants felt pressured to put on a short case, because the Court was intimating that if they hurried with their case, it could be submitted to the jury by the end of the day Thursday, which meant that juror Lee might not need to be dismissed.

Further, the Court staff was having “scheduling” discussions with the jurors during trial. When Defense counsel asked for the identity of the juror who had to teach the program, staff refused to provide the information. This meant that the Court and Court staff had superior information to the parties. Defendants assert that, given that the information was used to dismiss jurors, that these were prohibited *ex parte* communications with the jurors,² and that due process was denied to the Defendants. The Court and/or staff also had superior information about the juror who was going to fly out at noon on Friday. Not only were the parties not told the identity of that juror, when they inquired about it, they were told the wrong identity.

² While in some contexts discussion of scheduling could be housekeeping, in the context of having jurors dismissed due to their schedules, the information becomes substantive. A judge is permitted to communicate *ex parte* with a jury relative to housekeeping matters but not with respect to substantive matters. *See State v. Greer*, 635 N.W.2d 82, 93 n.3 (Minn. 2001).

Defendant submits that once the jury is impaneled, the Court lacks authority to dismiss jurors for "scheduling" issues. The two jurors dismissed were the two jurors who (admittedly, based only on courtroom observations of them, their body language, their expressions, etc.) were the most likely to vote not guilty. If the Court could dismiss jurors for "scheduling" issues, what would be to stop a judge from watching jurors, and then dismissing those that it believed favored a particular party?

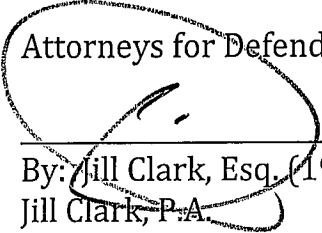
Further, the first alternate juror was not only bored, but sounded *angry* when the jury was questioned about whether they wanted to go on a break or keep going, and said "let's get this over with!" This juror was an alternate, but then became a juror who deliberated, due to the dismissal of two jurors due to their schedules. (Defendants assert denial of fundamental fairness because long breaks caused by the Prosecution caused jurors to be bored, then angry, before the Defense could even start its case.)

2. To vacate judgment.

The improper complaint requires *vacatur* of any judgment thereon.

Dated: December 17, 2010

Attorneys for Defendants

By:  Jill Clark, Esq. (196988)

Jill Clark, P.A.

2005 Aquila Av. N.

Golden Valley, MN 55427

(Tel.) 763-417-9102

(Fax) 763-417-9112

(E) jill@jillclarkpa.com

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

State of Minnesota,

Court File No. 62-CR-10-1465

Plaintiff,

vs.

**AFFIDAVIT OF TAMIKA
SUTTLES**

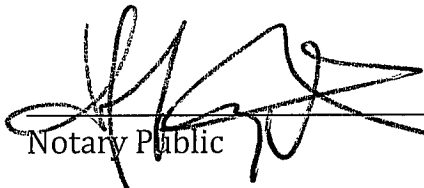
Tamika Suttles,


Defendant.

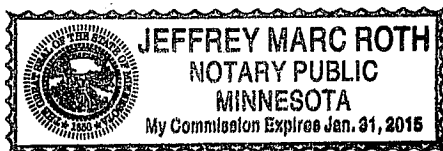
I, Tamika Suttles, being first duly sworn depose and state:

1. I was a defendant in the above-referenced action. I watched the jurors as the case progressed (body language, expression on their faces, eye contact), and I felt that the jurors most inclined to rule in my favor were Jurors Lee and Olson.

Signed and sworn before me
this 17th day of December, 2010


Notary Public


Tamika Suttles



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Court No. 62 CR 09-1465 & 64

Plaintiff,

**DEFENDANTS'
POST-VERDICT MOTIONS:
AFFIDAVIT OF JILL CLARK
IN SUPPORT**

vs.

Tamika Suttles, Daniel Drljic,

Defendant.

I, Jill Clark, Esq., being first duly sworn depose and state:

1. I am defense counsel in this case.
2. When I inquired during trial as to which juror(s) had the issue with having to teach a lecture (or similar, I am not sure precisely what words I used), the Court's Clerk gave a me a look that communicated to me that I was not allowed to know (and she did not share the information). This affidavit is made with all due respect to the Court and its staff: but my duty is to my clients, and to zealously represent them. The parties were not told during the case about the communications with jurors about their schedule (except we were told some things as some times, but not given full information, and with the exception of one session with Juror Lee, the information from jurors to Court did not include the parties).

3. Defendants only learned during trial, that the Prosecution had been given a list of all potential jurors for the week of November 22, 2010. Indeed, the stamp on that document shows it was provided by the Prosecution to the Ramsey County Sheriff's Office. During trial, the Defense inquired of the jury office, and was told that each week the Court automatically sends a list of qualified jurors who will be called up for a particular week.

4. Following the trial, I made numerous calls to the Ramsey County Attorney's Office trying to find someone in upper management that would tend to the issues in Exhibit 3, and although I did get two calls from one manager, I called back and we never did connect Exhibit 3 shows the issues still outstanding which the defense deems *Brady* evidence.

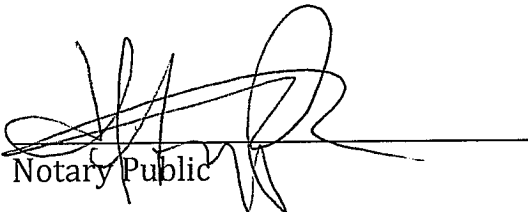
Exhibits.

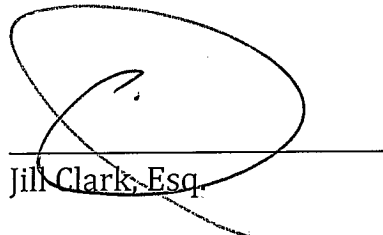
Exhibits 1 & 2 are the "day of trial" amended complaints. Note no judicial signature or "finding of probable cause." Note no factual complainant.

Exhibit 3 is an email I sent to Prosecutors 12/17/10. It is accurate information.

This concludes my affidavit of 2 pages.

Signed and sworn before me this
17th day of December, 2010.


Notary Public


Jill Clark, Esq.





STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO.: 62-CR-10-1465
PROSECUTOR FILE NO.: 2087440

State of Minnesota,

Plaintiff,

v.

Tamika Latoi Suttles
(DOB: 12/07/1980)
2807 St. Marys Place SE
Minneapolis, MN 55414,

Defendant.

- FELONY
CRIMINAL COMPLAINT**
- Summons Warrant
 - Order of Detention
 - Amended
 - Certified Juvenile
 - EJJ

Co-Defendant(s):	Daniel Drljic	Co. Atty File No.:	2087438
	Jermaine Guy English		2087439

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

COUNT 1

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **TAMIKA LATOI SUTTLES**, aiding and abetting and being aided and abetted by another, entered a building, 2397 University Avenue, without consent of the lawful possessor with intent to commit a crime while in the building, or did commit a crime (theft) while in the building, and when entering or while in the building possessed a tool to gain access to property, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Second Degree** in violation of MN Statute: §609.582.2(a)(4); 609.05.1
Maximum Sentence: 10 years or \$20,000 fine, or both.

COUNT 2

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **TAMIKA LATOI SUTTLES**, aiding and abetting and being aided and abetted by another, entered a building, 2389 University Avenue-Sharett's Liquor Store, without consent of the lawful possessor with intent to commit a crime while in



the building, or did commit a crime (theft) while in the building, and when entering or while in the building possessed a tool to gain access to property, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Second Degree** in violation of MN Statute:
§609.582.2(a)(4); 609.05.1
Maximum Sentence: 10 years or \$20,000 fine, or both.

COUNT 3

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **TAMIKA LATOI SUTTLES**, aiding and abetting and being aided and abetted by another, entered a building, 2399 University Avenue Edge Coffee House, without consent of the lawful possessor with intent to commit a crime while in the building, or did commit a crime (theft) while in the building, and when entering or while in the building possessed a tool to gain access to property, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Second Degree** in violation of MN Statute:
§609.582.2(a)(4); 609.05.1
Maximum Sentence: 10 years or \$20,000 fine, or both.

COUNT 4

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **TAMIKA LATOI SUTTLES**, aiding and abetting and being aided and abetted by another, entered a building, 2389 University Avenue Sharett's Liquor Store, without consent of the lawful possessor with intent to steal or commit a felony or gross misdemeanor while in the building, or did steal or committed a felony or gross misdemeanor while in the building, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Third Degree** in violation of MN Statute: §609.582.3;
609.05.1
Maximum Sentence: 5 years or \$10,000, or both.

COUNT 5

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **TAMIKA LATOI SUTTLES**, aiding and abetting and being aided and abetted by another, entered a building 2397 University Avenue without consent of the lawful possessor with intent to steal or commit a felony or gross misdemeanor while in the building, or did steal or committed a felony or gross misdemeanor while in the building, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Third Degree** in violation of MN Statute: §609.582.3;
609.05.1
Maximum Sentence: 5 years or \$10,000, or both.




COUNT 6

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **TAMIKA LATOI SUTTLES**, aiding and abetting and being aided and abetted by another, entered a building, 2399 University Avenue Edge Coffee House, without consent of the lawful possessor with intent to steal or commit a felony or gross misdemeanor while in the building, or did steal or committed a felony or gross misdemeanor while in the building, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Third Degree** in violation of MN Statute: §609.582.3; 609.05.1

Maximum Sentence: 5 years or \$10,000, or both.


STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

On December 6, 2009 at 04:18 hours, St. Paul squads responded to a burglary in progress call at 2389 University Ave. West, Sharrett's Liquor Store, in the City of St. Paul, Ramsey County. Next door to Sharrett's Liquor Store is an art studio located at 2397 University Ave. West, and next door to the art studio is the Edge Coffee House located at 2399 University Ave. West. Officers arrived on scene and went to the alley off of Raymond Avenue to the rear of the building where the liquor store is located. Officers immediately noticed a vehicle bearing Minnesota plate MLU-367 parked westbound in the rear of the parking lot. The vehicle was the only car in the lot of approximately five cars that did not have frost on the windows. A woman, later identified as **TAMIKA LATOI SUTTLES, DOB: 12/07/80**, was standing outside the driver's side door of the vehicle. Suttles looked at responding officers and then immediately looked away. She was wearing a dark colored coat and pants along with a dark hooded sweatshirt underneath the coat and she had something in her hands and was fidgeting nervously as officers approached. Suttles claimed that her vehicle broke down and she just parked it there. She quickly stated, "I have to pee, just let me go pee." Officers could see both pockets of her outer coat were bulging and she was patted down for weapons. The pat down search revealed a roll of duct tape and a pair of neoprene gloves.

Officers observed several tool marks on the door frame of 2397 University Avenue – the art studio. The bolt was in the locked position but the door frame was broken and appeared to have been forced. Officers observed a male in the window of one of the top floor apartments in the alley directly across from the building. This male, T.G.N. (DOB: 07/25/90), stated that just prior to officers arrival, he saw two people dressed all in black walk from the rear of the building to MLU-367 carrying a large bag and a long metal object. He identified one of these individuals as Suttles and he said the other one walked back inside the building. At that point, officers saw a black male wearing a black coat with a red skull cap looking at officers through the unsecured door. Officers yelled "police" and the male immediately turned around and ran back inside the building through the unsecured door. After a few minutes, officers learned through Suttles that a male inside the building had contacted Suttles over the cell phone. Suttles stated that there were two suspects inside and they wanted to come out and they didn't have any weapons. Officers learned that the two suspects were at the front door of the liquor store. Officers were able to locate the suspects and place them in handcuffs. They were identified as **DANIEL DRLJIC, DOB: 06/03/76** and **JERMAINE GUY ENGLISH, DOB: 01/05/81**.

Officers surveyed the area and it appeared that the defendants gained access to the art studio by prying open the door. The defendants then gained access to the liquor store next door by breaking through the wall from the art studio to Sharrett's Liquor store. The defendants gained access to the Edge Coffee House by breaking through a sealed door in the art studio. Officers observed at the rear door a pile of random items. There were several liquor bottles, a package of muffins and a tall plastic organizer. The muffins and the organizer were actually outside of the building in the alley. In the basement it appeared that the suspects had assembled a large amount of boxes of liquor that they were preparing to bring upstairs and outside. In an Edge Coffee House, it appeared that the cash register was broken and the till was on the floor across the room. Several of the drawers and shelves were rummaged through and items were scattered all over the ground. There was a black flashlight on the counter. In the liquor store products were scattered in the middle of the aisles. Several pairs of gloves were in the store as well as a head strap flashlight and a black coat tucked in between two boxes.

Officers again talked with Suttles who then admitted that her vehicle did not break down. She stated she was picking up a few friends. She had no explanation for having a roll of duct tape and a pair of neoprene gloves in her pocket. Officers arrested Suttles for burglary and searched her vehicle incident to tow. In the trunk was a



large bag with several pry bars, crow bar, a bolt cutter, and other burglary tools inside. Also in the trunk were several computer parts and other miscellaneous items including a four foot aluminum ruler and a three foot aluminum t-square, which were removed from the art studio.

Officers spoke to the owner of the liquor store, a male with the initials D.S.R. (DOB: 11/06/49). He stated that several items in the store were out of place. He stated that the total retail price of the items that were removed from the liquor store came to \$1,364.65.

On December 7, 2009, an investigator went to the Ramsey County jail to interview Suttles. The interview was post-Miranda. She stated she was at home when she got a call from Drljic and English. She stated that they asked her to come and pick them up. She stated that they gave her the address. She stated she parked in the lot near the address, a white male came out and put some items in her trunk. She thought one of the items was a printer. She thought the white male lived upstairs at the address. She got to the parking lot five to ten minutes before the police showed up. She got the call to pick up Drljic and English about an hour before the police showed up. She stated that she and Drljic are going to start a tattoo and piercing business together, and the \$16,000.00 in her purse was money to start the business.

An investigator went to the Ramsey County jail to interview the defendant Daniel Drljic on December 7, 2009. The interview was post-Miranda. Drljic stated that his girlfriend is Suttles. English wanted him to come and help him move some items from a basement. English told Drljic that his friend didn't show up to help. Drljic said he walked from Suttles' home to where English was located. Drljic said English told him how to get there. When he got to the door, he saw chips on the door edge. Drljic said that English told him to cover his face because of the cameras. Drljic said that English gave him a mask to cover his face and they went to the basement. He saw a box containing liquor and some other items stacked up. He stated that he then knew that English was doing a burglary. He then went upstairs and saw the cops talking to Suttles.

On December 7, 2009, an investigator attempted to interview Jermaine Guy English at the Ramsey County jail but the defendant declined an interview.

On December 15, 2009, an investigator interviewed Jermaine Guy English out of custody. He came to the St. Paul Police Department Western District Office with Suttles and Drljic. English stated that he wanted to talk with this investigator to clear the other two individuals. English stated that he had met with a white male that lives above the stores at the corner of Raymond and University. He said that the white male is known to him by the name "Joe." He stated that he and Joe would smoke crack together. English stated that he had fronted Joe some crack and wanted his money for the crack. He was supposed to go to the back alley and whistle for Joe who would look out the window and then come down. English stated that he was going to go to jail and wanted some money for the cantina while in jail. He stated he decided to call Drljic for "muscle" because Drljic is bigger. English claimed that Joe told him he didn't have any money but he would give him some items that he had in his storage locker in the basement. English said that when he saw the liquor and other items he thought he could use them to party before he went to jail. He then called Suttles because he had too much to carry and needed a ride. Suttles came and that is when the police showed up.

On January 15, 2010, an investigator again spoke with the male witness T.J.N. He stated that on the night of the burglary, after the suspect vehicle was parked, he saw two persons get out of the car and go in through the door. He stated that the female stayed next to the car. He stated he saw the black male, English, come out to the car at



least once carrying items and putting them in the car. He then saw the black female, Suttles, walk toward the building. T.J.N. stated that he didn't see anyone that lives in the building go out to the car, only the person that got out of the car.

On December 9, 2009, an investigator met the owner of the liquor store and walked through the store with him. The owner pointed out that the defendants came through the wall into the store's storage area in the store's basement. They had knocked a hole in the wall that had since been covered. The owner stated that it appears the defendants got into the storage area and picked through the liquor. The liquor store owner said that he had a copy of the video showing the defendants in the store.

An investigator then spoke to the owner of the Edge Coffee House. She stated that the only thing missing from her store was money that she had hidden for the next day's opening for the business. She said the total was \$150.



Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

Elizabeth Lamin

COMPLAINANT'S SIGNATURE:

Elizabeth Lamin

Subscribed and sworn to before the undersigned this 22nd day of November, 2010.

NAME/TITLE:



SIGNATURE:

Catherina Mary Harris

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 11/ 22 2010

PROSECUTING ATTORNEY'S SIGNATURE:

Elizabeth Lamin

Name: Elizabeth Lamin
Assistant Ramsey County Attorney
50 West Kellogg Blvd, #315
St. Paul, MN 55102
651-266-3222/jl
Attorney Registration #341654



FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the ____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

Execute in MN Only *Execute Nationwide* *Execute in Border States*

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$5,000.00

Conditions of Release: You shall not be within one block of 2389 University Avenue West, St Paul, MN 55118.

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this ____ day of _____, 20____.

JUDICIAL OFFICER:
NAME:
TITLE:

SIGNATURE:

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF RAMSEY
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff,

vs.

TAMIKA LATOI SUTTLES

Defendant.

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - WARRANT upon the Defendant herein named.

Signature of Authorized Service Agent:



FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: _____

JUDGE OF DISTRICT COURT



DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME: TAMIKA LATOI SUTTLES

DOB: 12/07/1980

Defendant alias name(s):

Alias DOB(s):

Defendant last known address: 2807 St. Marys Place SE
Minneapolis, MN 55414

State ID: MN06100609

Fingerprint ID: 274849

FBI ID: 39820NC0

St. Paul PD ID:

Offender ID:

OTHER DEFENDANT / CASE IDENTIFIERS:

Fingerprinted? No Yes

Handgun permit? No Yes (Issuing Agency:)

Location of violation:

IF DRIVING OFFENSE:

Driver's License Number: Issuing State:

License Plate Number: Issuing State:

Accident Type: No injury/no damage Property Damage

check all that apply Personal Injury Fatality

Blood Alcohol Concentration (BAC):



FELONY WARRANT COMPLAINT AMENDED

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	G O C	AGENCY ORI CN NBR FUNCTION
1	12/06/2009	Charge	609.582.2(a)(4)	Burglary-2nd Deg- Building-Possess Tool	F	B2764	X	St. Paul Police Dept. ORI - MN0620900 CN - 09258604 Charging
		Definition	609.05.1	Liability for Crimes of Another-Intentional				
2	12/06/2009	Charge	609.582.2(a)(4)	Burglary-2nd Deg- Building-Possess Tool	F	B2764	X	St. Paul Police Dept. ORI - MN0620900 CN - 09258604 Charging
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4	12/06/2009	Charge	609.582.3	Burglary-3rd Deg- Steal/Commit Felony or Gross Misd	F	B3764	X	St. Paul Police Dept. ORI - MN0620900 CN - 09258604 Charging
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		Definition	609.05.1	Liability for Crimes of Another-Intentional				



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO.: 62-CR-10-1464
PROSECUTOR FILE NO.: 2087438

State of Minnesota,

Plaintiff,

v.

Daniel Drljic
(DOB: 06/03/1976)
642 Front Avenue, #105
St. Paul, MN 55103,

Defendant.

- FELONY
CRIMINAL COMPLAINT**
- Summons Warrant
 - Order of Detention
 - Amended
 - Certified Juvenile
 - EJJ

Co-Defendant(s):	Jermaine Guy English	Co. Atty File No.:	2087439
	Tamika Latoi Suttles		2087440

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

COUNT 1

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **DANIEL DRLJIC**, aiding and abetting and being aided and abetted by another, entered a building, 12397 University Avenue, without consent of the lawful possessor with intent to commit a crime while in the building, or did commit a crime (theft) while in the building, and when entering or while in the building possessed a tool to gain access to property, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Second Degree** in violation of MN Statute: §609.582.2(a)(4); 609.05.1
Maximum Sentence: 10 years or \$20,000 fine, or both.

COUNT 2

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **DANIEL DRLJIC**, aiding and abetting and being aided and abetted by another, entered a building, 2389 University Avenue Sharett's Liquor Store, without consent of the lawful possessor with intent to commit a crime while in the



building, or did commit a crime (theft) while in the building, and when entering or while in the building possessed a tool to gain access to property, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Second Degree** in violation of MN Statute:

§609.582.2(a)(4); 609.05.1

Maximum Sentence: 10 years or \$20,000 fine, or both.

COUNT 3

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **DANIEL DRLJIC**, aiding and abetting and being aided and abetted by another, entered a building, 2399 University Avenue Edge Coffee House, without consent of the lawful possessor with intent to commit a crime while in the building, or did commit a crime (theft) while in the building, and when entering or while in the building possessed a tool to gain access to property, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Second Degree** in violation of MN Statute:

§609.582.2(a)(4); 609.05.1

Maximum Sentence: 10 years or \$20,000 fine, or both.

COUNT 4

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **DANIEL DRLJIC**, aiding and abetting and being aided and abetted by another, entered a building, 2389 University Avenue Sharett's Liquor Store, without consent of the lawful possessor with intent to steal or commit a felony or gross misdemeanor while in the building, or did steal or committed a felony or gross misdemeanor while in the building, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Third Degree** in violation of MN Statute: §609.582.3;

609.05.1

Maximum Sentence: 5 years or \$10,000, or both.

COUNT 5

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **DANIEL DRLJIC**, aiding and abetting and being aided and abetted by another, entered a building 2397 University Avenue without consent of the lawful possessor with intent to steal or commit a felony or gross misdemeanor while in the building, or did steal or committed a felony or gross misdemeanor while in the building, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Third Degree** in violation of MN Statute: §609.582.3;

609.05.1

Maximum Sentence: 5 years or \$10,000, or both.



COUNT 6

On or about the 6th day of December, 2009, in Ramsey County, Minnesota, the defendant, **DANIEL DRLJIC**, aiding and abetting and being aided and abetted by another, entered a building, 2399 University Avenue Edge Coffee House, without consent of the lawful possessor with intent to steal or commit a felony or gross misdemeanor while in the building, or did steal or committed a felony or gross misdemeanor while in the building, either directly or as an accomplice.

Said acts constituting the offense of **Burglary in the Third Degree** in violation of MN Statute: §609.582.3; 609.05.1

Maximum Sentence: 5 years or \$10,000, or both.

**STATEMENT OF PROBABLE CAUSE**

The Complainant states that the following facts establish probable cause:

On December 6, 2009 at 04:18 hours, St. Paul squads responded to a burglary in progress call at 2389 University Ave. West, Sharrett's Liquor Store, in the City of St. Paul, Ramsey County. Next door to Sharrett's Liquor Store is an art studio located at 2397 University Ave. West, and next door to the art studio is the Edge Coffee House located at 2399 University Ave. West. Officers arrived on scene and went to the alley off of Raymond Avenue to the rear of the building where the liquor store is located. Officers immediately noticed a vehicle bearing Minnesota plate MLU-367 parked westbound in the rear of the parking lot. The vehicle was the only car in the lot of approximately five cars that did not have frost on the windows. A woman, later identified as **TAMIKA LATOI SUTTLES, DOB: 12/07/80**, was standing outside the driver's side door of the vehicle. Suttles looked at responding officers and then immediately looked away. She was wearing a dark colored coat and pants along with a dark hooded sweatshirt underneath the coat and she had something in her hands and was fidgeting nervously as officers approached. Suttles claimed that her vehicle broke down and she just parked it there. She quickly stated, "I have to pee, just let me go pee." Officers could see both pockets of her outer coat were bulging and she was patted down for weapons. The pat down search revealed a roll of duct tape and a pair of neoprene gloves.

Officers observed several tool marks on the door frame of 2397 University Avenue – the art studio. The bolt was in the locked position but the door frame was broken and appeared to have been forced. Officers observed a male in the window of one of the top floor apartments in the alley directly across from the building. This male, T.G.N. (DOB: 07/25/90), stated that just prior to officers arrival, he saw two people dressed all in black walk from the rear of the building to MLU-367 carrying a large bag and a long metal object. He identified one of these individuals as Suttles and he said the other one walked back inside the building. At that point, officers saw a black male wearing a black coat with a red skull cap looking at officers through the unsecured door. Officers yelled "police" and the male immediately turned around and ran back inside the building through the unsecured door. After a few minutes, officers learned through Suttles that a male inside the building had contacted Suttles over the cell phone. Suttles stated that there were two suspects inside and they wanted to come out and they didn't have any weapons. Officers learned that the two suspects were at the front door of the liquor store. Officers were able to locate the suspects and place them in handcuffs. They were identified as **DANIEL DRLJIC, DOB: 06/03/76** and **JERMAINE GUY ENGLISH, DOB: 01/05/81**.

Officers surveyed the area and it appeared that the defendants gained access to the art studio by prying open the door. The defendants then gained access to the liquor store next door by breaking through the wall from the art studio to Sharrett's Liquor store. The defendants gained access to the Edge Coffee House by breaking through a sealed door in the art studio. Officers observed at the rear door a pile of random items. There were several liquor bottles, a package of muffins and a tall plastic organizer. The muffins and the organizer were actually outside of the building in the alley. In the basement it appeared that the suspects had assembled a large amount of boxes of liquor that they were preparing to bring upstairs and outside. In an Edge Coffee House, it appeared that the cash register was broken and the till was on the floor across the room. Several of the drawers and shelves were rummaged through and items were scattered all over the ground. There was a black flashlight on the counter. In the liquor store products were scattered in the middle of the aisles. Several pairs of gloves were in the store as well as a head strap flashlight and a black coat tucked in between two boxes.

Officers again talked with Suttles who then admitted that her vehicle did not break down. She stated she was picking up a few friends. She had no explanation for having a roll of duct tape and a pair of neoprene gloves in her pocket. Officers arrested Suttles for burglary and searched her vehicle incident to tow. In the trunk was a



large bag with several pry bars, crow bar, a bolt cutter, and other burglary tools inside. Also in the trunk were several computer parts and other miscellaneous items including a four foot aluminum ruler and a three foot aluminum t-square, which were removed from the art studio.

Officers spoke to the owner of the liquor store, a male with the initials D.S.R. (DOB: 11/06/49). He stated that several items in the store were out of place. He stated that the total retail price of the items that were removed from the liquor store came to \$1,364.65.

On December 7, 2009, an investigator went to the Ramsey County jail to interview Suttles. The interview was post-Miranda. She stated she was at home when she got a call from Drljic and English. She stated that they asked her to come and pick them up. She stated that they gave her the address. She stated she parked in the lot near the address, a white male came out and put some items in her trunk. She thought one of the items was a printer. She thought the white male lived upstairs at the address. She got to the parking lot five to ten minutes before the police showed up. She got the call to pick up Drljic and English about an hour before the police showed up. She stated that she and Drljic are going to start a tattoo and piercing business together, and the \$16,000.00 in her purse was money to start the business.

An investigator went to the Ramsey County jail to interview the defendant Daniel Drljic on December 7, 2009. The interview was post-Miranda. Drljic stated that his girlfriend is Suttles. English wanted him to come and help him move some items from a basement. English told Drljic that his friend didn't show up to help. Drljic said he walked from Suttles' home to where English was located. Drljic said English told him how to get there. When he got to the door, he saw chips on the door edge. Drljic said that English told him to cover his face because of the cameras. Drljic said that English gave him a mask to cover his face and they went to the basement. He saw a box containing liquor and some other items stacked up. He stated that he then knew that English was doing a burglary. He then went upstairs and saw the cops talking to Suttles.

On December 7, 2009, an investigator attempted to interview Jermaine Guy English at the Ramsey County jail but the defendant declined an interview.

On December 15, 2009, an investigator interviewed Jermaine Guy English out of custody. He came to the St. Paul Police Department Western District Office with Suttles and Drljic. English stated that he wanted to talk with this investigator to clear the other two individuals. English stated that he had met with a white male that lives above the stores at the corner of Raymond and University. He said that the white male is known to him by the name "Joe." He stated that he and Joe would smoke crack together. English stated that he had fronted Joe some crack and wanted his money for the crack. He was supposed to go to the back alley and whistle for Joe who would look out the window and then come down. English stated that he was going to go to jail and wanted some money for the cantina while in jail. He stated he decided to call Drljic for "muscle" because Drljic is bigger. English claimed that Joe told him he didn't have any money but he would give him some items that he had in his storage locker in the basement. English said that when he saw the liquor and other items he thought he could use them to party before he went to jail. He then called Suttles because he had too much to carry and needed a ride. Suttles came and that is when the police showed up.

On January 15, 2010, an investigator again spoke with the male witness T.J.N. He stated that on the night of the burglary, after the suspect vehicle was parked, he saw two persons get out of the car and go in through the door. He stated that the female stayed next to the car. He stated he saw the black male, English, come out to the car at



least once carrying items and putting them in the car. He then saw the black female, Suttles, walk toward the building. T.J.N. stated that he didn't see anyone that lives in the building go out to the car, only the person that got out of the car.

On December 9, 2009, an investigator met the owner of the liquor store and walked through the store with him. The owner pointed out that the defendants came through the wall into the store's storage area in the store's basement. They had knocked a hole in the wall that had since been covered. The owner stated that it appears the defendants got into the storage area and picked through the liquor. The liquor store owner said that he had a copy of the video showing the defendants in the store.

An investigator then spoke to the owner of the Edge Coffee House. She stated that the only thing missing from her store was money that she had hidden for the next day's opening for the business. She said the total was \$150.



Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

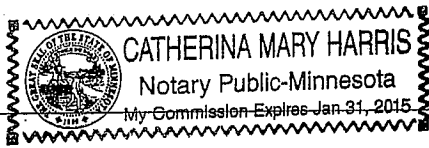
Elizabeth Lamin

COMPLAINANT'S SIGNATURE:

Elizabeth Lamin

Subscribed and sworn to before the undersigned this 22nd day of November, 2010.

NAME/TITLE:



SIGNATURE:

Catherina M. Harris

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 11/ 22 2010

PROSECUTING ATTORNEY'S SIGNATURE:

Elizabeth Lamin

Name: Elizabeth Lamin
Assistant Ramsey County Attorney
50 West Kellogg Blvd, #315
St. Paul, MN 55102
651-266-3222/jl
Attorney Registration #341654



FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the ____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

Execute in MN Only *Execute Nationwide* *Execute in Border States*

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$5,000.00

Conditions of Release: You shall not be within one block of 2389 University Avenue West, St Paul, MN 55108.

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this ____ day of _____, 20__.

JUDICIAL OFFICER:

NAME:
TITLE:

SIGNATURE:

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF RAMSEY
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

vs.

Plaintiff,

DANIEL DRLJIC

Defendant.

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - WARRANT upon the Defendant herein named.

Signature of Authorized Service Agent:



FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: _____

JUDGE OF DISTRICT COURT



DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME:	DANIEL DRLJIC	DOB:	06/03/1976
Defendant alias name(s):	Daniel D Drljic	Alias DOB(s):	
	Daniel Drljick		
Defendant last known address:	642 Front Avenue, #105 St. Paul, MN 55103		
State ID:	MN99003455		
Fingerprint ID:	211258		
FBI ID:	215535KB2		
St. Paul PD ID:			
Offender ID:			

OTHER DEFENDANT / CASE IDENTIFIERS:			
Fingerprinted?	<input type="checkbox"/> No	<input type="checkbox"/> Yes	
Handgun permit?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Issuing Agency:)	
Location of violation:			
IF DRIVING OFFENSE:			
Driver's License	Number:	Issuing State:	
License Plate	Number:	Issuing State:	
Accident Type:	<input type="checkbox"/> No injury/no damage	<input type="checkbox"/> Property Damage	
<i>check all that apply</i>	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Fatality	
Blood Alcohol Concentration (BAC):			



FELONY WARRANT COMPLAINT AMENDED

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	G O C	AGENCY ORI CN NBR FUNCTION
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		Definition	609.05.1	Liability for Crimes of Another-Intentional				

Jill Clark

From: Jill Clark
Sent: Friday, December 17, 2010 10:01 AM
To: Gerber, Jill; Lamin, Elizabeth; Dusterhoft, Richard
Subject: Failure to disclose

Importance: High

This email is to confirm that:

- The State has not provided a full copy of the audio of Tamika Suttles' statement (we got about 45 minutes from Mr. Dusterhoft, and we made more than one demand for audio statements), even though requested *again* on the last day of trial. Sgt. Strickland testified the interview was about 10 minutes, so please immediately produce the entire audio recording. Of course, the State's failure to do so will be pursued via motion.
- The State has not provided a copy of Officer Menton's police report.
- The State has not responded, in any way, to the defense request that it fully disclose all communications with Jermaine English. *After* English testified, the State produced a "disclosure" about a jail session with English *after he had taken the Fifth!*
- The State has not, even after called on it at the end of trial, disclosed the current address of Thomas Nolan (or the name of his girlfriend, or her address).

Ms. Lamin has never, not once, returned any of my emails of phone messages.

The State cannot change prosecutors at the last minute and expect that that relieves the State from its duties and obligations.

Jill Clark, Esq.

Jill Clark, P.A.

Telephone: 763/417-9102

Fax: 763/417-9112

jill@jillclarkpa.com

This email may contain confidential or privileged communications. If you are not the proper recipient of this email, please destroy it and let us know that you have done so. If you are a client and want to discuss the risks associated with emails, or if you do not wish to have us communicate via email, please let us know.

Exhibit 3