

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF LYON

FIFTH JUDICIAL DISTRICT

CRIMINAL COURT DIVISION

Court File No. 42-CR-08-220

State of Minnesota,

Plaintiff,

vs.

DEFENDANT'S *ex parte* APPLICATION
FOR AN ORDER GRANTING PAYMENT
FOR SERVICES OTHER THAN
COUNSEL PURSUANT TO
MINNESOTA STATUTE § 611.21.

Olga Marina Franco del Cid
aka
Alianiss Nunez Morales,

Defendant.

To: Lyon County District Court, Criminal Division, Lyon County Government Center,
607 West Main Street, Marshall, MN 56258;

and: The Honorable David W. Peterson, District Court Judge, Redwood County
Courthouse, 250 South Jefferson, Redwood Falls, MN 56283.

APPLICATION

COMES NOW Olga Marina Franco del Cid, the defendant above-named, by and
through her attorney Manuel P. Guerrero, and hereby applies, by this *ex parte* application
for a hearing if necessary and order to authorize for payment for services other than
counsel.

This Application is made pursuant to Minnesota Statute § 611.21.

FILED IN THIS OFFICE

4-2-08

Karen J. Bierman
COURT ADMINISTRATOR
Marshall, Lyon County, Minnesota

CC Guerrero
Rick Moran

This application is for an order to provide payment for the services of experts for consultation, opinion and testimony. Said experts include:

- 1) Accident Reconstruction Engineer;
- 2) Expert in Pharmacology;
- 3) A private investigator.

This Application is made based upon Ms.^{Franco}_^del Cid's financial inability to independently retain said experts, and because said experts are necessary to prepare and set forth an adequate defense and presentation at both the Omnibus Hearing and, if necessary, trial.

The expert in Accident Reconstruction is necessary to:

- 1) analyze the accident, and explain the motions of and forces upon the van that Ms. del Cid is alleged to have driven;
- 2) explain that, to a reasonable degree of scientific certainty, based upon the manner in which the accident occurred, the forces involved, the laws of physics and upon the placement of Ms.^{Franco}_^del Cid's body when she was found trapped in the van, that Ms.^{Franco}_^del Cid could not have been the driver of the van at the time of the accident

The expert in Pharmacology is necessary to:

- 1) explain the level of intoxication that Ms.^{Franco}_^Del Cid would have been at after she received medication, including pain mediation, at the time of the first interrogation at the hospital shortly after the accident;
- 2) explain that at such an elevated level of intoxication, Ms.^{Franco}_^del Cid would not

have been sufficiently lucid to accurately recall events and answer police questions, or to understand the gravity of the questions being asked of her;

3) explain the level of confusion that Ms. ^{Franco} del Cid would have been in, to explain her alleged confession that she drove the motor vehicle in question.

The private investigator is necessary to:

- 1) obtain recorded statements from witnesses;
- 2) search for and locate witnesses not located by the state.

This Application will be heard on the 22nd day of April, 2008 at 10:00 a.m. at the courthouse located at the Lyon County Government Center, Marshall, Minnesota.

Dated: 31 March, 2008

RESPECTFULLY SUBMITTED,



Manuel P. Guerrero (38520)
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