STATE OF MINNESOTA

COUNTY OF LYON

DISTRICT COURT

FIFTH JUDICIAL DISTRICT

CRIMINAL COURT DIVISION
Court File No. 42-CR-08-220

State of Minnesota,

Plaintiff,

vs.

Olga Marina Franco del Cid
aka
Alianiss Nunez Morales,

Defendant.

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR ORDER ALLOWING FOR DEPOSITION

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

and: Lyon County Attorney's Office, Attention: Rick Maes, Lyon County Attorney, 607 West Main Street, MN 56258.

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE that Olga Franco del Cid, by and through her attorney, Manuel P. Guerrero, will move this honorable court for an order to allow her to schedule a deposition in order to obtain documents critical to the defense prior to trial.

The Contested Omnibus Hearing is now scheduled for ~~Monday~~ Tuesday, April ~~21~~ 22, 2008 at 8:30 a.m. or as soon thereafter as counsel may be heard, at the Lyon County Government Center, located at 607 West Main Street, Marshall, MN 56258.

FILED IN THIS OFFICE
4-2-08
Karen J. Bierman
COURT ADMINISTRATOR
Marshall, Lyon County, Minnesota

MOTION

COMES NOW Olga Franco del Cid, by and through her attorney, Manuel P. Guerrero, and hereby requests an Order from this honorable court as follows:

1. To allow the defense to schedule a deposition of Maureen Sullivan, Human Resources Director at Mid-Continent Cabinetry of Cottonwood, Minnesota;

2. To allow the defense to obtain employment records of Francisco Sangabriel Mendoza, aKa Samuel Rivera Melindez d.o.b. 03/12/1978 prior to trial in order to adequately prepare for trial and to provide discovery to the state.

This Motion is made pursuant to:

1. Rules 10.01 and 21 of the Minnesota Rules of Criminal Procedure;

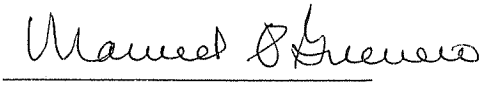
2. Due Process and the Right to fully prepare a defense under the United States Constitution and the Minnesota State Constitution.

This Motion is based upon all the court files and records in the above entitled matter.

You are informed that responsive pleadings shall be served and mailed to or filed with the Court Administrator no later than three days prior to the scheduled hearing. The court may, in its discretion disregard any responsive pleadings served or filed less than three days prior to the hearing.

Dated: 31 March, 2008

RESPECTFULLY SUBMITTED,



Manuel P. Guerrero (38520)
Attorney for Defendant
148 Farrington Street
St. Paul, MN 55102
(651) 587-2158

I, Maureen Sullivan, am an employee of Mid-Continent Cabinetry, with offices in Cottonwood, Minnesota. In that capacity, I work as the Human Services Director, and the records custodian for Mid-Continent Cabinetry.

The attached employment records were prepared at or near the time of employment of Francisco Sangabriel Melendez, aKa Samuel Rivera Melindez d.o.b. 03/12/1978. The attached records were prepared, completed and kept in the ordinary course of the regularly conducted business of Mid-Continent Cabinetry.

It was the regular practice of Mid-Continent Cabinetry to make, complete and maintain records, including the attached documents. These documents were not prepared for litigation.

As the records custodian, I have reviewed the attached copies and compared them to the original document maintained by Mid-Continent Cabinetry, and I hereby certify that the attached copies are fair and accurate copies of the originals.

Dated: _____ _____

Signed

Subscribed and sworn before me on this

_____ day of _____, 2008

_____

Notary Public