

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 NOTICE OF MOTION  
AND MOTION IN LIMINE TO RAISE  
DEFENSE OF ALTERNATIVE  
PERPETRATOR

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: 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 the Defendant, by and through her attorney, Manuel P. Guerrero, will move this honorable court for an order to allow the defense to raise and argue the defense of Alternative Perpetrator, and to introduce evidence of Alternative Perpetrator without trial objection by the State.

The hearing is now scheduled for Tuesday, July 8, 2008 at 9:00 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

6-27-08

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

**MOTION**

COMES NOW the Defendant, by and through her attorney, Manuel P. Guerrero, and hereby requests an Order from this honorable court to allow the defense to raise and argue the defense of Alternative Perpetrator, and to introduce evidence of Alternative Perpetrator without trial objection by the State.

This Motion is made pursuant to:

1. Rule 10.01; 10.04; and 11.04 of the Minnesota Rules of Criminal Procedure;
2. Due Process under the United States Constitution and the Minnesota State

Constitution;

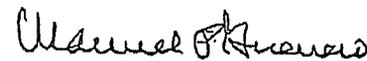
3. *United States v. Scheffer*, 523 U.S. 303, 118 S.Ct. 1261, 140 L.Ed.2d 413 (1998);  
*State v. Jones*, 678 N.W.2d 1 (Minn. 2004);
4. Rule 404(b), Minnesota Rules of Evidence.

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: 23 June, 2008

RESPECTFULLY SUBMITTED,



Manuel P. Guerrero (38520)  
Attorney for Defendant  
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(651) 587-2158