

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.

DEFENDANT'S *NEEDHAM* NOTICE

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.

YOU WILL PLEASE TAKE NOTICE that pursuant to *State v. Needham*, 488 N.W.2d 294 (Minn. 1992), Olga ^{Franco}del Cid, by and through her attorney, Manuel P. Guerrero, has made the following Motions:

1. To suppress statements made by Ms. ^{Franco}del Cid. This Motion is based upon:

A) the custodial interrogation of Ms. ^{Franco}del Cid on 19 February 2008 and 21 February 2008 before she was given a *Miranda* warning;

B) the taking of the 21 February 2008 taped statement without *Miranda*

Francisco
warning, but after Ms. del Cid unequivocally requested to talk to counsel.

The defense requests that, for this contested hearing, the State make available the following witnesses for this hearing:

1. Juan Esparza
2. Deputy Joe Jensen (translator on 21 February 2008)
3. Suzy ^{Campos} Gonzalez (translator on 19 February 2008)
4. Deputy Louwagie
5. Troopers Dana Larson and Dean Koernen

In addition to the above, the defense may call the following witnesses, depending on the evidence and testimony proffered by the State:

1. Accident reconstruction engineer as an expert, to be determined
2. Pharmacologist as an expert, to be determined
3. Witnesses listed in the police reports
4. Witnesses to be determined
5. Olga Marina Franco del Cid

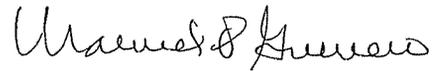
The date of the Contested Omnibus Hearing now set for ^{Tuesday} ~~Monday~~, April 21, 2008 at 8:30

a.m. or as soon thereafter as the parties may be heard, at the Lyon County Government Center, located at 607 West Main Street, Marshall, MN 56258.

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

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