

STATE OF MINNESOTA
COUNTY OF LYON

IN DISTRICT COURT
FIFTH JUDICIAL DISTRICT

STATE OF MINNESOTA,

Plaintiff,

File No. 42-CR-08-220

vs.

OLGA MARINA FRANCO DEL CID,

ORDER

Defendant.

The above-entitled matter came before this Court on Defendant's Motion to Move Defendant to Kandiyohi County for Trial. A hearing was not held on the motion.

Based upon all the files and records herein,

IT IS HEREBY ORDERED:

1. Defendant's motion to transfer custody of Defendant to the Sheriff of Kandiyohi County is GRANTED.
2. The Sheriff of Kandiyohi County shall take custody of Defendant as soon as can be practically arranged between the Sheriff of Kandiyohi County and the Sheriff of Lyon County.

Dated: July 14, 2008

BY THE COURT:



David W. Peterson
Judge of District Court

MEMORANDUM

Defendant has been charged in the Amended Complaint with four counts of Criminal Vehicular Homicide, in violation of Minn. Stat. § 609.21, Subd. 1(1), seventeen counts of Criminal Vehicular Injury, in violation of Minn. Stat. § 609.21, Subd. 1(1), one count of False Name and Date of Birth to a Peace Officer, in violation of Minn. Stat. § 609.506, Subd. 2, one

FILED IN THIS OFFICE

7-14-08

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

count of Stop Sign Violation, in violation of Minn. Stat. § 169.20, Subd. 3(a), and one count of No Minnesota Driver's License, in violation of Minn. Stat. § 171.02, Subd. 1. Defendant has filed a motion requesting that her custody be transferred to the Sheriff of Kandiyohi County to provide access between Defendant and Defense Counsel in preparation for the trial.

Minnesota Rule of Criminal Procedure 24.03, Subd. 4, regarding proceedings on transfer of venue cases, provides, in part:

"If the defendant is in custody, the court may order that the defendant be transported to the sheriff of the county to which the case is transferred."

The rule clearly makes this decision part of this Court's discretion. Defendant's request to transfer her custody, being submitted to this Court less than one day after the Court's ruling on Defendant's second request to change venue, has been made in good faith for the purpose of preparing for trial. The Court grants the motion.

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7-14-08