

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF LYON

FIFTH JUDICIAL DISTRICT

OLGA MARINA FRANCO DEL CID,

Petitioner,

File No. 42-CR-08-220

vs.

STATE OF MINNESOTA,

POSTCONVICTION RELIEF
SCHEDULING ORDER

Respondent.

WHEREAS pursuant to this Court's prior Postconviction Relief Scheduling Order, filed on July 13, 2009, Petitioner filed a Petition for Postconviction Relief via email and facsimile with the Lyon County Court Administrator on July 29, 2009,

WHEREAS the Court Administrator inadvertently failed to deliver a copy of the Petition to the Lyon County Attorney, pursuant to Minnesota Statute section 590.02, subdivision 3 and this Court's Postconviction Relief Scheduling Order, until August 6, 2009,

WHEREAS the Lyon County Attorney believed that he had twenty (20) days after August 6, 2009 to file an Answer to the Petition,

WHEREAS Petitioner's Counsel has agreed, to the extent authorized by law, to waive the time deadline for the filing of the State's Answer, and

WHEREAS the twenty-day timeline for the filing of the Answer can be extended if no prejudice will result, see Wertheimer v. State, 201 N.W.2d 383, 299-300 (Minn. 1972), and the Court finds that a brief extension will not result in any prejudice,

Based upon all the files and records herein,

IT IS HEREBY ORDERED:

1. The Lyon County Attorney shall file an Answer to the Petition for Postconviction Relief, if any is to be filed, with the Lyon County Court Administrator on or before August 26, 2009 at 4:30 p.m.

FILED IN THIS OFFICE

8-20-09

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

2. To the extent it may not have been done, the Lyon County Court Administrator shall immediately deliver a copy of the Affidavit of Neal A. Eisenbraun and the exhibits attached thereto to the Lyon County Attorney

Dated: August 20, 2009

BY THE COURT:



David W. Peterson
Judge of District Court