

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Court File No. 27-CR-21-7460

State of Minnesota,

Plaintiff,

v.

DEFENDANT'S REQUEST FOR
DISCOVERY PURSUANT TO
RULE 9.01

Kimberly Ann Potter,

Defendant.

Pursuant to Minnesota Rule of Criminal Procedure 9.01, subd. 1, the United States and Minnesota State Constitutions, Minnesota and Federal caselaw, and the Minnesota Rules of Evidence, the Defense requests the Prosecution in the above captioned case to produce for use, inspection and copying by the Defense the following:

1. The names and addresses of the persons the State intends to call as witnesses at the trial together with their prior record of convictions, if any. The Defense also requests any evidence tending to diminish the credibility of the State's witnesses in addition to their prior convictions, including evidence of character, conduct, or bias bearing on witness credibility (Minnesota Rule of Evidence 608). See, Brady v. Maryland, 373 U.S. 83 (1963); United States v. Aqurs, 427 U.S. 97 (1976); United States v. Bagley, ____ U.S. ____, 105 S.Ct. 3375 (1985).

2. The relevant written or recorded statements of the State's witnesses and any written summaries within the Prosecution's knowledge of the substance of relevant oral statements made by such witnesses to Prosecution agents.

3. If the Defendant was charged by indictment, the names and addresses of the witnesses

who testified before the grand jury in the case against the Defendant.

4. The names and addresses of persons having information relating to this case.
5. The relevant written or recorded statements that relate to the case, and the substance of any relevant oral statements that relate to the case, including any taped statements or conversations involving Defendant.
6. Any books, grand jury minutes or transcripts, law enforcement officer reports, reports on prospective jurors, papers, documents, photographs and tangible objects that relate to the case. The Defense also requests to inspect and photograph buildings or places that relate to the case.
7. The Defense requests inspection and reproduction of any results, reports of physical or mental examination, scientific tests, experiments or comparisons made in connection with the particular case, and to have reasonable tests made. The Defense also requests reasonable tests made. The Defense also requests reasonable notice of any scientific test or experiment that may preclude any further tests or experiments, and the opportunity to have a qualified expert observe the test or experiment.
8. The Defense requests to be informed of the records of prior convictions of the Defendant, if any, and of any Defense witnesses disclosed under Rule 9.02, subd. 1(3)(a) that are known to the Prosecution.
9. Any material or information that tends to negate or reduce the guilt of the Defendant as to the offense(s) charged, or to reduce or mitigate the sentence that may be imposed.
10. Pursuant to Minnesota Rule of Evidence 612, any writing or document used by a witness to prepare for trial.
11. Any matter the prosecution seeks to have judicially noticed under Minnesota Rule of Evidence 201 so that the Defense may exercise its right to be heard as to the propriety of taking

judicial notice.

12. The names of all law enforcement officials and Prosecution agents who have participated or are presently participating in the investigation of the case.

13. This discovery request is intended to request, and hereby requests, all discovery to which the Defendant is entitled under the Minnesota and United States Constitutions, Minnesota Statutes, and Rule 9.01 of the Minnesota Rules of Criminal Procedure, including any amendments to Rule 9.01 not reflected in the preceding paragraphs of this request.

14. This is a continuing request.

Dated this 19th day of April, 2021.

s/Earl P. Gray

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