Court File No.: 27-CR-18-6859

STATE OF MINNESOTA

COUNTY OF HENNEPIN

State of Minnesota,

Plaintiff,
Vs.

Plaintiff,
Vs.

DEFENDANT'S MEMORANDUM IN
RESPONSE TO GOVERNMENT
RESPONSE TO GOVERNMENT
RESPONSE – PUBLIC DISCLOSURE

Defendant

The Defense: 1. Renews their objection to information beyond the Complaint being considered in the Court's evaluation of probable cause. 2. Alternatively, the Defense requests that information be filed publicly if it is to be considered by this Court on the issue of probable cause.

In the interest of preserving Officer Noor's right to a fair trial and correcting the record before this Court, the Defense filed a reply pointing out the many false and/or misleading non-facts in the State's memorandum. The Defense rests on that filing, but addresses concerns with specific portions of the State's memorandum seeking to keep information private.

Minn. Stat. 13.82

The State's reliance on Minn. Stat. 13.82 is simply wrong and should not impact this Court's decision in any way. The statute does not apply to the Court, the State or the Defense. Review of 13.82 Subd. 1 informs the reader that the statue only applies "[t]o agencies which carry on a law enforcement function." Because the Court and parties do not carry on law enforcement function this statute and the State's arguments relying on this stature should be disregarded.

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Minn. R. Crim. P. 18.07

The State argues that Grand Jury materials cannot be disclosed unless disclosure is

directed by the Court. The Rule cited obviously gives the Court the authority to cause the

materials listed in the State and Defense Memoranda on probable cause to be filed publicly and

the Defense is requesting just that. Should the Court decide to rely on those materials, which the

Defense objects to, the Defense asks that the materials be filed publicly.

Conclusion

The Defense respectfully asks this Court to 1. Not receive information to supplement the

record on probable cause or alternatively 2. Make public any information considered by the

Court on the issue of probable cause.

Respectfully submitted,

Dated: September 20, 2018

s/ Thomas C. Plunkett

Thomas C. Plunkett

Attorney No. 260162

Attorneys for Defendant

Suite 1500

101 East Fifth Street

St. Paul, MN 55101

Phone: (651) 222-4357

s/ Peter B. Wold

Peter B. Wold, ID #118382 Wold Morrison Law 247 Third Avenue South

Minneapolis, MN 55415 Phone: 612-341-2525

Fax: 612-341-0116