

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Court File No.: 27-CR-20-12953

State of Minnesota,

Plaintiff,

vs.

J. Alexander Kueng,

Defendant.

**DEFENDANT'S REQUEST
FOR DISCLOSURE**

Defendant, by and through the undersigned attorney, hereby requests that the prosecution make the following disclosures and permit defense counsel to inspect and reproduce relevant written or recorded statements, documents, and tangible objects pursuant to Rules 7 *et al* and 9 *et al* of the Minnesota Rules of Criminal Procedure; *Brady v. Maryland*, 373 U.S. 83 (1963); and *United States v. Agurs*, 427 U.S. 97 (1976); *Giglio v. United States*, 405 U.S. 150 (1972) to include any exculpatory or impeaching evidence *State v. Miller*, 754 N.W.2d 686, 706 (Minn. 2008).

1. The names and addresses of the persons whom the prosecution intends to call as witnesses at trial, together with their prior record of convictions, if any, within the prosecution's actual knowledge.
2. Any relevant written or recorded statements and any written summaries of the substance of relevant oral statements made by witnesses to agents of the prosecution.
3. Any relevant written or recorded statements made by the defendant and any witness or investigator within the possession or control of the prosecution.
4. The substance of any oral statements made by the defendant and accomplices, whether before or after arrest, which the prosecution intends to offer into evidence at trial.
5. Any books, papers, documents, photographs, videotapes, and tangible objects which the prosecution intends to offer into evidence at trial, or any evidence relative thereto which the prosecution intends to offer at trial.

6. Any results or reports of physical or mental examinations, scientific tests, experiments, or comparisons made in connection with the offense(s) charged against the defendant. In addition, we would like to be notified of any future testing of evidence so that we may be present. In the alternative, we would request to have a portion of the sample saved for retesting. *See State v. Hochstein*, 623 N.W.2d 617 (Minn. Ct. App. 2001).
7. Any records of prior convictions of the defendant and any witnesses that are known to the prosecution or agencies working in conjunction with the prosecution.
8. Any material or information within the prosecution's possession and control that relates to the guilt or innocence of the defendant, tends to negate or reduce the culpability of the defendant as to the offense(s) charged, or may mitigate punishment, pursuant to Minn. R. Crim. P., Rule 9.01 (6); *Brady v. Maryland*, 373 U.S. 83 (1963); and *United States v. Agurs*, 427 U.S. 97 (1976).
9. Any and all Facts or Data Underlying Expert Opinions whether to be offered at trial or not.
10. Communications between prosecutors and state and/or federal law enforcement and non-law enforcement investigators regarding collection and/or analysis of evidence.
11. Any and all documents including letters, emails, notes, phone records or other memorialization requesting or directing the Minnesota Attorney General to appear in this matter pursuant to Minn. Stat. § 8.01.
12. Any and all other documents or information not specifically requested that are subject to disclosure under the Minnesota Rules of Criminal Procedure.

DEMAND FOR PRESERVATION OF EVIDENCE

Defendant, by his counsel, hereby demands that the prosecution preserve and maintain all evidence that may be obtained by and about Defendant and the Co-Defendants herein including, but not limited to, the following items: 911 tapes, police squad car video tapes, photographs, all statements of any and all alleged witnesses herein in both video and audio form, computers, computer hard drives, computer software, and any and all other scientific tests, test, examinations, test samples, test analysis records, and documents, recordings, and all other

evidence normally obtained by or about defendant herein in any manner or form under the direction, care, custody or control of law enforcement and the prosecution herein.

Respectfully submitted,

Dated: June 29, 2020

/s/ Thomas C. Plunkett

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