

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

vs.

**PROSECUTION DISCLOSURE UPON
DEFENSE COUNSEL REQUEST
PURSUANT TO RULE 9.01, SUBD. 1**

Kimberly Ann Potter,

Defendant.

Court File No. 27-CR-21-7460

County Attorney File No. CR-2021-626

TO: The above-named Defendant or Defendant's counsel:

Pursuant to Rule 9.01, Minnesota Rules of Criminal Procedure, I hereby make the following disclosure in the above-entitled matter. A Descriptive List of Items Disclosed has been filed with the district court.

1. The names and addresses of prospective witnesses for the State as well as their known relevant written or recorded statements and any written summaries are contained in the reports attached to the complaint or to this notice. Law enforcement personnel use departmental addresses. Medical, mental health, business, or governmental records custodians and personnel use official business addresses. The known criminal history of any prospective witness is attached to this disclosure.

2. The names and addresses of all witnesses who testified before the grand jury are attached if the defendant was charged by indictment.

3. The known relevant written or recorded statements, if any, and the substance of any oral statement made by either the defendant or any accomplices intended to be offered at trial are attached to the complaint or to this notice.

4. At trial the State may offer any of the items of physical evidence described in the attachments to the complaint or to this notice. The State may also offer diagrams or maps of the crime or arrest scenes; medical records; booking records; driver's license or motor vehicle records; business records; photographs of the victim, defendant, or other individuals, arrest or crime scenes, fruits or instruments of the crime, lineups, or photo displays used by the police.

5. Any results or reports of physical or mental examinations, scientific tests, experiments or comparisons are attached to the complaint or this notice. If preliminary results are indicated, final results will be disclosed prior to trial.

6. The known prior convictions of the defendant are attached to the complaint, the bail evaluation form, or this notice.

7. The State is not aware of any information negating or reducing the guilt of the accused except as has been disclosed.

8. If a notice has been filed pursuant to Minn. R. Crim. P. 7.02 and that other offense has been charged separately, the disclosures made in connection with the other charge are incorporated by reference herein.

9. The State intends to offer in evidence all out-of-court statements made by the victim in criminal sexual conduct cases pursuant to Minn. Stat. 595.02 or Minnesota Rule of Evidence 807. The particulars of those statements are contained in the materials attached to the complaint or this notice.

10. You are advised that a scientific test or experiment of physical evidence in this case may preclude any further tests or experiments. If you desire to have a qualified expert observe the test or experiment, you must notify the prosecutor as soon as possible.

More specific information may be obtained by contacting the County Attorney's Office.

DEMAND IS HEREBY MADE PURSUANT TO RULE 9.02 OF THE MINNESOTA RULE OF CRIMINAL PROCEDURE FOR DISCLOSURE BY THE DEFENSE PRIOR TO THE OMNIBUS HEARING.

Dated: April 28, 2021

Respectfully submitted:

PETE ORPUT, COUNTY ATTORNEY
WASHINGTON COUNTY, MINNESOTA

/s/ Imran S. Ali

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