



**OFFICE OF PUBLIC DEFENDER
FIFTH JUDICIAL DISTRICT**

Managing Attorney
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October 3, 2011

Court Administrator
Redwood Co. Courthouse
PO Box 130
Redwood Falls, MN 56283

Re: State v. Roller
File No. 64-CR-11-512

Dear Administrator:

We have received a copy of the Rule 20 report which finds that Mr. Roller is competent to proceed.

When the court sets a new date and time for the next hearing, the defense would like to have the hearing have two parts:

First, **Return of the Rule 20**

Second, **Contested Omnibus Hearing.**

The defense will contest at the Omnibus Hearing probable cause for the charges and may have live testimony by the defendant. Also, the defense will introduce a recording and transcript of the relevant telephone conversation to show that there is no probable cause for the charges. Enclosed is the Motion to Dismiss and the Request for Disclosure of Evidence, served upon the State by copy of this letter.

Thank you,

A handwritten signature in black ink, appearing to read "Cecil Naatz", with a long horizontal flourish extending to the right.

Cecil Naatz

cc: Chris Roller
Steven Collins, atty.

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF REDWOOD

FIFTH JUDICIAL DISTRICT

State of Minnesota,

Court File No. CR-11-542

Plaintiff,

vs.

**REQUEST FOR DISCLOSURE
PURSUANT TO RULE 9.01**

Christopher Anthony Roller,

Defendant.

The undersigned hereby requests that, pursuant to Rule 9.01, Minnesota Rules of Criminal Procedure, you disclose to me before the date of the Omnibus Hearing the following:

1. The names and addresses of persons whom you intend to call as witnesses at the trial, together with their prior record of convictions, if any.
2. Reports and audio or video recordings of investigating officers or any other person pertaining to this case.
3. Any written and recorded audio and video taped statements of witnesses.
4. Any written and recorded audio and video statements made by the Defendant to include all ongoing taped telephone conversations while in custody.
5. Copies of anything which you intend to introduce in evidence at the trial, or which were obtained from or belong to Defendant, or concerning which you intend to offer evidence at the trial.
6. Results or reports of any examinations, tests, experiments or comparisons.
7. Copies of all BCA files and notes pertaining to any evidence analyzed by the BCA office.
8. Any information known to you as to Defendant's record of prior convictions or other prior acts.
9. Any exculpatory information that tends to negate or reduce Defendant's guilt as to offense charged.

Please be advised that the Defendant requests the opportunity to inspect and reproduce any or all of the foregoing material, and further demands permission to inspect and photograph buildings and places concerning which you intend to offer evidence at trial.

YOU ARE FUTHER NOTIFIED, that the defense is hereby requesting the in-person testimony of all analysts who performed tests the results of which the state intends to introduce in evidence at trial in the above entitled matter pursuant to Minnesota Statute §634.15. Defendant is **not** waiving his/her right to cross-examine said analysts.

Dated: October 3, 2011

/s/ Cecil Naatz

Cecil Naatz

Attorney Registration No. 121198

Attorney for Christopher Anthony Roller

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Marshall, MN 56258

Telephone: (507) 537-6062

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF REDWOOD

FIFTH JUDICIAL DISTRICT

State of Minnesota,

Court File No. CR-11-542

Plaintiff,

vs.

**MOTION TO DISMISS OR GRANT
APPROPRIATE RELIEF, OR PROTECTIVE
ORDER PURSUANT TO RULES 9.03, SUBD.
5, 10, 11.03, 12.02, 17.06, 32 AND 33**

Christopher Anthony Roller,

Defendant.

The undersigned moves:

- X 1. *That this case be dismissed.*
- X 2. *That the following relief or protective order be granted:*
- A. That the State be estopped from introducing any evidence, at this hearing or at the trial relating to:
- X Evidence against the defendant obtained as a result of a search, search and seizure, wiretapping, or any form of electronic or mechanical eavesdropping.
 - X Confessions, admissions or statements in the nature of the confessions made by the defendant.
 - X Evidence against the defendant discovered as the result of confessions, admissions or statements in the nature of confessions made by the defendant.
 - X Evidence against the defendant obtained as a result of lineups, observations of defendant, exhibition of photographs of the defendant or any other person, or any other identification procedure.

Said motion to be granted for the following reasons:

1. That there is no probable cause nor has there ever been probable cause for the arrest and charging of the defendant.
2. That any evidence obtained as the result of:
 - X Search, search and seizure, wiretapping, or any form of electronic or mechanical eavesdropping;
 - X Confessions, admissions or statements in the nature of confessions made by defendant;
 - X Evidence against the defendant discovered as the result of confessions, admissions or statements in the nature of confessions made by the defendant;
 - X Identification procedures including lineups, other observations of defendant, exhibition of photographs or any other person or other identification procedures was obtained contrary to statute, case law and the Constitution of the State of Minnesota and the United States.

Dated: October 3, 2011

/s/ Cecil Naatz

Cecil Naatz

Attorney Registration No. 121198

Attorney for Christopher Anthony Roller

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Marshall, MN 56258

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