

STATE OF MINNESOTA  
COUNTY OF WATONWAN

IN DISTRICT COURT  
FIFTH JUDICIAL DISTRICT

State of Minnesota,

File No: 83-CR-07-207

Plaintiff,

vs.

**ORDER**

S [REDACTED] M [REDACTED] D [REDACTED],

Defendant.

The above-entitled matter came on before the Court upon Defendant's Motion to Compel Discovery Pursuant to Minn. R. Crim. Pro. Rule 9.01, Subd. 1 (4). Defendant appeared via written motion and memorandum by and through his attorney, Ryan P. Garry, Caplan Law Firm, P.A., Minneapolis, MN. The State submitted no responsive motion or memorandum.

Based upon the files and record herein, the memorandum of counsel, and the Court being otherwise advised, the Court herewith makes the following findings and Order.

- 1) That pursuant to Minn. R. Crim. Pro. Rule 9.01, subd. 1 (4), Defendant is entitled to "inspect and reproduce any results or reports of ... scientific tests ... made in connection with" his case.
- 2) That the sample of Defendant's blood, which was drawn on December 31, 2006, and thereafter stored within blood collection kit number B294418, has not yet been made available to the Defendant for independent examination.

**IT IS THEREFORE ORDERED**

- 1) That Defendant's Motion to Compel is hereby GRANTED.
- 2) The State shall make the above-mentioned blood sample available to the Defendant for independent testing.


**IT IS SO ORDERED.**

FILED 3-5-08  
IN DISTRICT COURT, WATONWAN CO. MN  
COURT ADMINISTRATOR  
CR-07-207 BY: KJN  
FILE NO. \_\_\_\_\_

DATED: March 5<sup>th</sup>, 2008.

BY THE COURT:

(COURT SEAL)

A handwritten signature in cursive script, appearing to read "B. F. Green", written over a horizontal line.

Judge of District Court

cc: Mr. Garry ✓