

**STATE OF MINNESOTA
COUNTY OF BECKER****DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
CRIMINAL DIVISION**

State of Minnesota,

Plaintiff,

-vs-

**PLAINTIFF'S RESPONSE TO REQUEST
FOR DISCLOSURE**

NICOLE LYNN MITCHELL,

Defendant.

District Court File No. 03-CR-24-654

Pursuant to Rule 9.01, subd. 1, Minn. R. Crim. P., attached please find the following disclosures:

1. Names and addresses of persons whom the prosecution intends to call as witnesses at trial and in reference to said witnesses: Any of the persons whose names appear in the complaint or on any of the documents attached hereto may be called as witnesses. In the event that you have difficulty in locating the addresses from the attachments, please contact the Becker County Attorney's Office.

- (a) Prior record of convictions of each such witness: See attached or enclosed.
- (b) Written or recorded statements of any such witness: See attached or enclosed.
- (c) Written summary of the substance of any oral statements of such witnesses: See attached or enclosed.
- (d) Prosecutor's notes of interviews with any witness. State v. Galvan, 374 N.W.2d 269: None.

2. If the defendant herein was charged by indictment, the names and addresses of witnesses who testified before the grand jury in the case against the defendant: not applicable.

3. Copies of written or recorded statements made by the defendant: See attached or enclosed.

4. Written or recorded statements made by accomplices: See attached or enclosed.
5. The substance of any oral statements made by the defendant whether before or after arrest: See attached or enclosed.
6. The substance of any oral statements made by any accomplice whether before or after arrest: See attached or enclosed.
7. Disclosure and copies of the following items which the prosecution intends to introduce at trial indicating where said items were obtained from or if item belongs to the defendant:
 - (a) books
 - (b) papers
 - (c) documents
 - (d) photographs
 - (e) any other tangible objectANSWERS (a) through (e): All of said items referred to in the attachments may be offered as evidence at trial.
8. The identity, description, location of any building or place which the prosecution intends to offer at trial: All of said places indicated in the attachments may be offered at trial.
9. Disclosure and copies of any reports or results including, but not limited to, preliminary, interim or final reports and results of the following:
 - (a) physical examinations
 - (b) mental examinations
 - (c) scientific tests
 - (d) experiments

(e) comparisons

ANSWERS: All of said items referred to in the attachments may be offered as evidence at trial.

10. Any record of prior convictions of the defendant: None known at this time other than those disclosed in discovery or in the pleadings.

11. All evidence which the prosecutor intends to rely on if seeking an aggravated sentence. See attached, if applicable.

12. Any material and/or information of any matter which tends in any way to negate or reduce the guilt of the defendant as to the offenses charged: Any such information that is known to the State at the time is included herein.

13. Any “relationship evidence” as encompassed and contemplated by Minnesota Statute Section 634.20 and/or Minnesota case law, including but not limited to, qualified domestic violence-related offenses, may be offered at trial.

14. Pursuant to Minn.R.Evid., Rule 609, in the event the defendant should elect to testify at trial, it would be the intent of the State to attempt to impeach him/her through his/her prior felony convictions and any convictions for crimes of dishonesty or false statement.

15. Pursuant to State v. Johnson, 699 N.W.2d 335 (Minn. 2005) and State v. Coker, 2007 WL 4168731 (Minn. Ct. App.), in the event the defendant should elect to testify at trial, the State intends on questioning defendant about his/her probationary status at the time of this alleged offense.

16. NOTICE TO DEFENDANT PURSUANT TO RULE 9.01 SUBD. 4(1) OF THE MINNESOTA RULES OF CRIMINAL PROCEDURE.

PLEASE BE ADVISED THAT SUSPECTED CONTROLLED SUBSTANCES IN THE ABOVE REFERENCED CASE HAVE BEEN SENT TO THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION FORENSIC SCIENCE LABORATORY FOR SCIENTIFIC TESTING. A SMALL PORTION OF EACH ITEM TESTED WILL BE CONSUMED IN THE TESTING PROCESS, WHICH WILL CHANGE THE WEIGHT OF THE ITEM. PURSUANT TO MINN. R. CRIM. 9.01 SUBD. 1(4), IF YOU WISH TO HAVE A QUALIFIED EXPERT PRESENT DURING THE INITIAL WEIGHING OF THE CONTROLLED SUBSTANCES, PLEASE CONTACT THE MINNESOTA BUREAU OF CRIMINAL APPREHENSION WITHIN TEN (10) DAYS TO MAKE ARRANGEMENTS. REQUESTS TO HAVE A QUALIFIED EXPERT PRESENT DURING THE INITIAL WEIGHING MUST BE MADE IN WRITING AND DIRECTED TO ERCHAL SPRINGER, BUREAU OF CRIMINAL APPREHENSION, FORENSIC SCIENCE LABORATORY, 1246 UNIVERSITY AVENUE, ST. PAUL, MINNESOTA 55104. ALL REQUESTS MUST INCLUDE THE BCA LAB NUMBER.

17. IF THE RELEVANT BCA LAB TEST RESULTS ARE ENCLOSED WITH THIS DISCLOSURE:

NOTICE TO DEFENDANT PURSUANT TO MINN.STAT. § 634.15:

PLEASE BE ADVISED THAT, AT LEAST TEN (10) DAYS BEFORE TRIAL YOU MUST NOTIFY THE PROSECUTING ATTORNEY IF YOU WISH THE FOLLOWING PERSONS TO TESTIFY IN PERSON AT TRIAL ON BEHALF OF THE STATE:

1. THE PERSON WHO PERFORMED THE LABORATORY ANALYSIS OR EXAMINATION FOR THE REPORT, OR

2. THE PERSON WHO PREPARED THE BLOOD SAMPLE REPORT.
IF YOU DO NOT COMPLY WITH THIS TEN-DAY REQUIREMENT, THE STATE
IS NOT REQUIRED TO PRODUCE THE PERSON WHO PERFORMED THE
ANALYSIS OR EXAMINATION OR PREPARED THE REPORT AND THE
DEFENDANT'S RIGHT TO CONFRONT THAT WITNESS IS WAIVED AND THE
REPORT SHALL BE ADMITTED INTO EVIDENCE.

**PURSUANT TO RULE 9.03, SUB 4; PLEASE BE ADVISED THAT MATERIALS
FURNISHED TO A PARTY UNDER DISCOVERY RULES OR ORDERS MUST
REMAIN IN THE PARTY'S CUSTODY AND BE USED BY THE PARTY ONLY TO
CONDUCT THAT ATTORNEY'S SIDE OF THE CASE, AND MAY BE SUBJECT TO
OTHER CONDITIONS THE COURT ORDERS**

BECKER COUNTY ATTORNEY'S OFFICE

/s/ Brian W. McDonald

Dated: April 30, 2024

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