

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

State of Minnesota,

Court File No.: 27-CR-23-21797

Plaintiff,

vs.

Nicholas Taylor Minassi,

Defendant

**DEFENDANT'S MOTIONS PURSUANT
TO MINN. R. CRIM. P., RULES 7, 8, 9, 10,
11 AND 17**

NOTICE OF MOTION

Defendant, by and through the undersigned attorney, hereby moves the Court for an Order, or the appropriate relief as specified below, and demands a hearing on the same as provided by the Minnesota Rules of Criminal Procedure.

1. Dismissing the Complaint and/or charges on the grounds that there does not exist probable cause to believe the defendant committed the offense(s) charged therein.
2. Ordering a probable cause hearing with live-body testimony pursuant to State v. Florence, 239 N.W.2d 892 (Minn. 1976).
3. Suppressing any and all evidence against the defendant obtained as a result of a search, search and seizure, wiretapping, or any form of electronic or mechanical eavesdropping, together with any evidence derived there from, on the grounds that the evidence was obtained in violation of the defendant's constitutional and statutory protections against unreasonable searches and seizures and unlawful invasion of privacy. Specifically, the Defendant challenges the reason for the stop, field sobriety tests, and the Preliminary Breath Test, and probable cause to arrest.

4. Dismissing relevant counts of the Complaint on the grounds there is no showing that the prior conviction or revocation was properly obtained as required by State v. Nordstrom, 331 N.W.2d 901 (Minn. 1983); State v. Henson, 360 N.W.2d 460 (Minn. App. 1985); State v. Stewart, 360 N.W.2d 430 (Minn. App. 1985); State v. Dumas, C0-98-1152, filed December 15, 1998, Court of Appeals; other applicable cases; and Minn. R. Crim. P., Rules 5.01 and 15.01-15.03.

5. Suppressing any and all evidence obtained as a result of confessions, admissions, or statements in the nature of confessions made by the defendant, together with any evidence discovered as a result of confessions, admissions, or statements in the nature of confessions made by the defendant on the grounds that any use of such evidence, in any manner, would be in violation of the defendant's constitutional and statutory rights.

6. Suppressing any and all evidence surrounding the administration of the blood alcohol concentration test, and the test result itself, because the arresting officer violated Defendant's right to procedural and substantive due process.

7. Suppressing any evidence, including evidence of a test refusal or evidence relating to Defendant's blood alcohol concentration, on the basis that the arresting police officers failed to vindicate Defendant's right to counsel under the Minnesota Constitution, Art. I § 6; Friedman v. Commissioner of Pub. Safety, 473 N.W.2d 828 (Minn. 1991).

Respectfully submitted,

KANS LAW FIRM, LLC

Gerard W. Mannion

Dated: 07/29/2024

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