

STATE OF MINNESOTA  
COUNTY OF OTTER TAIL

SEVENTH JUDICIAL DISTRICT  
IN DISTRICT COURT  
CRIMINAL DIVISION

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State of Minnesota,

Plaintiff,

v.

Kathy Jo Bauck,

Defendant.

**DEFENDANT'S NOTICE OF  
MOTION AND MOTION TO DISMISS**

Court Files: 56-CR-08-2271

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TO: Plaintiff above named, and its attorney, Heather Brandborg, Assistant Otter Tail County Attorney, 121 W. Junius, Suite 320, Fergus Falls, MN 56537.

YOU WILL PLEASE TAKE NOTICE, that the undersigned will bring the following Motion on for hearing before the Honorable Waldemar Senyk Judge of District Court, Otter Tail County Courthouse, Fergus Falls, Minnesota, on Monday, September 22, 2008, at 1:00 p.m., or as soon thereafter as counsel can be heard:

1. To dismiss the Complaint in its entirety for lack of probable cause.
2. To dismiss the Complaint in its entirety on the basis of federal preemption.
3. For an Order suppressing all evidence acquired through the efforts of law enforcement using "Jason Smith" as a clandestine undercover officer violating the Defendant's Fourth Amendment privileges.
4. Suppressing all evidence of videotape.
5. For a continuance of the omnibus hearing pending receipt of additional disclosures from other agencies.

6. Suppressing any confessions, admissions or statements in the nature of confessions made by the Defendant.

7. For such other and further relief as the Court deems just and equitable.

The above Motion will be based upon all the files, records and proceedings herein.

Dated: September 17, 2008

ZENAS BAER AND ASSOCIATES

By 

Zenas Baer (#120595)  
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