##### STATE’S MOTION BY FOR DISCOVERY, FINDINGS AND ORDER

##### State of Minnesota

Pursuant to Rule 9.02, Subd. 2(1), Minnesota Rules of Criminal Procedure, the State informs the Court that one or more of the discovery procedures marked below will be of material aid in determining whether the defendant in the above-entitled matter committed the offense charged, and moves this Court to order the defendant to:

 \_\_\_\_ (a) Appear in a lineup;

 \_\_\_\_ (b) Speak for identification by witnesses to the offense

 or for the purpose of taking voice prints;

 \_\_\_\_ (c) Be fingerprinted or permit his palm prints or

 footprints to be taken;

 \_\_\_\_ (d) Permit measurements of his body to be taken;

 \_\_\_\_ (e) Pose for photographs not involving reenactment

 of a scene;

 \_\_\_\_ (f) Permit the taking of samples of his \_\_\_\_\_\_\_\_;

 \_\_\_\_ (g) Provide specimens of his handwriting;

 \_\_\_\_ (h) Submit to reasonable physical or medical inspection

 of his body.

 The discovery procedure(s) marked above will be of material aid in this case for the following reasons: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 The following facts constitute probable cause to believe that the above will aid in establishing the guilt of the defendant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 It is a matter of common scientific knowledge among forensic chemists that persons may be classified as secretors or non-secretors depending upon whether they secrete their blood typing substance into their other bodily fluids. If a person is a secretor, his semen may be typed according to his blood type and from scientific examination of his saliva. Obtaining a sample of the saliva from the defendant will enable the State to determine defendant’s blood type so that the secretor status and the blood type of defendant may be compared with the secretor status and blood type of the individual who produced the semen or sperm.

 The State further moves that the defendant be ordered to appear at the time and place indicated below and submit to the aforementioned discovery procedure(s).

Dated:

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 Assistant County Attorney