STATE OF MINNESOTA DISTRICT COURT

COUNTY OF DAKOTA FIRST JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v. **DEFENDANT’S NOTICE OF MOTION AND MOTION FOR A *FRYE-MACK* HEARING**

Court File No. 19HA-CR-09-3463

Matthew David Jensen,

Defendant.



TO: THE COURT AND VANCE B. GRANNIS III, ASSISTANT DAKOTA COUNTY ATTORNEY.

**PLEASE TAKE NOTICE** that the Defendant, along with other similarly situated defendants to be joined prior to the date of hearing, by and through counsel Lauri Traub and Christine Funk, at a time and place to be set by the Court, will seek the following relief from the Court:

1. For an order of the Court scheduling a Prong II *Frye-Mack* hearing requiring the State to demonstrate to the Court that the drug testing performed by the St. Paul Police Department Crime Lab in this case and other cases to be joined prior to hearing has a scientifically reliable foundation. *State v. Roman Nose*, 649 N.W.2d 815, 818 (Minn. 2002); . *Frye v. United States*, 293 F. 1013 (D.C.Cir. 1923); *State v. Mack*, 292 N.W.2d 764 (Minn. 1980). The issue before the Court is whether the laboratory conducting the tests in the individual cases complied with appropriate standards and controls. *State v. Roman Nose,* 649 N.W.2d 815, 818 (Minn. 2002) (*citing State v. Jobe,* 486 N.W.2d 407, 419 (Minn. 1992)).

The Defendants’ motion is being made pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, Article I, Sections 6 & 7 of the Minnesota Constitution

and *Frye v. United States,* 293 F. 1013 (D.D.C. 1923) and *State v. Mack,* 292 N.W.2d 764 (Minn. 1980).

The Defendants’ motion is based upon the Court’s file, documentation submitted by the defense and attached hereto, any evidence presented at hearing and arguments of counsel.

Date: May 3, 2012

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