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August 13, 2024

Michael D. Schatz
44 4th Street SE
Rochester, MN 55904

RE: State v. Connor Fitzgerald Bowman
Court File Number: 55-CR-23-7149

Dear Michael D. Schatz,

I am in receipt of your pretrial motion(s) dated June 6, 2024. Your motion(s) do not specify the particular grounds as they apply to this case, and we are therefore unable to subpoena any necessary witnesses or prepare for the omnibus hearing, which is currently scheduled for September 4, 2024. Pursuant to **State v. Needham**, 488 N.W.2d 294 (Minn. 1992), please furnish specific grounds in writing for any suppression motion in advance of the scheduled omnibus hearing.

Due to the volume of motions filed, this letter will address each of them, in turn.

MOTION TO DISMISS INDICTMENT

In Paragraph #2, you allege that the state presented inadmissible evidence. Please articulate what evidence is alleged to have been inadmissible.

In Paragraph #3, you allege that the grand jury was improperly instructed. Please articulate what instructions were improper.

In Paragraph #4, you allege that the prosecution failed to present exculpatory evidence. Please articulate what exculpatory was possessed by the state and was not presented.

In Paragraph #5, you allege that the grand jury was illegally constituted. Please articulate the alleged flaws in the constitution of the grand jury.

In Paragraph #6, you allege that the grand jury received evidence protected by a medical privilege. Please articulate what evidence was protected by a medical privilege.

In Paragraph #7, you allege that the grand jury received evidence obtained as a result of illegal searches. Please articulate which searches were illegal.

MOTION TO SUPPRESS (“MOTION 2”)

Please articulate the how Mr. Bowman “had a legitimate expectation of privacy in the area searched or the item seized.” ***United States v. Bettis***, 946 F.3d 1024, 1027 (8th Cir. 2020). ***See United States v. Douglas***, 744 F3d 1065,1069 (8th Cir. 2014) (A criminal defendant must show a subjective expectation of privacy in the place to be searched or object seized, and that his subjective expectation of privacy is objectively reasonable). ***See also State v. Carbo***, 6 N.W.3d 114 (Minn. 2024) (“A search occurs when the government seeks to gain information by infringing upon a person’s ‘reasonable expectation of privacy[.]’ * * * a defendant must show that he had an ‘actual subjective expectation of privacy’ in the object searched and that his ‘expectation [was] reasonable’” (citations omitted)).

MOTION TO SUPPRESS (“MOTION 3”)

Please articulate the how Mr. Bowman “had a legitimate expectation of privacy in the area searched or the item seized.” ***United States v. Bettis***, 946 F.3d 1024, 1027 (8th Cir. 2020). ***See United States v. Douglas***, 744 F3d 1065,1069 (8th Cir. 2014) (A criminal defendant must show a subjective expectation of privacy in the place to be searched or object seized, and that his subjective expectation of privacy is objectively reasonable). ***See also State v. Carbo***, 6 N.W.3d 114 (Minn. 2024) (“A search occurs when the government seeks to gain information by infringing upon a person’s ‘reasonable expectation of privacy[.]’ * * * a defendant must show that he had an ‘actual subjective expectation of privacy’ in the object searched and that his ‘expectation [was] reasonable’” (citations omitted)).

MOTION TO SUPPRESS (“MOTION 4”)

Please articulate the how Mr. Bowman “had a legitimate expectation of privacy in the area searched or the item seized.” ***United States v. Bettis***, 946 F.3d 1024, 1027 (8th Cir. 2020). ***See United States v. Douglas***, 744 F3d 1065,1069 (8th Cir. 2014) (A criminal defendant must show a subjective expectation of privacy in the place to be searched or object seized, and that his subjective expectation of privacy is objectively reasonable). ***See also State v. Carbo***, 6 N.W.3d 114 (Minn. 2024) (“A search occurs when the government seeks to gain information by infringing upon a person’s ‘reasonable expectation of privacy[.]’ * * * a defendant must show that he had an ‘actual subjective expectation of privacy’ in the object searched and that his ‘expectation [was] reasonable’” (citations omitted)).

MOTION TO SUPPRESS (“MOTION 5”)

Please articulate the how Mr. Bowman “had a legitimate expectation of privacy in the area searched or the item seized.” ***United States v. Bettis***, 946 F.3d 1024, 1027 (8th Cir.

2020). **See *United States v. Douglas***, 744 F.3d 1065,1069 (8th Cir. 2014) (A criminal defendant must show a subjective expectation of privacy in the place to be searched or object seized, and that his subjective expectation of privacy is objectively reasonable). **See also *State v. Carbo***, 6 N.W.3d 114 (Minn. 2024) (“A search occurs when the government seeks to gain information by infringing upon a person’s ‘reasonable expectation of privacy[.]’ * * * a defendant must show that he had an ‘actual subjective expectation of privacy’ in the object searched and that his ‘expectation [was] reasonable’” (citations omitted)).

MOTION TO SUPPRESS (“MOTION 9”)

Please articulate the how Mr. Bowman “had a legitimate expectation of privacy in the area searched or the item seized.” ***United States v. Bettis***, 946 F.3d 1024, 1027 (8th Cir. 2020). **See *United States v. Douglas***, 744 F.3d 1065,1069 (8th Cir. 2014) (A criminal defendant must show a subjective expectation of privacy in the place to be searched or object seized, and that his subjective expectation of privacy is objectively reasonable). **See also *State v. Carbo***, 6 N.W.3d 114 (Minn. 2024) (“A search occurs when the government seeks to gain information by infringing upon a person’s ‘reasonable expectation of privacy[.]’ * * * a defendant must show that he had an ‘actual subjective expectation of privacy’ in the object searched and that his ‘expectation [was] reasonable’” (citations omitted)).

MOTION TO SUPPRESS (“MOTION 10”)

Please articulate the how Mr. Bowman “had a legitimate expectation of privacy in the area searched or the item seized.” ***United States v. Bettis***, 946 F.3d 1024, 1027 (8th Cir. 2020). **See *United States v. Douglas***, 744 F.3d 1065,1069 (8th Cir. 2014) (A criminal defendant must show a subjective expectation of privacy in the place to be searched or object seized, and that his subjective expectation of privacy is objectively reasonable). **See also *State v. Carbo***, 6 N.W.3d 114 (Minn. 2024) (“A search occurs when the government seeks to gain information by infringing upon a person’s ‘reasonable expectation of privacy[.]’ * * * a defendant must show that he had an ‘actual subjective expectation of privacy’ in the object searched and that his ‘expectation [was] reasonable’” (citations omitted)).

MOTION TO SUPPRESS (“MOTION 11”)

Please articulate the how Mr. Bowman “had a legitimate expectation of privacy in the area searched or the item seized.” ***United States v. Bettis***, 946 F.3d 1024, 1027 (8th Cir. 2020). **See *United States v. Douglas***, 744 F.3d 1065,1069 (8th Cir. 2014) (A criminal defendant must show a subjective expectation of privacy in the place to be searched or object seized, and that his subjective expectation of privacy is objectively reasonable). **See also *State v. Carbo***, 6 N.W.3d 114 (Minn. 2024) (“A search occurs when the government seeks to gain information by infringing upon a person’s ‘reasonable

expectation of privacy[.]’ * * * a defendant must show that he had an ‘actual subjective expectation of privacy’ in the object searched and that his ‘expectation [was] reasonable” (citations omitted)).

MEDICAL RECORDS IN MULTIPLE MOTIONS

Please articulate whether and how the physician-patient privilege codified in Minn. Stat. § 595.02, subd. 1(d) governs the collection of evidence when the plain language of the statute creates a testimonial privilege.

In addition, please explain how the defendant can invoke the physician-patient privilege related to the alleged victim. **See *State v. Gillespie***, 710 N.W.2d 289, 297 (Minn. App. 2006) (stating that the privilege belongs to the patient, and no person other than the patient has standing to invoke the privilege (citations omitted)), **review denied** (Minn. May 16, 2006).

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Eric M. Woodford

Chief Deputy

CC District Court, Criminal Division