

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WINONA

THIRD JUDICIAL DISTRICT

State of Minnesota,

Case No. 85-CR-25-771

Plaintiff,

**DEFENDANT'S NOTICE OF MOTIONS AND
MOTIONS FOR A FLORENCE HEARING**

vs.

Jennifer Nichole Baechle,

Defendant.

TO: THE ABOVE-NAMED COURT; THE HONORABLE NANCY L. BUYTENDORP, JUDGE OF DISTRICT COURT; THE STATE OF MINNESOTA, R. TRAVIS SNIDER AND KELLY D. SHAH, ASSISTANT WINONA COUNTY ATTORNEYS.

PLEASE TAKE NOTICE, that Defendant, Jennifer Nichole Baechle, by and through her undersigned attorneys, at a date and time yet to be determined, will move this Honorable Court for an order commensurate with the following:

MOTIONS

1. That the Court hold an evidentiary hearing pursuant to *State v. Florence*, 239 N.W.2d 892 (Minn. 1976), *State v. Rud*, 359 N.W.2d 573 (Minn. 1984), and Rule 11.04, subd. 1 of the Minnesota Rules of Criminal Procedure;
2. For post-hearing leave of Court to allow the parties an opportunity to brief the issues based on the exhibits and testimony received at the hearing; and
3. That the Court dismiss this prosecution in its entirety for want of the requisite probable cause to compel Defendant to stand trial.

EVIDENCE TO BE SUBMITTED

Defendant intends to submit evidence beyond the four corners of the complaint in support of her probable cause challenge. Typically, the State will submit a *Florence*

packet with police reports, witness statements, medical records, and other evidence when a motion to dismiss for lack of probable cause is raised by a defendant. In addition to the police reports, witness statements, medical records, and other evidence likely to be submitted by the State in response to her motion, Defendant intends to submit the following evidence:

EXHIBITS

1. October 19, 2011, Minnesota Regional Medical Examiner's Office Autopsy Report created by Dr. Lindsey C. Thomas.
2. October 20, 2011, letter from Dr. Thomas to then Winona County Medical Examiner Dr. Thomas Retzinger.
3. Investigative Supplement authored by Minnesota Bureau of Criminal Apprehension Special Agent Dave Schafer.
4. September 9, 2011, message left for Dr. Thomas by Dr. Edin from Winona County at 11:05 a.m.
5. Email thread between Dr. Thomas and former Winona County Sheriff Brand that began on September 9, 2011 at 8:44 p.m.
6. Supplementary Follow-Up Report by Winona County Sheriff's Office Deputy Averbeck regarding two video recordings he created on September 15, 2011, and placed into evidence.
7. Winona County Sheriff's Department Property Tag for the two video recordings created by Deputy Averbeck.
8. Medical examiner evidence list.
9. Image of the medical examiner evidence envelope.
10. Item list from the Hennepin County Medical Examiner dated July 1, 2024.

11. May 6, 2024, opinion letter from Dr. R. Ross Reichard, Chief Medical Examiner for the Southern Minnesota Regional Medical Examiner's Office, that was sent to Winona County Attorney Karin L. Sonneman.
12. Email thread between Dr. Thomas and Assistant Winona County Attorneys Kelly Shah and Travis Snider that begins on May 22, 2025.
13. Witness reenactment video of resuscitation efforts and subsequent witness statement.
14. Certificate of Death.

Defendant intends to call the following witnesses to elicit testimony in support of her motions:

WITNESSES

1. **Dr. Lindsey C. Thomas.** Dr. Thomas performed the autopsy in this matter and authored the autopsy report. In 2011, Dr. Thomas explained to the Winona County Medical Examiner, "I was unable to determine whether or not this infant was live or stillborn. Were I to sign the death certificate, I would list the cause of death as 'undetermined' and the manner of death as 'undetermined', and describe how the baby was found under 'how injury occurred'."
2. **Dr. R. Ross Reichard,** Chief Medical Examiner for the Southern Minnesota Regional Medical Examiner's Office. Dr. Reichard reviewed Dr. Thomas's autopsy report and portions of the underlying file and concluded, "[T]he cause and manner of death are best classified as undetermined." This conclusion is the same as the original autopsy report authored by Dr. Thomas.

SPECIFIC CHALLENGES TO PROBABLE CAUSE

To date, the State has not produced evidence that would make it fair and

reasonable to require Defendant to stand trial. The State has not produced evidence that Defendant caused the death of another; an essential element for both counts of manslaughter charged in the complaint. The State's evidence does not present a question of fact on causation for a jury to decide. The lack of evidence concerning causation requires dismissal for a lack of probable cause.

Independent of causation, there are additional shortcomings in the State's evidence that are unique to each count. For Count I, the State has not produced evidence concerning alleged conduct or omissions that constitute neglect or maltreatment of a child in violation of Minn. Stat. § 609.378. The lack of evidence concerning neglect or endangerment of a child requires dismissal of Count I for a lack of probable cause independent of the issue of causation.

With respect to Count II, the State has not produced evidence of culpable negligence on the part of Defendant. The State's evidence does not create a fact question for a jury about whether Defendant took an unreasonable risk and then consciously took a chance of causing death or great bodily harm to another. The lack of evidence concerning culpable negligence requires dismissal of Count II for a lack of probable cause independent of the issue of causation.

CONCLUSION

This motion is made upon the United States and Minnesota constitutions, the Minnesota Statutes and Rules of Criminal Procedure, the interests of justice, and such other and further points and authorities as may be subsequently provided to the Court following the hearing.

Respectfully submitted,

KNUESEL LAW FIRM

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Dated: January 7, 2026

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Dated: January 7, 2026

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