

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WINONA

THIRD JUDICIAL DISTRICT

File No. 85-CR-23-937

State of Minnesota,

Plaintiff,

v.

Adam Taylor Fravel,

Defendant.

**NOTICE OF MOTION AND
MOTION TO DISMISS INDICTMENT
FOR LACK OF SUFFICIENT
EVIDENCE**

TO: The Honorable Nancy L. Buytendorp, Judge of District Court, and Karin L. Sonneman, Winona County Attorney, 171 West Third Street, Winona, MN 55987.

PLEASE TAKE NOTICE that on March 19, 2024, at 9:00 a.m., or as soon thereafter as defense counsel may be heard, the Defendant, by and through counsel, will request an Order from the Court dismissing the charge of First-Degree Murder—Premeditation (Minn. Stat. § 609.185, subd. (a)(1) on the grounds that the evidence admissible before the grand jury was not sufficient to establish the offense charged.

MOTION

Minnesota Rule of Criminal Procedure 17.06, subd. 2(1)(a) permits a Defendant to challenge an indictment on the grounds that the evidence admissible before the grand jury was not sufficient to establish the offense charged. In this case, the Defendant challenges whether sufficient admissible evidence was presented to the grand jury to establish the offense of Murder in the First Degree—Premeditation pursuant to Minn. Stat. § 609.185, subd. (a)(1). In Minnesota, “whoever causes the death of a human being with premeditation and with intent to effect the death of the person or of another” is guilty of murder in the first degree.

The Court of Appeals in *State v. Flicek*, 657 N.W.2d 592 (Minn. Ct. App. 2003), established that the standard of review for challenging the sufficiency of an indictment should parallel that of a typical probable cause challenge under *State v. Florence*, 239 N.W.2d 892 (Minn. 1976). That standard being that probable cause exists for an indictment if evidence worthy of consideration brings the charge within a reasonable probability.

An extensive review of the grand jury transcripts in this matter shows that the grand jurors were not presented sufficient evidence as to premeditation to establish the offense. Accordingly, the Defendant seeks an order dismissing this charge from the indictment.

Respectfully Submitted,

MESHBESHER & SPENCE, LTD.

Dated: January 19, 2024

By: 

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