

**State of Minnesota**

**District Court**

**County of Dakota**

**First Judicial District**

**City of West St. Paul, Plaintiff,**

**Supplemental  
Memorandum of Fact  
Supporting Notice of Motion  
and Motion to Dismiss of  
November 25, 2009**

**vs.**

**Mary Jane Duchene, Defendant**

**Court file: 19WS-CR-09-15734  
Citation no. 3-441797**

**That the undersigned clarifies that no police incident report was attached to the Long Form Complaint supplied to the undersigned, is not know to be on the court record, and further, a police incident report, supplied in court on today's date, after the hearing was over, does not constitute a m complaint, which must be supplied, or in it's absence this case must be dismissed, pursuant to:**

**That established US Supreme Court requirements as to required specificity of a criminal accusation, see. e.g. United States v. Cruikshank, 92 U.S. 542 (1876), quoted and affirmed in Russell v. United States, 369 U.S. 749 at 763-765, which in turn is cited with approval in State v. Gross, 387 N.W. 2d 182 at 189 (Minn. App. 1986).**

**That the right to a specific accusation including separate counts for distinct offenses charged has been incorporated by the fourteenth amendment to the United States Constitution. See: e.g. Cole v. Arkansas, 333 U.S. 196 at 201 (1942), and Faretta v. California, 442 U.S. 806 at 818(1975).**

**and there is no substitution for this, inclusive of investigation of the police woman's story by deposition, a long form complaint that shows a crime has**

been committed either can or cannot be filed. If it cannot be filed the case must be dismissed. There are no legal or constitutional provisions allowing the prosecution to require the defense to depose the prosecution to find the facts relied up to charge the defendant, that would be an extreme intrusion into the rights of the defense.

That the undersigned clarifies that the police incident report fails to state any allegation that the WSP police woman saw a dog in the yard of the undersigned, barking for 5 minutes, and no allegations which overcome the scientific facts and principles which clarify that it was impossible to hear any noise, beyond background faint noise, at 1144 Ottawa Avenue, at a distance of 200 feet. This is particularly relevant when the competence and/or ethics of the police office appear to be at issue.

That it entirely possible that the police incident report was created very recently, long after the long form complaint was filed, to try to improve the prosecution's case.

December 13, 2009

Respectfully submitted:



Mary Jane Duchene, BA, BS  
1144 Ottawa Avenue  
West St., Paul, MN 55118  
Fax: 651 457 4376