

State of Minnesota  
Wright County

District Court  
Tenth Judicial District

Court File Number: **86-CV-06-7205**

Case Type: Implied Consent

**Mailing Label for All Files**

RYAN PATRICK GARRY  
525 LUMBER EXCHANGE BLDG  
10 S 5TH ST  
MINNEAPOLIS MN 55402

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**COREY LEE JOHNSON vs Commissioner of Public Safety**

Please find enclosed, documents from Wright County Court Administration.

If you have any questions, please call 763-682-7539.

Dated: February 9, 2007

Court Administrator  
By: Sandy Block  
Wright County District Court  
10 2nd Street NW Rm 201  
Buffalo MN 55313-1192

cc:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WRIGHT

TENTH JUDICIAL DISTRICT

Court File No.: CR-06-7610

State of Minnesota,

Plaintiff,

Vs.

Johnson,

Defendant.

**NOTICE OF MOTION  
AND MOTION**

TO: THE ABOVE-NAMED COURT; THE HONORABLE PRESIDING JUDGE OF  
DISTRICT COURT; AND , ASSISTANT COUNTY ATTORNEY.

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that at the Contested Omnibus Hearing in the above mentioned matter, or as soon thereafter as counsel may be heard, before the Honorable Judge of the Wright County District Court, Defendant, by and through the undersigned attorney, will move the Court as follows:

**MOTION**

1. Pursuant to *State v. Nordstrom*, 331, N.W.2d 901 (Minn. 1983); *State v. Friedrich*, 436 N.W.2d 475 (Minn. App. 1989); *State v. Mellett*, 642 N.W.2d 779 (Minn. App. 2002); other applicable cases; and Minn. R. Crim. P. 5.01 and 15.01 to 15.03, Defendant hereby moves the Court to dismiss the Complaint on the ground there is no showing that the alleged prior convictions were constitutionally obtained as required by the above-cited law.
2. For an order dismissing Count I, *DWI in the Second Degree-Operating a Motor Vehicle Under the Influence of Alcohol*, in violation of Minn. Stat. § 169A.20(1)(1) and Minn.

Stat. § 169A.25(2), and Count II, *DWI in the Second Degree-Operating a Motor Vehicle with an Alcohol Concentration of .08 or more within 2 Hours*, in violation of Minn. Stat. § 169A.20(1)(5) and Minn. Stat. § 169A.25(2), because the arresting officer went beyond the scope of the traffic stop and the Defendant was illegally seized in violation of Article I, Section 10 of the Minnesota Constitution. The arresting officer did not have probable cause or reasonable articulable suspicion to justify the seizure of Defendant when he asked Defendant if he had been drinking and thereafter ordered him out of his vehicle.

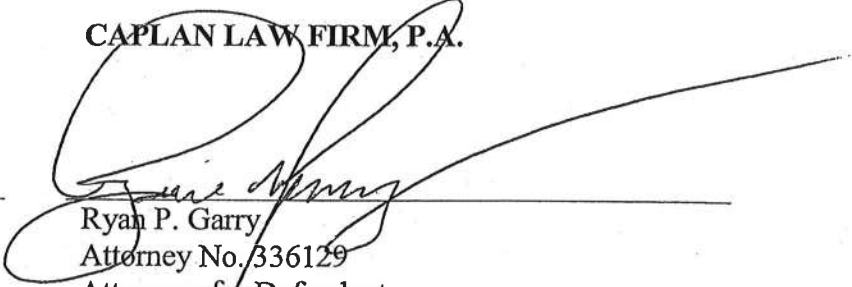
This motion is based upon the files, records, videotape transcript, and proceedings herein.

Respectfully submitted,

CAPLAN LAW FIRM, P.A.

Dated: \_\_\_\_\_

12/07/06

  
Ryan P. Garry

Attorney No. 336129

Attorneys for Defendant

525 Lumber Exchange Bldg.

10 South Fifth Street

Minneapolis, MN 55402

Phone: (612) 341-4570