
Stephen Carl Allwine,

Petitioner,

vs.

State of Minnesota,

Respondent.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER DENYING
DEFENDANT’S REQUEST FOR
RECONSIDERATION**

Court File No. 82-CR-17-242

The above-entitled matter before the Douglas B. Meslow, Judge of District Court, in chambers on April 22, 2022, on Defendant’s Motion for Reconsideration. Defendant is self-represented. The State is represented by Nicholas A. Hydukovich, Assistant Washington County Attorney.

FINDINGS OF FACT

1. On March 11, 2022, Petitioner filed a Petition for Postconviction Relief (“Petition”).
2. The 93-page Petition requests that the Court determine a briefing schedule for Petitioner to submit a Reply to the State’s Response to the Petition.
3. On March 11, 2022, Petitioner filed a Request for Disclosure of Discovery by the State; Requests for Subpoenas for several individuals to testify at an evidentiary hearing on his Petition; and Requests for the Court to issue subpoenas duces tecum to Mark Lanterman, Ramsey County Medical Examiner’s Office, Pets R Inn, and 4 Love of Dogs.
4. On March 22, 2022, the State filed a letter in the court file indicating it did not intend to provide Petitioner with the requested discovery.
5. On March 31, 2022, Petitioner filed a Motion to Compel Discovery.
6. On April 7, 2022, the Court issued Findings of Fact, Conclusions of Law and Order (“Order”) denying Petitioner’s requests for discovery. The Order also denied Petitioner’s request to submit a Reply brief/additional briefing after the State filed its response to the Petition.
7. On April 22, 2022, Petitioner filed a Motion for Reconsideration. Petitioner request that the Court reconsider its Order denying the discovery requests and for further briefing.

CONCLUSIONS OF LAW

1. “Although the rules of criminal procedure do not specifically authorize motions for reconsideration of omnibus rulings, the district court has the inherent authority to consider such a motion.” *State v. Papadakis*, 643 N.W.2d 349, 356-57 (Minn. App. 2002)(emphasis added).

2. Minnesota General Rule of Practice 115.11 states in relevant part: “Motions to reconsider are prohibited except by express permission of the court, which will be granted only upon a showing of compelling circumstances.” The Advisory Committee Comment to the Rule, citing *Sullivan v. Spot Weld, Inc.*, 560 N.W.2d 712 (Minn. Ct. App. 1997), indicates that courts are likely to exercise their power to reconsider “only where intervening legal developments have occurred...or where the earlier decision is palpably wrong in some respect.”

3. The Court ruled in its Order, in relevant part, as follows:

- Petitioner’s request for subpoenas for individuals to testify at an evidentiary hearing was premature since the Court has not decided whether to hold an evidentiary hearing on the Petition;
- Petitioner is not entitled to discovery on a Petition for postconviction relief; and
- Minn. Stat. §590.03 does not provide for responsive pleadings and good cause does not exist to allow Petitioner to file a reply.

4. The Motion for Reconsideration fails to demonstrate that any intervening legal developments have occurred in this matter and fails to demonstrate the existence of any new facts which merit reconsideration of the Court’s Order.

5. Because Petitioner has not presented any new facts or law to show that intervening legal developments have occurred or that the Court’s decision was palpably wrong in some respect, Petitioner’s Motion for Reconsideration is denied.

ORDER

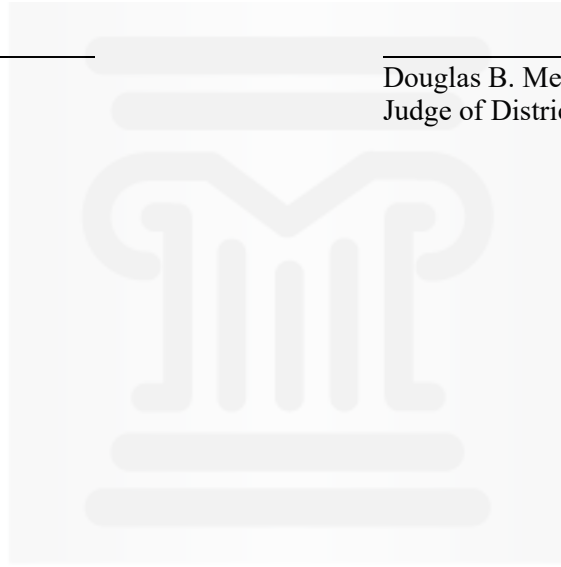
1. Petitioner’s Motion for Reconsideration of the April 7, 2022 Order is **DENIED**.
2. The State served and filed an Answer to the Petition and a memorandum of law on May 6, 2022. The record closed on May 6, 2022. If Petitioner serves and files a response/reply to the State’s response to the Petition, it will not be considered by the Court unless the Court issues a subsequent Order allowing Petitioner an opportunity to file a response/reply to the State’s response to the Petition.

3. The court administrator shall provide a copy of this Order to the County Attorney and to Petitioner/Defendant.

BY THE COURT:

Dated: _____

Douglas B. Meslow
Judge of District Court



MINNESOTA
JUDICIAL
BRANCH